

# Implementation of the UN Convention on the Rights of the Child and Problem of Children from Vulnerable Groups (Russia)

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*Additional and updated information concerning the combined third and fourth periodic reports of  
the Russian Federation*

**December 2013**

This information has been compiled as a result of collaborative efforts of three Russian organizations: Anti-discrimination Centre Memorial, regional St. Petersburg organization 'Coming Out' and Russian LGBT Network

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***\*\*(Question 6) Please inform the Committee on laws and other mechanisms put in place by the State party to provide protection from discrimination against children in vulnerable situations, such as children belonging to minority groups, Roma children, children of migrant workers, children of stateless persons, girls in North Caucasus, children who do not possess permanent residence registration and children belonging to the LGTB group. Please provide information, in particular, on the measures taken to fight and prevent xenophobia and hate crimes***

#### **DISCRIMINATION AGAINST CHILDREN IN VULNERABLE SITUATIONS**

##### **LACK OF SUPPORT AND PROTECTION FROM XENOPHOBIA FOR CHILDREN BELONGING TO ETHNIC MINORITIES:**

In February 2013, a pupil of school No 847, Islam Abdulganiyev, was killed in Moscow. The fact that the victim was originally from Tajikistan causes concern that the attack and murder stemmed from ethnic intolerance, racism and migrantophobia. Any suspicion of hate-motivated violence, especially violence against a child, must be treated as highly serious by the authorities.

After the murder, some pupils of school No 847 expressed a wish to pay tribute to the memory of a classmate who fell victim to a crime in a Moscow street, and suggested wearing black on the day of the boy's funeral. The pupils' initiative was sharply rebuked by their teacher, Svetlana Shamayeva. An audio recording of the teacher's comments was published by a number of mass media outlets and is freely available.<sup>1</sup> Some statements by S. Shamayeva certainly demonstrated her negative view of migrants, including their different languages: "When you are riding in public transport... And everyone speaks in their own language – teh-teh-teh-teh-teh..." She also made some openly chauvinistic statements: "Why do we, native residents of Russia, have to put up with all of that?"

One pupil complained to the headmaster, submitting the audio recording of the "instructional interview". As a result, two teachers, the one whose speech was recorded, and her colleague who supported her stance, were fired by the school management due to "immoral behaviour". However, a court later found that the firing was illegal, and ordered that the teachers be reinstated and paid compensation for moral damages.

Media coverage of the trial made offensive words heard during a lesson in a multi-ethnic school available to the public at large. The media have extensively quoted words of support for the teachers' xenophobic statements. After their reinstatement, the two fired women continued teaching at the same school No 847.

There is no doubt that this situation has negatively affected the children belonging to ethnic minorities and children of migrants in multi-ethnic Moscow schools.

##### **INCREASE IN THE NUMBER OF UNDERAGE PERSONS INVOLVED IN NATIONALIST GROUPS, LACK OF EFFICIENT STATE MEASURES TO PREVENT INVOLVEMENT OF UNDERAGE PERSONS IN COMMITTING HATE CRIMES**

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□ <http://msk.kp.ru/daily/26095/2995038/>

Many analysts noted an increase in the number of youths, including the underage, involved in radical right political groups. The starkest examples in St Petersburg include the nationalist “People’s Gathering” on October 20, 2013, and the “Russian march” on November 4, 2013, both of which had many underage participants. After nationalists hold public events, groups of participants commit anti-migrant attacks and a large percentage of the attackers are underage. The official website of the Interior Ministry directorate for St. Petersburg and Leningrad Oblast reported that 62 underage persons were detained after the nationalist “People’s Gathering” on October 20: “Attempts to commit illegal actions were made in different districts of the city, which were stopped thanks to rapid reaction of police patrols... During investigation, it was established that 62 of the detainees are underage. During searches the detainees had air pistols, firecrackers, knives and masks seized from them.”<sup>2</sup>

The media reported that “70 per cent of those detained after the ‘Russian March’ are adolescents.”<sup>3</sup> “Organizers of the ‘Russian March’ in Volgograd and police confirmed that 69 people were detained during the event. Law-enforcement officers, however, said that the majority of the detainees have been handed over to their parents after a preventative interview, as they were below legal age.”<sup>4</sup>

At the same time, cases involving the underage committing hate crimes are practically never investigated, and adult nationalists who involve the underage in pogroms and pre-planned attacks against migrants are usually not prosecuted under Article 150 of the Russian Federation Criminal Code (“Involving an underage person in committing a crime”).

#### **BREACHES OF RIGHTS OF LABOUR MIGRANTS’ CHILDREN BY OFFICERS OF LAW-ENFORCEMENT BODIES**

##### **PROSECUTION OF UNDERAGE UZBEKISTAN NATIONAL M.**

Administrative cases concerning underage migrants are considered without regard for the fact that an underage person is being prosecuted. In considering administrative cases on breaches of migration legislation, the rule which says that cases concerning the underage should be considered not by a court, but by a Commission on Juvenile Affairs and Protection of Juvenile Rights is not applied. The underage person’s legal representatives are not notified, and punishment is applied without regard for the person’s age.

ADC Memorial has been contacted by a 16-year-old Uzbekistan national, Nurzhan M., who was administratively prosecuted and sentenced to a fine and administrative expulsion for lacking medical insurance and working without a work permit. The Gatchinsky District court simultaneously gave

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□ <http://78.mvd.ru/news/item/1286416/>

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□ <http://www.fontanka.ru/2013/11/08/154/>

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□ <http://www.novayagazeta-ug.ru/news/u2210/2013/11/04/22894>

adult migrants the same sentence for the same offence. Appeals in Nurzhan M.'s case have been filed with the Leningrad Oblast court, pointing out that according to current legislation, administrative cases concerning underage persons should be heard by Commissions on Juvenile Rights and Protection of Juvenile Rights, which also applies to the children of migrants. Moreover, the first-instance court has not even made an attempt to locate the legal representatives of the 16-year-old Nurzhan M. The appeal concerning prosecution for lack of a work permit pointed out that an underage foreign national cannot legally obtain a work permit to work in the Russian Federation, thus there are no legal grounds to prosecute him under this clause.

Leningrad Oblast court has rejected all defense arguments and upheld the rulings concerning Nurzhan M., who was obliged to relocate to Uzbekistan. According to Nurzhan M., his mother stayed on in Russia.

It is apparent that the court's priority was not to protect the child's interests but to "fight against illegal migration". The court employed a discriminatory approach toward the migrant child, did not take into account his being underage and did not attempt to look for his legal representatives.

#### **TRAVEL BAN CONCERNING UNDERAGE KYRGYZSTAN NATIONAL SAMIKZHON SAMIKOV**

Samik Samikov has lived in St. Petersburg since 2011 and is a successful pupil at the Professional Lyceum for Technology and Design. His mother works in St. Petersburg under a permit issued by the Russian Federation. In June 2013, Samik travelled from Russia's Chelyabinsk Oblast to Kazakhstan. Upon return, he was prevented from entering Russia because, according to the explanation he was given, his name appeared on a database of persons who are banned from entering the Russian Federation until 2016. Only with assistance from human rights advocates and ombudsmen for the Chelyabinsk Oblast and Volgograd Oblast could it be established that the ban was enacted in March 2013 by the Federal Migration Service directorate for Volgograd Oblast (the location of his previous border-crossing) on the basis of lists received from the Federal Migration Service.

This was in accordance with federal law No 321-FZ, issued on December 30, 2013, which stipulates a three-year travel ban for entering the Russian Federation for any previous failure to leave Russia within a legally set term. Samikzhon Samikov has found himself in a tough situation. As he had no way to return to the Russian Federation, where his mother lived and where he was to continue his education, he travelled to Kyrgyzstan, which was not safe for him as an ethnic Uzbek born in the city of Osh. A Russian Federation travel ban for the underage Samikov, is a direct result of shortcomings in Russian legislation, which does not permit the issue of residence registration for underage foreign nationals for during their parents' stay in the Russian Federation. ADC Memorial has repeatedly covered this problem, and it is included in its report for the UN Committee on Children's Rights which was presented at the Committee's pre-session.

