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## Extended essay cover

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Candidate session number

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Examination session (May or November)

May

Year

2015

Diploma Programme subject in which this extended essay is registered: Human Rights ✓

(For an extended essay in the area of languages, state the language and whether it is group 1 or group 2.)

Title of the extended essay: To what extent is the 2013 amendment to Russian federal law "On Protecting Children from Information harmful to their Health and Development" unjustifiable ~~from~~ with regard to human rights?

### Candidate's declaration

*This declaration must be signed by the candidate; otherwise a mark of zero will be issued.*

The extended essay I am submitting is my own work (apart from guidance allowed by the International Baccalaureate).

I have acknowledged each use of the words, graphics or ideas of another person, whether written, oral or visual.

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Name of supervisor (CAPITAL letters) \_\_\_\_\_

Please comment, as appropriate, on the candidate's performance, the context in which the candidate undertook the research for the extended essay, any difficulties encountered and how these were overcome (see page 13 of the extended essay guide). The concluding interview (viva voce) may provide useful information. These comments can help the examiner award a level for criterion K (holistic judgment). Do not comment on any adverse personal circumstances that may have affected the candidate. If the amount of time spent with the candidate was zero, you must explain this, in particular how it was then possible to authenticate the essay as the candidate's own work. You may attach an additional sheet if there is insufficient space here.

pursued his topic with fervour and in-depth research. He went above and beyond to collect evidence and data on his topic. He is clearly passionate about this issue and living in Russia gave him firsthand insight. His linguistic skills in Russian and English allowed him to work beyond standard sources.

This declaration must be signed by the supervisor; otherwise a mark of zero will be issued.

I have read the final version of the extended essay that will be submitted to the examiner.

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I spent  hours with the candidate discussing the progress of the extended essay.

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Date: 2014/12/15

**Assessment form (for examiner use only)**

Candidate session number		
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**Achievement level**

Criteria	Examiner 1 maximum	Examiner 2 maximum	Examiner 3
A research question	2	2	<input type="text"/>
B introduction	2	1	<input type="text"/>
C investigation	4	3	<input type="text"/>
D knowledge and understanding	4	2	<input type="text"/>
E reasoned argument	4	3	<input type="text"/>
F analysis and evaluation	4	3	<input type="text"/>
G use of subject language	4	3	<input type="text"/>
H conclusion	2	1	<input type="text"/>
I formal presentation	4	2	<input type="text"/>
J abstract	2	1	<input type="text"/>
K holistic judgment	4	3	<input type="text"/>
<b>Total out of 36</b>	<input type="text"/>	24	<input type="text"/>

Name of examiner 1: \_\_\_\_\_ Examiner number: \_\_\_\_\_  
(CAPITAL letters)

Name of examiner 2: \_\_\_\_\_ Examiner number: \_\_\_\_\_  
(CAPITAL letters)

Name of examiner 3: \_\_\_\_\_ Examiner number: \_\_\_\_\_  
(CAPITAL letters)

IB Assessment Centre use only: B: \_\_\_\_\_

IB Assessment Centre use only: A: \_\_\_\_\_

To what extent is the 2013 amendment to Russian federal law  
“On Protecting Children from Information Harmful to their Health  
and Development” unjustifiable with regard to human rights?

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RQ

Extended Essay: Human Rights

May 2015

Word Count: 3,978

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## Abstract

On June 30<sup>th</sup>, 2013, Russian President Vladimir Putin signed into law a bill amending federal law 'On Protecting Children from Information Harmful to their Health and Development'. Originally passed in 2010, the law decreed the distribution of "propaganda" in support of "non-traditional sexual relationships" among minors a criminal offence.<sup>1</sup> The bill aims to protect youth from the distortion of traditional values; however, in its attempt to preserve the moral fiber of Russian children, the bill infringes upon the rights of homosexuals and allies within Russia, and contributes to the development of heterosexism in Russian society.

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This paper seeks to analyze and evaluate the question "To what extent is the 2013 amendment to the Russian federal law 'On Protecting Children from Information Harmful to their Health and Development' unjustifiable with regard to human rights?" Human rights approaches – cultural relativism and universalism – are applied to the bill, and the degree to which its articles violate universal human rights is assessed alongside the cultural and social validity of its aims. Furthermore, consequences of the bill concerning the representation of and discrimination towards the gay community as well as the safety of LGBT youth within Russia are discussed, as these ramifications lead to future infringement upon human rights. Moreover, the bill is evaluated in the context of domestic and international politics.