Thanks to joint efforts of human rights advocates from Russia, Kazakhstan and Kyrgyzstan, the grounds upon which the travel ban was issued were identified, and Samikzhon Samikov was provided with assistance for the time that he was banned from travelling to the Russian Federation.

A member of the Public Chamber of the Russian Federation, B. L. Altshuler, compiled and sent a notice to the head of Federal Migration Service K. O. Romodanovsky, who was asked to consider Samikov's situation and to overturn the travel ban. He was also asked to "consider the general question of possibly softening the requirements of the Russian Federation legislation which concerns the term of permitted temporary presence of underage children of labour migrants in the Russian

Federation by stipulating that this term is determined by the term of their parents' legal presence in the Russian Federation, as well as equating the child-parent relationships to the category of "extraordinary circumstances unavoidable under the given conditions" (point 8, article 26, federal law No 114-FZ), under which the sanction of three-year ban on entering the Russian Federation is not applied." In response, the travel ban in Samikov's case was overturned, and orders were issued to the regional bodies of the Federal Migration service. Although the fulfillment of the order proved to be extremely complicated and required the active participation of B. L. Altshuler, the ban was finally overturned and Samikzhon Samikov was able to enter the Russian Federation to continue his studies, although he was late for the start of the school year.

Unfortunately, this situation of an underage migrant returning to continue his education is an exception from the general rule, according to which migrants' children are obliged to leave the Russian Federation every 90 days, regardless of the length of their parents' legal stay in the country. At the moment, extending children's residence registration so they could legally stay with their parents in the Russian Federation is permitted only in cases when Federal Migration Service officers, together with school administrations, prolong the registration of migrant pupils for a year in accordance with their parents' work permits and at their request (for example, ADC Memorial was made aware that this is practiced at one of the schools of St. Petersburg's Petrogradsky District). Such decisions correspond to the best interests and protection of children's rights, and should become the general rule. However, there are no legal grounds for such actions and no projected bills to that effect; on the contrary, bills on limiting migrant children's access to education are being submitted to the State Duma of the Russian Federation.

#### **NEGATIVE CONSEQUENCES OF "ANTI-MIGRANT" RAIDS BY RUSSIAN FEDERATION LAW-ENFORCEMENT BODIES IN AUGUST 2013 ON CHILDREN FROM VULNERABLE GROUPS – MIGRANTS AND ROMA**

##### **RAIDS ON ROMA SETTLEMENTS**

Raids against "illegal migrants" in different regions of the Russian Federation, which followed enactment of a series of amendments that toughened migration legislation in August 2013, affected the Roma who are Russian nationals. The Federal Migration Service has carried out raids to check papers in Roma settlements, where usually a large portion of residents are children. Illegal "deportation" took place in Krasnodar Territory wherein Roma who hold Russian citizenship were forcibly relocated from one region of Russia to another:

During a patrol, Krasnodar Territory law enforcers ran across a Roma camping ground. It was located on the shore of the Zaton, and consisted of five tents. A cauldron was placed in the centre, and women cooked something in it. The ladies also did their washing in the river and hung it out to dry on the trees. The picture shocked the law-enforcers who decided to search the camp but they did not find anything except personal belongings and a parrot in a cage. All the nomads have been taken in for expert evaluation and fingerprinting.

“It turned out that the guests arrived here from Rostov Oblast. We took them to the railway station and sent them home,” said the press secretary of the Interior Ministry directorate for Krasnodar, Aleksandr Runov.”<sup>5</sup>

A three-year-old Roma child has been seized during a similar raid in Yaroslavl, according to media reports:

“Police officers have carried out a preventative event in a neighbourhood where a settlement of ethnic Roma is located. On August 14, 2013, officers of law-enforcement bodies, including officers of the Centres for Countering Extremism and Terrorism, SOBR and OMON riot squads, traffic police, Juvenile Affairs police officers of the Interior Ministry directorate for Yaroslavl Oblast, as well as Federal Migration Service officers arrived to Sportivnaya Street in Yaroslavl’s Frunzensky District. The event was held in order to establish violations of migration legislation, as well as locating persons implicated in committing offences.

During checks, it was established that all people living in the settlement are citizens of the Russian Federation and have residence registration in Yaroslavl Oblast. Traffic police officers checked all documents for the transport which was located at the settlement. Juvenile Affairs police officers have detected an unsupervised three-year-old boy, an ethnic Roma, who was not overseen by adults.

The child was taken to the Frunzensky police station of the Interior Ministry directorate for Yaroslavl Oblast for checks, and then forwarded to a medical facility. At the moment, the child’s identity is being established, as is the identity of his legal representatives, who are to be administratively prosecuted under article 5.35 of the Administrative Offences Code of the Russian Federation (non-performance by parents or legal representatives of the underage persons of their duties to support and educate the underage).”<sup>6</sup>

A similar raid was carried out in Vologda Oblast:

“Officers of the Federal Migration Service directorate for Vologda Oblast have checked a Roma camping ground, prompted by numerous complaints by the residents of Vologda. Cossacks have also taken part in the raid.”<sup>7</sup>

Additionally, Roma settlements are subjected to raids by “Cossack militia”, in relation to “ethnic conflicts” between residents of Roma settlements and their neighbours (for example, anti-Roma raids in Pskov Oblast<sup>8</sup>). These “Cossack squads” are not comprised of law-enforcement officers and conduct

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□ <http://kuban.kp.ru/online/news/1511798/>

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□ [http://www.vladtime.ru/kriminalnie\\_novosti/256911-v-yaroslavle-sotrudniki-policii-proveli.html](http://www.vladtime.ru/kriminalnie_novosti/256911-v-yaroslavle-sotrudniki-policii-proveli.html)

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□ <http://ufms35.ru/index.shtml?news/cig>

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raids “on a voluntary basis”. They have a paramilitary structure, uniforms and support from local authorities, which may indicate serious breaches of the rights of all Roma living in the settlement.

As a result of such law-enforcement raids on locations where Roma families live with their children, children’s rights to safe conditions of life and development are breached. The right to the inviolability of private and family life is also breached, as both children and their parents are subjected to unjustified checks by police and Federal Migration Service officers, as well as by “Cossack squads” in various regions. Additionally, the practice of “checking compliance with migration legislation” of Russian citizens, who permanently live in the Russian Federation, but can be visually identified as minorities, constitutes ethnic profiling of the Roma by police and Federal Migration Service officers.

#### **CONSEQUENCES OF “ANTI-MIGRANT” RAIDS FOR MIGRANTS’ CHILDREN:**

As a result of numerous “anti-migrant” raids carried out in Moscow, St. Petersburg and other regions after the tightening of migration legislation in August 2013, not only adult migrants have suffered, but also the children. There is information that the “camp for illegal migrants” which was set up in Moscow and which did not conform to any norms or standards for “foreign nationals holding centres”, held children amongst others. An article by human rights advocate S. Gannushkina, who visited the camp, noted that a four-year-old boy was held at the camp.<sup>9</sup>

New legislation stipulates compulsory administrative expulsion in case of any violation of migration legislation in the territory of Moscow, St. Petersburg, Moscow Oblast and Leningrad Oblast. Therefore, rulings on administrative expulsion have been made concerning a large number of foreign nationals, primarily citizens of Uzbekistan, Tajikistan and Kyrgyzstan. According to Federal Migration Service directorate for St. Petersburg and Leningrad Oblast, more than 1,483 people have been expelled.<sup>10</sup> Trial monitoring indicates that in handling cases concerning foreign nationals, the courts do not take into account the fact that the defendants’ underage children are in St. Petersburg. Thus, parents have been separated from their children.

#### **LIMITATIONS FOR ACCEPTING CHILDREN OF MIGRANTS TO SOCIAL INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE:**

In St. Petersburg, children who have no residence registration in the city, including children from other Russian regions and children with citizenship of other countries who find themselves in a complicated situations are sent to the St. Petersburg state-funded institution – a social shelter for children called Tranzit (referred to hereafter as Tranzit shelter). Tranzit shelter “accepts children and adolescents aged between three and 18 years of age, who left families, orphanages and other

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□ <http://pln-pskov.ru/society/149643.html>

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□ <http://grani.ru/blogs/free/entries/217546.html>

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□ <http://www.ufms.spb.ru/news/idn-1355.html>

institutions in Russia and foreign countries without permission and who found themselves in complicated situations in life”.<sup>11</sup> At the same time, there exists an “Instruction on Reception Procedures for Tranzit Shelter”, which sets out the order of accepting children to the shelter:

“We accept underage persons:

1. Citizens of Russian Federation and other states,
2. Aged between three and 18 years,
3. Who do not have residence registration in St. Petersburg,
4. Who left family or children’s institution without permission.

We do not accept:

1. Underage citizens of CIS member states (Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Uzbekistan, Tajikistan) aged 16 and over.

Grounds: Order No 38-D dated December 9, 2010.

2. In a state of intoxication by alcohol or narcotics, acute mental illness (Statute).
3. Those who committed administrative offence (not to be confused with a crime for which a written pledge not to leave a location was chosen as a restrictive measure).

We accept underage CIS nationals under 16 years of age if they can present a document confirming age.”

Thus, underage persons aged 16 to 18, who are citizens of CIS member states (countries from which the largest numbers of labour migrants arrive, including families with children) and who find themselves in difficult circumstances in St. Petersburg, without parental care, are deprived of a chance to receive due assistance from the only state-run shelter in the city which accepts children who are foreign citizens.

#### **SEGREGATION OF ROMA CHILDREN**

*(Question 18) Please explain the extensive segregation of Roma children in “Roma classes” and poor quality of teaching in such classes and inform the Committee on the measures taken to provide access to Roma children to regular schools and classes. Please also inform the Committee on the measures taken to abolish administrative barriers for the enrolment of children of migrant workers and asylum seeking children into regular schools.*

Measures listed in the Russian Federation’s written response do not constitute evidence of any actions by state bodies aimed at abolishing the practice of segregation of Roma children. For example, the “ABC book” for Roma children, which was listed in the response, was prepared by the inter-cultural communication department of the Herzen State Pedagogical University of Russia as part of a project by an NGO, ADC Memorial, without any state assistance, was not initiated by Russian Federation state bodies in the educational sphere, and cannot be claimed by them as an achievement. The “positive experience of working with Roma children” at one of the general education schools in Leningrad Oblast, where “Roma culture and Roma language are taught”, mentioned in the response, is likely a reference to the school of the Leningrad Oblast village of Verkhniye Oselki, which is located near the Roma settlement of Peri. ADC Memorial has been providing assistance to Roma children who are taught at this school for a long time, and all throughout this time the centre faced

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□ <http://fiodor.ru/about>

the school administration's unwillingness to take any positive measures concerning Roma children. Preparation for school and extra classes are held by ADC Memorial's workers and volunteers.

**SEGREGATION OF ROMA CHILDREN AT OSELKOVSKAYA GENERAL EDUCATION SCHOOL  
(VSEVOLOZHISKY DISTRICT OF THE LENINGRAD OBLAST):**

As the report has already pointed out, Roma children from the settlement of Peri have been educated at the municipal educational institution Oselkovskaya general education school, separately from other children for many years.

New attempts to overcome the segregation of Roma children, made by ADC Memorial before the 2013-2014 school year, have been once again rejected by the school administration. Appeals to relevant state bodies also did not bring any result. We would like the Committee to note that in the situation with Oselkovskaya school, the authorities not only fail to attempt to protect children from a vulnerable group, but also ignore or offer resistance to actions and appeals aimed at overcoming the segregation.

On May 14, 2013, representatives of ADC Memorial took part in a working meeting at the Education Committee for Vsevolozhsky District, attended by the Chairman of the Committee A. T. Morzhinsky, his deputy Ya. V. Sakhatskaya and Director of Oselkovskaya school Z. G. Tsareva. At the end of the discussion, Z. G. Tsareva agreed that parents of would-be first-graders could file requests for their children to study in general, not "Roma", classes.

On June 25, 2013, parents of the would-be first-grade pupils from the Roma settlement visited the school and personally tried to file requests for their children to study in general integrated classes with other children, and not in "Roma" classes. On formal grounds, school administration (including the director, Z. G. Tsareva) rejected the parents' appeals, telling them that forming classes is the exclusive right of the school administration. On top of that, some school teachers and workers did not hesitate to express their anti-Roma prejudice (for instance, saying that if Roma children will attend school, ethnic Russian children will not want to study alongside them, or that Roma children may damage the recently renovated school)<sup>12</sup>, which is unacceptable, particularly at an educational establishment.

Due to the school administration's refusal to accept requests from first-graders' parents, a new appeal was sent to the Children's Rights Ombudsman under the Leningrad Oblast governor, T. A. Litvinova, but no response was received.

To find out whether any measures had been taken in response to the appeal, ADC Memorial workers met school pupils from the Roma settlement of Peri and their parents on September 26, 2013. During the meeting it was established that all Roma children are educated in a separate building in "Roma classes", which was the case before, and do not receive quality education.

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<sup>12</sup>Audio recording of a conversation with school administration and teachers which occurred as an attempt to file requests for educating Roma children at general classes was made is held at the ADC Memorial archive.

Thus, Oselkovskaya school administration actually insists on the correctness of a segregationist approach to education of Roma children, and Leningrad Oblast's Education Committee and Children's Rights Ombudsman do not take any action.

#### **BARRIERS TO EDUCATION FOR LABOUR MIGRANTS' CHILDREN IN THE SCHOOLS OF THE RUSSIAN FEDERATION**

In its written responses, the Russian Federation points out that "legislation of the Russian Federation does not have any barriers for enrollment of children of migrant workers and of children of asylum seekers in regular schools (see question 6)". However, the practice of enrollment of labour migrants' children in schools does not confirm that. Labour migrants' children have to present their parents' residence registration. They are also obliged to leave the Russian Federation every 90 days to extend the term of their stay, which hinders the education process.

The limitation of migrants' children right for obtaining education is confirmed by the expulsion of a pupil who is a Moldovan national from the first grade of school No 187 in St Petersburg's Krasnogvardeysky District. In October 2013 he was expelled because his registration in the form of a postal notification, presented at the moment of enrollment, was ostensibly inconsistent with Federal Migration Service orders. The school administration was acting on the basis of a document received from the district education department, according to an explanation received by the school. The Krasnogvardeysky District education department said that they received an order from the Federal Migration Service directorate concerning pupils who are foreign nationals, which they forwarded to the schools of the district. Legislation of the Russian Federation stipulates that a foreign national's registration in the form of notification of the arrival in the residence location can be made as a postal notification. Nevertheless, the child foreign national was requested to provide a registration directly with the Federal Migration Service directorate, which is not a legal requirement, and was expelled from school on the basis of lacking such a registration.

Moreover, State Duma members have proposed a bill which would actually deprive labour migrants' children of the right to study at Russian schools. State Duma member Aleksey Zhuravlev (United Russia) proposed a bill on limiting migrant children's access to schools and nurseries. The bill was accepted and registered by the State Duma, and is now under consideration.<sup>13</sup>

"Explanatory notes" for the bill directly point out that it is being proposed "in order to solve the problem of uncontrolled growth in the number of migrant children in Russia's nurseries and schools"<sup>14</sup>. In order to limit migrant children's access to schools and nurseries, the bill proposes to demand a tax inspection verification letter for the year preceding the start of education.