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Conc

While the bill may be justified on either the grounds that homosexuals are viewed adversely within Russian culture and thus are not entitled to certain rights or that gay rights are a facet of westernization, harkening to cultural relativism, its violations of universalist human rights and its implications for the future of homosexuals in Russia render it unjustifiable with regard to human rights.

could

Word Count: 299

Elements present

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<sup>1</sup> Article 19. *Russia: Federal Laws Introducing Ban of Propaganda of Non-Traditional Sexual Relationships. Legal Analysis.* (London: 27 June 2013).



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## Introduction

On December 12<sup>th</sup>, 1991, the Russian Federation rose out of the ashes of the Soviet Union. Aiming to distance themselves from the repression of the Soviet regime, the Russian government introduced a series of radical social and economic reforms, including the decriminalization of homosexuality in 1993.<sup>2</sup> With the participation of Boris Yeltsin, six decades of repression of male homosexuals under Article 121 of the Soviet criminal code (which made male homosexuality punishable by up to five years of hard labor) came to a long-overdue end.<sup>3</sup>

It then appeared to many in the Russian gay community that life in a “living hell,” full of degrading associations (including pedophilia and fascism) and oppressive policies was no more.<sup>4</sup> Indeed, the floodgates of sexuality had opened in a society accustomed to “repress[ing] sex as a cultural language and commercial practice.”<sup>5</sup> However, despite the multitude of freedoms now enjoyed by Russian homosexuals, public opinion remained severely averse. In a 2013 nationwide survey, 22% of respondents felt homosexuals needed compulsory psychological treatment, 16% believed homosexuals should be isolated from society, and 5% maintained that homosexuals should be “liquidated,” harkening to the euphemisms of Stalinist Russia.<sup>6</sup>

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<sup>2</sup> Immigration and Refugee Board of Canada, *Russia: Update to RUS13194 of 16 February 1993 on the Treatment of Homosexuals*. Research Directorate, Immigration and Refugee Board of Canada. RUS33940. (E. Ottawa: Immigration and Refugee Board of Canada, 29 February 2000).

<sup>3</sup> "Russian Ruling Classes Make 'Gay Propaganda' Illegal." *Working People's Advocate* (2013): n. pag. *Iron Closet*. Worker's Party of America, 1 Sep. 2013. Web. 21 Apr. 2014.

<sup>4</sup> Healey, Dan. *Homosexual Desire in Revolutionary Russia: The Regulation of Sexual and Gender Dissent*. Chicago: University of Chicago, 2001. 352. Print.

<sup>5</sup> Baer, B.J. "Russian Gays/Western Gaze: Mapping (Homo)Sexual Desire in Post-Soviet Russia." *GLQ: A Journal of Lesbian and Gay Studies* 8.4 (2002): 499-521. Print. Excerpt taken from Engelstein, Laura. "There Is Sex in Russia—and Always Was: Some Recent Contributions to Russian Erotica." *Slavic Review* 51 (1992): 786.

<sup>6</sup> "87% of Russians Oppose Gay Parades." *The Moscow Times* 12 Mar. 2013: n. pag. *The Moscow Times*. 12 Mar. 2013. Web. 10 Apr. 2014.



Evidently, public perception of homosexuality as a danger to the moral fiber and well-being of minors survived the collapse of the Soviet state: an attitude that most likely stemmed from the mislabeling of pedophilia as homosexuality in 1933 following the arrests of several high-ranking officials following the first reported instances of pedophilia in the USSR.<sup>7</sup> The association prevailed throughout the century, with the first official Soviet sex manual, released in 1964, featuring a section warning youth of the cunning and corruptive nature of homosexuals. “Do not under any circumstances allow them to touch you”, it stated; “such people should be immediately reported to the administrative organs so that they can be removed from society.”<sup>8</sup> Such a mentality – one of fear, mistrust, and misunderstanding – continues to thrive twenty years on, providing a moral foundation for the bill in question, the title of which aptly captures the motivations of those involved in its creation. However, the bill itself is less a product of societal homophobia than a religiously and morally motivated response to the gradual rise in gay pride within Russia since the turn of the century.