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<http://asozd2.duma.gov.ru/main.nsf/%28SpravkaNew%29?OpenAgent&RN=350713-6&02>

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□[http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/0AE30C64072611C243257BF9002FCEA/B/\\$FILE/350713-6.PDF?OpenElement](http://asozd2c.duma.gov.ru/addwork/scans.nsf/ID/0AE30C64072611C243257BF9002FCEA/B/$FILE/350713-6.PDF?OpenElement)

As an argument for the bill, the lawmakers said that there were too many migrant children attending school, and “some of them hardly speak any Russian, thus they cannot get normal education themselves and often slow down the process of educating Russian children”. Authors of the bill view compulsory request for parents’ temporary registration as an “improvement of the situation” compared to the past: “Previously, all migrants’ children have been accepted at schools and nurseries. Now the situation has improved somewhat: at the moment, only a migrant with temporary registration can have the child enrolled in a nursery or a school. The term of temporary registration is limited to three months and has to be extended upon expiration, but many migrants fail to do that, and their children continue visiting nurseries or learning at schools.”

This bill reflects Russian authorities’ attitude to the problems of educating migrants’ children, an attitude according to which fulfilling of migration norms and rules by both migrant children and their parents is more important than protecting children from a vulnerable group and providing them with an access to education.

#### **FAILURE TO PROVIDE MEDICAL ASSISTANCE TO A MIGRANT WOMAN GIVING BIRTH**

Russian mass media has widely covered the incident when a migrant woman from Uzbekistan was not provided medical assistance when giving birth (some sources said that she was a member of the Lyuli ethnic group, who are discriminated against in the Russian Federation both as Roma and as migrants).

As the media reported, on November 6, 2013, the woman was not allowed into Vladivostok’s Maternity Ward No 1, and she started giving birth on the steps of the medical facility. The maternity ward justified the refusal to accept the woman by the fact that she did not have documents. Eyewitnesses called the police, and only afterwards was the woman accepted at the medical facility, where she gave birth. Almost immediately, the unnamed Uzbek national left the maternity ward but she was tracked down by the Federal Migration Service officers in order to prosecute her.

According to the official website of the Federal Migration Service directorate for Maritime Territory, “On November 8 of this year, officers of the immigration control department of the Russian Federal Migration Service directorate for Maritime Territory have identified and detained an Uzbekistan national who ran away from Maternity Ward No 1 yesterday morning. It was established that she entered the Russian Federation in 2011, and after her legal stay period of 90 days expired she did not travel back to her home country, thus breaching migration legislation. The last location where she had migration registration was the city of Krasnoyarsk, however, it still remains to be established what was the purpose of her journey to Vladivostok and what she was doing there. Apart from the child that she gave birth to recently, she had on her hands two more young children, who were also probably born in the Russian Federation. At the moment, court papers for her expulsion are being prepared, however, rules of passenger transportation do not permit children under one month of age to board aircraft, thus the process of expulsion can be stalled.

It should be reminded that under Article 18.8, Section 1 “Breaching of rules for entering the Russian Federation or of regime for presence (residence) in the Russian Federation by a foreign national or stateless person”, which the Uzbekistan national was charged with, is punished by an administrative

fine between 2,000 and 5,000 roubles with or without administrative expulsion from the Russian Federation.”<sup>15</sup>

Thus, the only thing preventing expulsion was that the woman had a newborn child. It was reported that the woman’s older children have been “placed in the care of her acquaintances.”<sup>16</sup>

There was no punishment for the medics who refused to deliver the baby. “The Investigations Committee has decided not to initiate a criminal case concerning the ‘birth on the steps’ at a Vladivostok maternity ward,” Investigations Committee investigative directorate for Maritime Territory website said on Friday, “due to the absence of an event of official crime in the medics’ actions.”<sup>17</sup>

Moreover, Vladivostok city Duma member Andrey Andreychenko (Liberal Democratic Party of Russia) has proposed “to issue certificates of honour to medics who refuse to deliver illegals’ babies.”<sup>18</sup> The situation concerning a lack of assistance in delivering babies of labour migrants can be repeated in any city because the medics not only evade punishment for refusing to help, but are actually commended as participants in the “fight against illegal migration and ‘birth tourism’”.

*Answers to the questions connected to the initial report of the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC/C/OPAC/RUS/1)( Question 4)*

*Apart from children studying at military schools, information about which was provided by the Russian Federation in responses to questions (for example, question 4), in general education schools of the Russian Federation so-called “Cossack classes” are increasingly more wide-spread. Education in them also includes elements connected to military education.*

#### **PARTICIPATION OF THE COSSACKS IN SCHOOL EDUCATION**

Schools in the Russian Federation are noticeably increasing the “patriotic” component of education which often includes “traditional values” and “basics of Orthodox Christian religion”. In some regions it takes the form of setting up “Cossack classes” at schools or participation of the Cossacks in school

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□ <http://www.fmspk.ru/news.php?id=354>

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□ <http://ria.ru/vl/20131109/975685805.html>

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□ <http://primorsky.sledcom.ru/news/detail.php?news=14285>

18

□ RIA Novosti news agency  
<http://ria.ru/vl/20131113/976470260.html#ixzz2kVmpQZ7I>

life to various extents (apart from specialized educational establishments – “Cossack Corps” - existing separately).

For instance, in Krasnodar Territory it was proposed to “attach a Cossack to every school.”<sup>19</sup> To justify the proposal, it was said that “Cossacks in general education schools, which do not have the status of a specifically Cossack educational establishment, will help fill male pupils’ lack of “man’s education”, because often primarily women and girls work as teachers at schools.”<sup>20</sup>

Introduction of “Cossack classes” has taken place in nearly all of the Southern regions of the Russian Federation; in Saratov Oblast,<sup>21</sup> in Stavropol Territory,<sup>22</sup> in Krasnodar Territory (“a total of 14 Cossack classes will appear at a Sochi school this year”<sup>23</sup>), in North Ossetia,<sup>24</sup> as well as in other regions, such as the Far East.<sup>25</sup> -

Such changes are presented by school administrations and representatives of education bodies as positive changes, aimed at developing children. However, in essence they constitute enforcing traditional beliefs and Orthodox Christian culture, and contribute to the militarization of school education. It is noted that in “Cossack classes” special attention is paid to religious education, as well as physical education. Physical education in Cossack classes is “dedicated to hand-to-hand combat. It is taught by a former officer of an OMON riot squad”. “Basics of Orthodox culture” are taught more in-depth in Cossack classes. According to one headmaster, such work results in children’s increased interest in religion. Every year, their school takes part in a church procession which is held in the autumn to mark Orthodox Christian holidays.”<sup>26</sup> School pupils wear uniforms based on gender

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□ <http://www.kp.ru/daily/26132/3023345/>

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□ <http://www.kp.ru/daily/26132/3023345/>

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□ <http://www.sarinform.ru/articles/2013/08/14/97400>

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□ <http://www.stavropolye.tv/ce/view/61714>

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□ [http://www.dg-yug.ru/a/2013/08/07/V\\_Sochi\\_shkolniki\\_nadenut](http://www.dg-yug.ru/a/2013/08/07/V_Sochi_shkolniki_nadenut)

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□ <http://www.regnum.ru/news/polit/1698648.html#ixzz2h8dfKeHb>

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□ <http://usakhalinsk.rusplt.ru/index/kazachih-klassov-na-sahaline-stanet-bolshe.html>

26

□ <http://www.sarinform.ru/articles/2013/08/14/97400>

stereotypes which underscore the militarist character of “Cossack education” for boys. “Boys wear uniform coat and trousers, and girls wear long skirts and bright headscarves on holidays.”<sup>27</sup>

Besides that, the role of Cossacks in modern Russian society goes beyond supporting an ethnic minority, and means creating a sort of privileged group which is formed on ethnic and religious basis. In many regions, including St. Petersburg, “Cossack squads” are authorized to check migrants’ documents and assist Federal Migration Service officers in identifying “illegal migrants”, and they are intolerant of members of sexual minorities and followers of other religions (for example, in Sochi Cossacks “dispersed a Krishna celebration.”<sup>28</sup>

This trend of increasing the “Cossack element” in general education schools may worsen the conditions for minority children, particularly migrants’ children.

## **EFFECTS OF RUSSIAN ANTI-GAY LAWS ON LGBT CHILDREN AND CHILDREN OF LGBT FAMILIES**

As was partially noted in reports on rights of children with respect to sexual orientation and gender identity, submitted to the Committee in 2013 by the Coming Out LGBT organization (hereinafter “Coming Out Report”) and Russian LGBT Network, a range of laws were adopted within the last two years in Russia which restrict the rights of LGBT people, LGBT families and LGBT rights advocates. These laws are as follows:

- Law prohibiting “propaganda of sodomy, lesbianism, bisexualism, transgenderism among the underage” adopted in St.-Petersburg<sup>29</sup>;
- Federal law prohibiting “propaganda of unconventional sexual relationship”<sup>30</sup>
- Law prohibiting adoption of Russian children by same sex couples from other countries;<sup>31</sup>

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□ [http://www.dg-yug.ru/a/2013/08/07/V\\_Sochi\\_shkolniki\\_nadenut](http://www.dg-yug.ru/a/2013/08/07/V_Sochi_shkolniki_nadenut)

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□ <http://nazaccent.ru/content/5429-v-sochi-kazaki-razognali-prazdnik-krishnaitov.html>

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□ About modifications to the Law of St-Petersburg “On administrative offences in St.-Petersburg”: Law of St.-Petersburg dated March 7, 2012 No108-18. See ref.: <http://www.rg.ru/2012/03/12/spb-zakon108-18-reg-dok.html>.

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□ About modifications to article 5 of the Federal Law “On protection of children against the information causing harm to their health and development” and particular legislative acts of the Russian Federation for the purpose of protecting children against the information propagandizing the denial of conventional family values. Federal Law dated 29.06.2013 No135-FZ. See ref.: <http://www.rg.ru/2013/06/30/deti-site-dok.html>.

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- Draft federal law on termination of parental rights of homosexual parents.<sup>32</sup>

While direct application of the given laws is not widely practiced, they escalate homophobia in public and encourage stigmatization of LGBT children and children of LGBT families. These laws contradict the view reiterated by the Committee on the Importance of Awareness-raising and other Preventive Activities against discrimination and affirmative action for the benefit of children in vulnerable situations, such as lesbian, bisexual, gay and transgender children and children living with persons from these groups.<sup>33</sup>

#### **CASES OF HARASSMENT AND PSYCHOLOGICAL VIOLENCE TOWARDS LGBT CHILDREN**

As it was earlier noted, the propaganda laws encourage an environment of antagonism and harassment to adolescents at school or in everyday life by their peers, teachers and parents. In a survey conducted by the Russian LGBT Network in August 2013 (hereinafter the Survey)<sup>34</sup>, 169 (of the 267 polled) LGBT adolescents, which is 63.3% of the respondents under 18 age, stated that they had faced cases of psychological violence. 89 respondents, 33.3% of those polled, noted that they had faced it many times.

The respondents were able to comment on their answers and they often mentioned cases of bullying at school.

#### Examples:

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□ About modifications to particular legislative acts of the Russian Federation on issues of caring for orphans and children left without parental care: Federal Law dated 02.07.2013 No167-FZ. See ref.: <http://www.rg.ru/2013/07/05/deti-dok.html>.

32

□ About modifications to article 69 of the Family Code of the Russian Federation (about the amendments to the list of reasons for termination of parental rights): Draft Law No338740-6, passed by deputy of the State Duma A.A. Zhuravlev. See ref.: <http://asozd2.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=338740-6&02>. The Draft Law was recalled on October 16, 2013, however, according to the spokesperson of the deputy, the law was recalled just for follow-up revision of the wording, after that the law is to return to the State Duma. Source: <http://lenta.ru/news/2013/10/20/again/>.

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□ E.g., *Denmark*, ¶ 33 CRC/C/DNK/CO/4 (2011); *New Zealand*, ¶ 25 CRC/C/NZL/CO/3-4 (2011); *United Kingdom of Great Britain and Northern Ireland*, ¶ 24-25 CRC/C/GBR/CO/4 (2008).

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□ Rights violation and discrimination towards LGBT in Russia from September 2012 through August 2013. Report Data (August 1-31, 2013), selection by a group under age of 18 was made separately by the author of the research, [http://lgbt.net.ru/sites/default/files/monitoring\\_2013.pdf](http://lgbt.net.ru/sites/default/files/monitoring_2013.pdf) The Survey included the answers of 267 respondents under age of 18 identifying themselves as LGBT, and the geography of respondents includes 59 constituent territories of the Russian Federation

*“Bullying at school, hacking of their VK pages. Teachers tried to persuade me that I have to change my orientation”<sup>35</sup>*

*“I am very often debased at school. They would beat me, throw things. Many times they poured various rubbish into the pockets of my jacket, spoiling my clothes”<sup>36</sup>*

*“I will have to endure attacks on the part of my classmates: their stupid hateful jokes about gays and so on up until I leave for the university”<sup>37</sup>*

*“My best friend decided to ‘change’ me, ‘drive me to the way of the truth’ by forcing me. (I was forced to go with him for a ‘walk’ where I was forced to endure vilification). After that I decided to go into hiding. They drilled the information into me that all gays are future pedophiliacs. (Following the video “Homosexuality is not a standard...”). I wished to take my own life, but one thing stopped me: I thought about my mom, I knew she would not bear it (as I am the only child in the family).”<sup>38</sup>*

*“Guys from my school began feeling that I had different orientation. Perhaps, some of them didn’t care about it, but they started abusing me. They said painful things only when they were in the company of two or three of them. After that they several times instigated other schoolboys to take part in beating me”<sup>39</sup>*

*“There is not a single day without flaks at school. Generally, they said just rude words, but at times they go far beyond and beat me”<sup>40</sup>*

*“Constant psychological pressure on the part of the classmates sometimes turning into the physical violence”<sup>41</sup>*

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□ The quote is from the comment to the survey of the Interregional Social Movement Russian LGBT Network (1-31 августа 2013).

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□ Alice, St.-Petersburg, 15 years, the quote provided by Lena Klimova, a coordinator of project Children-404, which collects stories of the LGBT adolescents in Russia.

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ O.K., 15 years, the quote provided by Lena Klimova, a coordinator of project Children-404, which collects stories of the LGBT adolescents in Russia.

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*“They were about to exclude me from school, when the teacher had suspicions that I liked girls”<sup>42</sup>*

*“I talked about it to my friend, but she appeared to be a homophobe. She chattered about it in my class. Any respect to me was lost at once. They could even hit me, abuse or take my things. No one noticed that. I am afraid to tell about it to anyone at school and to my parents too. I have heard many times how they insulted people of unconventional orientation. I have no one to go to.”<sup>43</sup>*

#### **RESTRICTING ACCESS OF LGBT CHILDREN AND ADOLESCENTS TO THE ASSISTANCE OF TEACHERS AND PSYCHOLOGISTS**

The Special Rapporteur on the Right to Education has been concerned that the legislation prohibiting “homosexual propaganda” might also be an attempt to prevent the dissemination of educational information that promotes universal human rights, tolerance and respect for diversity. He is also concerned that it would prevent students from having access to sexual health information and that it would jeopardize educators’ rights.<sup>44</sup>

As was noted in the Coming Out Report, “the law [prohibiting propaganda] could stop all the attempts to explain the importance of tolerance and non-discrimination of LGBT people in school, and could harm LGBT adolescents as they could lose any professional support and objective information related to their sexual orientation or gender identity.” Implementing the St. Petersburg law demonstrates the pressure upon the organizations who run programs to develop tolerance among adolescents and familiarize them with the diversity in the society.