With the emergence of large-scale pro-LGBT movements such as Moscow Pride, the visibility of the Russian gay community experienced a significant increase, prompting violence from protesters and police officers alike at public events. Despite resisting pervasive violence and an attempt by Duma to criminalize gay “propaganda” (and bar openly gay adults from teaching positions) in 2009, Moscow Pride saw its tenure as Russia’s primary gay rights movement come to an indefinite halt in 2012.<sup>9</sup> In a decision contravening a previous ruling by the European Court of Human Rights, city officials decreed that Moscow Pride could not be held

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<sup>7</sup> Ibid., 4.

<sup>8</sup> Barshay, Jill J. “Russia’s Gay Men Step Out of Soviet-Era Shadows.” *The New York Times*. 10 Feb. 1993: n. pag. *The New York Times*. Web. 10 Apr. 2014.

<sup>9</sup> “Russian Parliament Refuses to Make Gay Propaganda Criminal Offence.” *MosNews*. 8 May 2009. Web. 11 Apr. 2014.



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until 2112 at the earliest due to a potential for public disorder.<sup>10</sup> Ultimately, the ruling of the Moscow court foreshadowed the nationwide criminalization of gay “propaganda” in June 2013. Signed into law amid an international outcry, the bill effectively silences Russia’s gay community; however, its motivations are conveyed as based on a moral imperative and the *pursuit* of the preservation of human rights. As such, the extent to which the bill is justifiable from a human rights perspective must be investigated with consideration of the interests of the international gay community and those of Russian society.

Context and  
significance clearly  
outlined

### Universalism vs. Cultural Relativism

For most, universalism *is* the definitive human rights approach, defined by its liberal view of human rights. Its argument – that moral values such as human rights are universal and remain constant regardless of time, place, or circumstance – is echoed by the actions of organizations of all calibers, from Amnesty International to the United Nations itself.<sup>11</sup> Indeed, universalism encapsulates the central theme in virtually all discussions – political *and* social – pertaining to human rights: the extent to which all states, groups, and people must adhere to the human rights decreed in documents such as the *Universal Declaration of Human Rights*. However, in presenting its absolute and all-encompassing principles regarding human rights, universalism fails to consider cultural differences such as tradition and their implications for the implementation of said rights, placing it at odds with cultural relativism.

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<sup>10</sup> “Moscow Bans Gay Pride for Century Ahead.” *Russia Today*. 7 Jun. 2012. Web. 11 Apr. 2014.

<sup>11</sup> Donnelly, Jack. “The Relative Universality of Human Rights.” *International Human Rights*. 4th ed. Boulder: Westview Press, 1993. 37. Print.



At its core, the cultural relativist approach maintains that morality (and upon application, human rights) is determined by culture and history.<sup>12</sup> The importance of preserving traditions and values specific to said culture or society thus supersedes any ‘universal’ rights that may deem them immoral, posing a counterargument to universalism.

It is worth noting that the universalist-relativist debate occurs generally between Western and Eastern or Southern states, seemingly characterizing the theoretical conflict as that of culture; indeed, practices such as female genitalia mutilation in India and restrictions on religious freedoms in Muslim states primarily come under scrutiny by Western organizations and governments for their violations of universal human rights (the right to safety and to freedom of expression, respectively). As of June 2013, the same may be said for Russia and the West due to the former’s treatment of homosexuals within Russia.

For this reason as well as that of the cultural basis for Russian defense of the policies mentioned hereafter, it is imperative to recognize the primary theories within the conflict of interests in question as cultural relativism – as represented by Russian policy – and universalism, whose interpretation and inevitable criticism of the bill is voiced by opponents of the bill within and outside of Russia.

*Conflict of perspectives outlined.* ✓

### **Evaluation of the Bill** ✓

In assessing the justifiability of the bill from a human rights perspective, one must consider two theses: the intentions and interests of the Russian government, and criticisms of the bill from a universalist standpoint.

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<sup>12</sup> Ibid., 11. 268.