#### **Example:**

*In 2012 the non-commercial organization “German-Russian Exchange” held a workshop titled “Abnormal or otherwise”. The workshop was attended by adolescents of 14-18 years from Poland, Germany and Russia. The workshop in St. Petersburg was dedicated to the issue of norms and their relation to human rights. During the discussion of human rights violation, it appeared that the students were concerned with gender issues. Thus, one day meetings were arranged for people who practice or face discrimination. Personal meetings were arranged in small groups, and the students had a choice of where to go. One of the meetings was arranged in coordination with the LGBT organization “ComingOut”, talking about its experience, its activity, discrimination and hardships of LGBT people. After the meeting a general discussion was held to allow children to express their*

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

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□ Report of the Special Rapporteur on the right to education. Addendum: Communications sent to and replies received from Governments, ¶ 82 A/HRC/8/10/Add.1 (2008).

views. No calls were made by parents during the workshop. At the end of the workshop, schoolgirl N. said that her family would not speak about “unconventional relationships”. In December 2012, Olga, an officer of the German-Russian Exchange, started calling parents to invite them to another part of the workshop. The father of girl N. began asking about the program and said that discussion of LGBT issues was in breach of the law. Olga suggested a personal meeting. At the meeting the man insisted on abstaining from LGBT issues in the project. Olga consulted the training team and decided to talk about LGBT only if children themselves talked about them. Having learned about such a decision, the father of N. prohibited his daughter from participating in the project. Moreover, he involved a schoolmate of N., who had also participated in the training, into the conflict and she also refused to participate. In mid-February both families and the gymnasium filed an application to the government attorney with respect to the propaganda law requesting that they “conduct an inspection and take measures”. The government attorney cautioned Olga<sup>45</sup>.

Teachers openly expressing their support to LGBT students are subject to harassment and forced to resign from schools. Supporting LGBT students may have adverse results for the teachers up to and including the loss of their job and a need to move from their home. The children are prohibited from accessing support and unbiased information about homosexuality.

Example:

*O., a teacher from Magnitogorsk, was forced to leave her job. Moreover, she had to leave her home city in Chelyabinsk oblast after harassment arranged by the homophobic activists. On her page in social media O. did not conceal her advocacy of LGBT rights, which resulted in a stream of complaints made to the management of her school and the department of education. However, even after she moved to St. Petersburg her persecutors were not satisfied, and they attempted to find O. at the public LGBT campaigns, take pictures of her and make posts on the Internet with calls to find her and to figure out whether she works in any school in St. Petersburg, and, if she does, file complaints.*<sup>46</sup>

*A similar situation is developing around E., a teacher of the St. Petersburg gymnasium and an activist of the Alliance of Straights for Equality of LGBT. The persecutors accuse E. of homosexual propaganda, write complaints, post her photographs on the Internet, accuse her of working for “foreign governments” etc.*<sup>47</sup>

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□ The case is registered within the frame of monitoring the discrimination and violation of LGBT rights held by Coming Out LGBT organization. Besides, Olga was provided legal support with respect to the inspection at the request filed to the government attorney within the scope of the Legal Support program of Coming Out LGBT organization.

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□ The case is registered within the frame of monitoring the discrimination and violation of LGBT rights held by Coming Out LGBT organization.

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□ The case is registered within the frame of monitoring the discrimination and violation of LGBT rights held by Comingout LGBT organization. Besides, E. was provided

## **LGBT ADOLESCENTS STARTING TO REALIZE THEIR IDENTITY CONSIDER THEMSELVES 'ILLEGAL', EXCLUDED FROM THE PUBLIC AND LAW**

### Examples:

*"I had dated [a girl] for half a year, when the law prohibiting homosexual propaganda was adopted. At that time I was sitting in front of the TV set and watching the news. They showed the meeting of those inconsistent with the law, and later one newsman cast dirt at all of us with his words. I had never felt such a pain before. For the first time in my life I felt being outside the law. Thoughts started tumbling in my brain: "Why?", "What evil have we done to you?", "Now my love is illegal". Tears gushed from my eyes, I went to my room. Mother came to me and asked what happened to me. First I feared to tell her the reason of my tears, but finally I burst out: "I don't want to be banned". That was how my mother found out about my orientation. Fortunately, her reaction was normal, she believed it was just an awkward age. The rest of my relatives don't know and won't ever know. They are rampant homophobes."*<sup>48</sup>

*"It seems I have been realizing the fact that I am different since an early age, but at that time it was in the back of my mind. I started realizing my orientation just a year ago; I was 16. I can't say that it was difficult. No. The only thing that scared me was a homophobic community. I feared that someone will know about my feelings for a boy from another group. I tried to conceal it not only from other people, but even from myself. I tried to love him off me. It worked. [...] But there was still something left: understanding of my nonconventional nature. Moreover, I envy heterosexual people. They don't have to hide their love as if it is sick, abnormal, crippled or a big shame. They can walk outside hand in hand, kiss their loved ones anywhere, they may go to the office of civil registration after all... Meantime, we have to hide like chicken thieves as if we are doing something horrible and shameful, while in fact we just love each other. I don't understand, what evil we are doing. Why did they adopt that idiotic law? What have we done to the government? It seems as if we may infect someone, draw somebody over to our side... Gays don't become gays just in a matter of their wish, because they feel bored or idle. If you have a desire to kiss someone of your own sex, then you have such inclination, and if so, you may propagandize or not, once they will come to the light. [...] When I think about it, I feel sad, depressive and pain. [...] I had to pretend and show a false face, but it wasn't to our liking. But I had to. I was torn between my desire to open up and my fear of possible aftermath."*<sup>49</sup>

### **FORCED PSYCHOLOGICAL TREATMENT OF LGBT CHILDREN**

As noted in the Report of the Russian LGBT Network, forced psychological treatment of LGBT children in Russia is a problem, and particularly impacts the vulnerable group which includes LGBT

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legal support with respect to the application filed to the government attorney within the scope of Legal Support program of Comingout LGBT organization

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□ 2012, S., 16 years, lesbian, St.-Petersburg (the story from the Children 404 project).

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□ 2013, D., 17 years, gay, St.-Petersburg (the story from the Children 404 project).

adolescents or adolescents realizing their sexual orientation and/or gender identity. The Report of the Russian LGBT Network cited cases of the forced treatment of Ivan Kharchenko and transgender youth in St. Petersburg. It should be noted that there are more cases. The Survey shows that 6.4% of the polled (or 17 respondents)<sup>50</sup> underwent forced psychological treatment related to their sexual orientation or gender identity. This figure is twofold higher than the number cited in the total selection of the research.

Examples:

*“My brother is older than me by 7 years, he is a rampant homophobe and he began feeling something. He said to mom that I am abnormal, that I need to be treated, and exactly after that case my mom started treating me.”<sup>51</sup>*

*“Threats (“I won’t let you leave the city for study, if you don’t stop dealing with her!”), forced visits to a doctor (yes, they believed that the psychologist would help me and that “calf love” would fade away all by itself)”<sup>52</sup>*

## **VIOLENCE AND DISCRIMINATION AGAINST LGBT ADOLESCENTS PARTICIPATING IN THE HUMAN RIGHTS MOVEMENT**

The Committee has already stated that lesbian, gay, transgender or transsexual children are in a vulnerable position as they are likely to be exposed to violence,<sup>53</sup> and the Special Representative to the Secretary General on violence against children has pointed out that “all children regardless of their [...] political or other opinion, [...] sexual orientation [...], should be protected from all forms of violence and be provided with such care and assistance as to ensure to the maximum extent possible their survival and development.”<sup>54</sup>

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<sup>50</sup>

□ Rights violation and discrimination towards LGBT in Russia from September 2012 through August 2013. Report Data (August 1-31, 2013), selection by a group under age of 18 was made separately by the author of the research, [http://lgbtnet.ru/sites/default/files/monitoring\\_2013.pdf](http://lgbtnet.ru/sites/default/files/monitoring_2013.pdf) The Survey included the answers of 267 respondents under age of 18 identifying themselves as LGBT, and the geography of respondents includes 59 constituent territories of the Russian Federation

<sup>51</sup>

□ The quote from the comment to the survey of the Interregional Social Movement Russian LGBT Network (August 1-31, 2013).

<sup>52</sup>

□ Kseniya, Taganrog, 17 years, the quote provided by Lena Klimova, a coordinator of project Children-404, which collects stories of the LGBT adolescents in Russia.

<sup>53</sup>

□ General Comment No. 13: *The rights of the child to freedom from all forms of violence*, ¶ 72 CRC/GC/2011/13 (2011).

<sup>54</sup>

Nevertheless, violence, discrimination and other human rights violations committed against LGBT rights advocates are widespread across Russia and seriously harm underage activists.

Example:

*In October 2013 a meeting was to be held in St. Petersburg to coincide with the International Day of Coming Out. While the organizers took all reasonable measures in terms of the legislation and actions to prepare and notify public authorities about the campaign, the meeting failed. LGBT activists, who came to the stated place, found that it was occupied by the meeting opponents: nationalists, Cossacks, priests. The meeting opponents created physical barriers to prevent activists from approaching their legal place of the public campaign, they pushed activists, insulted them and cried out misanthropic and homophobic words. Police failed to do anything other than request that those present keep off the grass. After some time, dozens of participants of the abandoned meeting and opponents of LGBT were boarded onto buses and carried to police departments. At one of the departments there were about thirty meeting opponents and three LGBT activists – two girls and one underage boy. Despite the requests of the LGBT and human right activists outside the police department to transfer the three LGBT people to another police department or otherwise separate them from the homophobic detainees, they failed to do any of these. All detainees remained in one room and a policewoman expressed her support of the homophobic spirit. After that, she went out of the room, and LGBT activists including the underage boy, sat in one room with dozens of active opponents of LGBT for about an hour, while there were no officers of law-enforcement authorities present.<sup>55</sup>*

***\*(Question 7) Please provide information on the effectiveness of the measures taken to prevent sexual abuse and sexual violence against children and to provide rehabilitation services for victims of such offences.***

## **PHYSICAL AND SEXUAL ABUSE OF LGBT CHILDREN**

The report authors are especially concerned with the cases of physical and sexual abuse of LGBT children and adolescents related to their sexual orientation and gender identity.

According to the survey, 18.7% of the polled (50 respondents) were subject to physical abuse due to their sexual orientation and gender identity.<sup>56</sup> 5.1% of the polled, or 16 respondents, were subject to sexual abuse.<sup>57</sup>

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□ Annual report of the Special Representative to the Secretary-General on violence against children, ¶ 2 A/HRC/19/64 (2012).

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□ The case is registered within the frame of monitoring the discrimination and violation of LGBT rights held by Comingout LGBT organization. Besides, the detainees were provided legal support within the scope of the Legal Support program of Comingout LGBT organization. The participants of the abandoned campaign and detainees included officers of Comingout LGBT organization, who witnessed in the case.

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Meantime, only 15 respondents reported that they had appealed to police, and 58.8%, or 157 respondents<sup>58</sup> noted that they did not know where to go for help except to the law enforcement authorities. The Report of the LGBT Network points to the lack of the public establishments to help LGBT children, as well as to the restriction of information for children on how to access such help from the non-commercial organizations.

Examples:

*“They would beat me. They caught me in the evening with a bat and damaged my face... It was one time. The other time they sprayed something acid into my eyes. Unknown people. I know that is because of my orientation: they didn’t steal anything, they cried out offensive language, facts, names of the girls I knew.”*<sup>59</sup>

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□ Rights violation and discrimination towards LGBT in Russia from September 2012 through August 2013. Report Data (August 1-31, 2013), selection by a group under age of 18 was made separately by the author of the research, [http://lgbtnet.ru/sites/default/files/monitoring\\_2013.pdf](http://lgbtnet.ru/sites/default/files/monitoring_2013.pdf) The Survey included the answers of 267 respondents under age of 18 identifying themselves as LGBT, and the geography of respondents includes 59 constituent territories of the Russian Federation

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□ Rights violation and discrimination towards LGBT in Russia from September 2012 through August 2013. Report Data (August 1-31, 2013), selection by a group under age of 18 was made separately by the author of the research, [http://lgbtnet.ru/sites/default/files/monitoring\\_2013.pdf](http://lgbtnet.ru/sites/default/files/monitoring_2013.pdf) The Survey included the answers of 267 respondents under age of 18 identifying themselves as LGBT, and the geography of respondents includes 59 constituent territories of the Russian Federation

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□ Rights violation and discrimination towards LGBT in Russia from September 2012 through August 2013. Report Data (August 1-31, 2013), selection by a group under age of 18 was made separately by the author of the research, [http://lgbtnet.ru/sites/default/files/monitoring\\_2013.pdf](http://lgbtnet.ru/sites/default/files/monitoring_2013.pdf) The Survey included the answers of 267 respondents under age of 18 identifying themselves as LGBT, and the geography of respondents includes 59 constituent territories of the Russian Federation

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□ Anastasiya, 15 years, the quote provided by Lena Klimova, a coordinator of project Children-404, which collects stories of the LGBT adolescents in Russia.



*“Imagine the situation: I am climbing up the stairs in my headphones and they kick me to my back so that I was just about to fall. Why did they do that? How do you think? Because I like girls. That is something new!”<sup>60</sup>*

***(Question 8) In light of the reports that large numbers of children are forcibly separated from their parents, please clarify what are the criteria and guidelines established for Guardianship and Tutorship bodies and the prosecutor’s office in order to initiate such cases. Please also clarify how the State party interprets the “occurrence of difficult circumstances” under article 73 of the Family Code used as a basis for separation of children from their parents.***

## **PROPAGANDA PURPORTING THE INFERIORITY OF LGBT FAMILIES, ENCOURAGED BY THE ADOPTION OF THE LAWS**

Introduction of the laws restricting rights of LGBT people and LGBT advocates, discussion and adoption thereof are accompanied by the public statements of politicians and public figures about the inferiority of LGBT families, distortion of scientific facts, and public speeches on the hatred of same sex families with children. Such actions contribute to the climate of intolerance toward LGBT families and children raised in such families and jeopardize teenagers realizing their homosexuality, bisexuality or transgender status.

### Examples:

*Dmitry Pershin, a priest and expert of the Committee for matters concerning Women, Families and Young People of the State Duma of the Federal Assembly of the Russian Federation, appeared at the public hearings for a St. Petersburg draft law on “propaganda” in 2012. In his speech he stated: “Let us ask our opponents: Can’t you leave the underage alone and stop the propaganda of homosexuality and other perversions?”; “We need such laws to protect our children against becoming victims of your non-conformism”; “The United States are committed to guaranteeing the outrage of sexual minorities in Russia”.<sup>61</sup>*

*On October 16, 2013 a St. Petersburg TV channel showed a show called “Free choice” to discuss the draft law on termination of parental rights of LGBT parents. Fedor Birukov, a member in the presidium of the political council of the party, which proposed the draft law, stated: “We believe that living in a family where the father or the mother is homosexual, is harmful for the mental and physical health of a child, because such a life often ends with suicide”; “Homosexual people cannot have children by natural means”; “He may go even far beyond being just a gay, he may be a pedophile. The reason for which he takes a child is a question of particular interest”; “We rely on research of the scientists saying that the life in such same sex families is harmful for children”; “The problem is that the LGBT community is aggressively forcing their life style, their pseudo values on the Russian society... They demand propaganda of their views. In response to this fact, the sound public forces need to create some legislative measures to restrict such pathology”; “We are*

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<sup>60</sup>

□ Darya, 16 years, the quote provided by Lena Klimova, a coordinator of project Children-404, which collects stories of the LGBT adolescents in Russia.