## I. Merits of the Bill

Of all observations made in one's investigation of the bill, arguably, what lends most support to the side of Russian lawmakers is the nature of the law that it amends: 'On Protecting Children from Information Harmful to their Health and Development'. On an overt level, the bill and its mother document aim merely to preserve the safety of and "protect" Russian children from information detrimental to their "health".<sup>13</sup> Given that the two terms lack definitions, opponents of the bill may argue that mere 'information' in a traditional sense cannot directly harm or detract from one's health; however, Russian lawmakers argue that the information in question encourages behaviour that threatens one's health, allowing the pro-health angle of the bill to be accepted as an aim that is neither immoral nor in violation of human rights.

In fact, the bill's focus of safety suggests that its aim is to *promote* the essential human right of security (A3 of AB), granting it a moral foundation; in addition, the law's target population – children – further reinforces such an identity given societal attitudes (concerns for well-being, sympathy, and protectiveness, especially with regard to immorality and decadence) towards children within and outside of Russia.

However, although the safety of individuals and the protection of children accommodates universally applicable interests, the same cannot be said for the means through which the bill achieves its aims. Adding 'non-traditional' sexual relationships to a list of 'harmful' behaviours including smoking, substance abuse, and violence, the bill reasons that children exposed to information concerning said behaviours may develop "a skewed perception of the world" and adopt "wrong [and] dangerous attitudes."<sup>14</sup> Granted, the question of whether violent behaviour

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<sup>13</sup> "Law on Protecting Children from Negative and Harmful Information." *President of Russia*. 3 Jan. 2011. Web. 21 May 2014.

<sup>14</sup> *Ibid.*, 14.

and substance abuse is detrimental to the health of an individual is hardly a difficult one to answer; however, as of today, the debate of whether homosexuality is morally permissible is far from unequivocal. Countries such as Russia where religion features prominently in matters of government and civilian life often adopt a reactionary stance towards homosexuality, maintaining that same-sex relations are sinful and/or in violation of societal norms. The bill in question, with its recurring emphasis on the ‘non-traditional’ nature of same-sex relations, proves to be alike in this regard.

Indeed, while homosexuality is never named or mentioned explicitly within the bill, the aforementioned term of ‘non-traditional sexual relationships’ as well as the implications of said relationships for tradition and traditional values appears repeatedly throughout. An excerpt from Article 5, Section 2, Clause 4 of the law (AC) reads:

*“Information forbidden to be disseminated among children includes information [...] denying family values, promoting nontraditional sexual relationships, and forming disrespect to parents and (or) other family members.”*

Clause 4 places considerable emphasis on the importance of family values, a theme present within the title of the bill; here, the bill’s creators maintain that nontraditional relationships “promote negation of traditional family values” (AA). Evidently, said values play a significant role in the development of children, justifying their inclusion into the discussion; that nontraditional relationships threaten their preservation in society illustrates the antagonistic role that homosexuals hold in the eyes of the Russian public. And given the significance of the ‘family unit’ in Russia’s orthodox society as well as its aversion to homosexuality – discussed within the Introduction and further communicated by the bill’s condemnation of information that presents “distorted interpretation of social equivalency of traditional and nontraditional sexual relationships” (A3, S2, Cb of AA) –, the bill’s justifiability is fulfilled in the criteria of the cultural relativist. Essentially, not only does the bill move to *protect* Russian children from moral

and physical corruption, but furthermore, it moves towards erasure of the gay community within Russia, both through means of denying those who identify as gay – or support those who do – a voice (as their vocal support for homosexuality constitutes propaganda and thus is punishable by law) and through dissuading adolescents otherwise identifying as gay from embracing such a non-traditional alternative to heterosexuality.

## II. **Violations of Universal Human Rights Law**

Regardless of one's stance on the morality of homosexual behaviour, the bill in its current form is wholly problematic; several violations of universal human rights call for a rigorous assessment of the extent to which the bill accomplishes its aims without impeding on the rights of certain individuals.

Two particular violations of human rights law come to mind: the violation of the right to expression (A19 of AB) and, indirectly, of the right to an education that promotes understanding and tolerance (A26.2 of AB). While the two represent a mere fraction of the UNDOHR (AII, the basis for virtually all human rights-related discussions), *all* of its terms are deemed essential regardless of cultural or political context; therefore, *any* violations are sufficient for a condemnation of the bill on moral grounds as the document's terms are demands rather than suggestions and thus do not permit selective adherence to them.