<sup>61</sup>

□ For the podcast see ref.: [http://vk.com/video99638431\\_161867330](http://vk.com/video99638431_161867330).

*determined to fight propaganda of pathology and forcing such pathology to the sound majority”; “We believe that life in a homosexual family undoubtedly does colossal psychological harm to children, which is worse in terms of life in Russia, where such pseudo traditions are unacceptable. That is why we seek to protect our children against such traumas and suicides, which may result from this so called life style”; “And when we are told: “You know, they care about children”... I will repeat the illustration I have previously cited: some kind hearted cannibal may purchase human meat somewhere abroad, he may eat it and in no way offend a child, but he will make him to be a monster. And this is also a pathology.”<sup>62</sup>*

An interactive survey of spectators taken during that TV show revealed that exactly half of them approve of the law on the termination of parental rights of homosexual parents, believing that children would do better living in an orphanage.

## **BULLYING SAME SEX FAMILIES AND THREATENING TO DEPRIVE THEM OF CHILDREN**

Same sex families with children living in St. Petersburg actually fear that the new laws will be applied to them, and many of them have already faced threats of being separated from their children.

### Example:

*In 2013, a family of two women and a school-age child was forced to leave their apartment and transfer the child to another school. The family had rented the apartment and the question of returning the guarantee that had been paid previously, quickly came up. The owner threatened to report the women to the child protection services and to talk to the headmaster of the school where their child was studying, in order to deprive them of their child because the women lived in a homosexual family.*

*As one of the women said: “It has happened this year. After the adoption of the law on propaganda. He [the owner] told us in person and wrote by mail. We had some dispute over returning the guarantee and he was unwilling to return our money. Therefore he decided to threaten us.” In his correspondence, the man expressed threats such as: “I will send a request to the government attorney and child protection services to investigate the case, whether the lesbian girls may practice international adoption with the copy to be sent to the place of study of the boy. And they will deprive you of the child”.*

*The women had to move to another (their own) apartment and change schools for the child. Now they don’t go to the school together and only one woman picks the child up from school, telling their neighbors that they are cousins.”<sup>63</sup>*

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□ 100TV channel, Freedom of Choice show, subject: “Banned parents: shall homosexuals raise children?” (October 16, 2013). See ref.: <http://www.tv100.ru/video/view/zapreshennye-roditeli-dolzheny-li-gomoseksualisty-vospityvat-detej-102666/>.

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*“We have never faced aggression because only our friends know about us, and we conceal our private life at work. But parents of one of us don’t accept our relationship and we are not a family for them. We fear that when the law on termination of parental rights of homosexual parents is adopted, our relatives will be able to use this law against us. Once they threatened that they would take our child”.*<sup>64</sup>

## **GROWTH OF “EVERYDAY HOMOPHOBIA” TOWARDS SAME SEX FAMILIES WITH CHILDREN**

New laws and their discussion have adverse effects on same sex families with children, who feel a homophobic atmosphere surrounding them and their children after the adoption of the law.

### Example:

*“We have a growing daughter and we started facing problems after she became 4. Our neighbors spoke openly: “We don’t like your living here. Get out of here!” They also would say: “If there is anything we don’t like, we will take measures.” Once the housing company (it is located in our house block and has good relations with our neighbors) said that they wanted to file a complaint with the child protection service. They believed that the child lived in terrible conditions. I asked: “What do you mean? The child has meals, shoes, and love” Of course, we heard no reasonable answer, but for glances of reproof and disapproving eyes. I was shaking with nerves when I went outside. My legs were sinking under me. Since the time when we learned about the law we have had no good sleep. There were situations at the playground when [our daughter] cried ‘mom’ to me and [my partner] while other parents took [their] child and walked away [from the playground]. It was after the adoption of the law on gay propaganda. I would say to my [daughter] to avoid calling both of us ‘mom’ in public. But she could not understand me! She would say that mom [name of the partner] is her natural mom, why couldn’t she call her that way?! So I realized that I am breaking the mind of my child because of my fears. She had two mothers, natural mothers, she didn’t understand those terrible laws, our fear for her safety, and it was difficult to explain it to her after all. We couldn’t find the right words. And we don’t want to look for them, we don’t want to be afraid”.*<sup>65</sup>

## **FORCED “DOUBLE LIFE” FOR CHILDREN FROM LGBT FAMILIES**

In the current situation, fearing homophobia and adverse attitudes directed toward their children, many homosexual parents are choosing to live a “double life” in which a child has to say that he has

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□ 2013, a lesbian family with a child, the case is registered within the frame of monitoring the discrimination and violation of LGBT rights, held by Comingout LGBT organization.

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□ 2013, a lesbian family with a child, a quote is provided by the coordinator of LGBT Parents program implemented by Comingout LGBT organization.

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□ 2013, a lesbian family with two children, the quote provided by the coordinator of LGBT Parents program implemented by Comingout LGBT organization.

only one parent, while the second actual parent is just a distant relative or an associate, or a child has to invent a non-existent ‘father’.

Examples:

*“Our younger son was given a questionnaire (by the psychologist), and the questionnaire had entries such as: ‘Mother’ (we pointed Yes), ‘Father’ (we pointed No), ‘Who does the child live with?’ (we wrote ‘With mother, brother and aunt’)”<sup>66</sup>.*

*“Kindergartners are bewildered the child by asking: “What is your aunt’s name?” – and he would answer nothing, as he doesn’t know, what ‘aunt’ they are talking about, because he knows only mom and mom Lena.”<sup>67</sup>*

*“At work I would say that we had father, but we had no marriage registration, and eventually I appeared to be a single mother with her child overseen by an associate”<sup>68</sup>*

Regarding the situation created for many same sex families raising children, there is only one way out: emigration. According to the survey held by the ComingOut LGBT organization in the fall 2013, among the LGBT families with children (most of the polled live in St. Petersburg), 58% plan to leave Russia, while another 27% haven’t decided yet. Only 15% do not plan to leave the country.

**Question 10.**

In its response to this question, the Russian Federation noted that “this question was incorrectly formulated because in the territory of the Russian Federation, including the North Caucasus region, there is no situation of armed conflict of non-international character conforming to relevant clauses of international humanitarian law”. Human rights organisations do not possess any reliable information on measures that were taken to protect refugee children and children seeking asylum, or children of migrants (i.e. those from the Kyrgyzstan city of Osh who left their native country due to an ethnic conflict in which they may have been involved had they stayed in their country of citizenship). Under Russian legislation, they are treated as children of labour migrants, and they can be banned from entering the Russian Federation, which creates the danger of having to return to the zone of ethnic conflict (see information in question 6 on the case of Samikzhon Samikov).

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□ 2013, a lesbian family with two children, children call both women ‘mom’, the quote provided by the coordinator of LGBT Parents program implemented by Comingout LGBT organization.

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□ 2013, a lesbian family with a child, the quote provided by the coordinator of LGBT Parents program implemented by Comingout LGBT organization.

<sup>68</sup>

□ 2013, a lesbian family with a child, the quote provided by the coordinator of LGBT Parents program implemented by Comingout LGBT organization