### **Freedom of expression**

The bill avoids explicitly naming any groups that might potentially violate its terms; rather, it targets content and information that is generally distributed by the targets of the bill, the LGBT community. But even without an overt focus on any specific group of people, the restrictions set by the bill on expression are blatantly obvious; to release information that

non-discrimination?





promotes relationships of a ‘non-traditional’ nature and discredit a heteronormative perception of society is to welcome fines (which exist as a form of the “interference” mentioned in A19 of AB as monetary punishments have the ability to destabilize one’s economic well-being) of up to one million rubles—equal to approximately \$28,000 as of July 2014. With explicit consequences set for the distribution of certain information, the bill distinctly notes the limits of expression for all Russian citizens, unflinchingly violating the universal right to expression.

In this regard, the government’s method of enforcing the curtailing of said information bears likeness to the repressive state apparatuses (RSAs) theorized by French philosopher Louis Althusser, who reasoned that ruling classes suppress and dominate the working class through RSAs: heads of state, government, police, the military, and courts.<sup>15</sup> Although the class conflict emphasized by Althusser is hardly applicable to the situation in question, the function that RSAs serve nonetheless sees resemblance to those of the monetary measures the bill lists as punishments for violation of its terms: thereby affirming its restrictive nature and highlighting its violation of the freedom of expression through the use of repressive state apparatuses.

**A thorough education** ✓

*non-discrimination*

In addition, the bill’s measures adopt an institutional form through its indirect violation of the right to an education that promotes tolerance; as this aspect of the bill is most pertinent to and thus elaborated upon in detail in section IIb, a *brief* explanation is provided herein. ?

As an experience founded upon the processing of information, education in one’s formative years fosters the development of one’s worldview; just as certain information can sway one’s opinion, so can the lack thereof. As such, the omission of information that portrays

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<sup>15</sup> Leitch, Vincent B. *The Norton Anthology of Theory and Criticism*. New York: W.W. Norton and Company, 2001. 1483–1496. Print.

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the gay community in a manner differently from that of homophobic institutions allows for additional generations of children to be conditioned into homophobia. With a host of implications including an increase in suicide rates among LGBT youth (which surpasses the suicide rates of all other youth groups), the absence of information within classrooms that reinforces homosexuality rather than attacks it deviates from the UNDOHR's demand that a education promoting tolerance is provided to all, and thus indirectly violates it.

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**b. Implications**

While, as stated, violations of established universal human rights laws warrant moral condemnation and repercussions in forums of international law, it is necessary to consider and discuss the implications of said violations, as the effects of the bill are sinister, contributing to erasure of a segment of the Russian population, the spread of bigotry, and exacerbating living conditions that often drive LGBT youth to suicide.

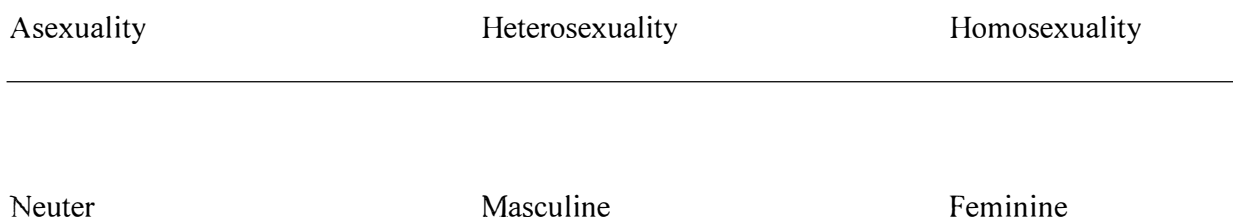
**In the classroom and beyond** ✓

The classroom dynamic – that of the teacher teaching and the student learning – , although enhanced by the personal connection between teacher and student, is reliant on information to function; one's education involves the processing of information that heightens the student's understanding of the world around them and allows for active participation in civic life, rendering said information the foundation for a strong education. Therefore, an education in which information is limited (for one reason or another) leaves the student with a limited perspective; where there exists a gap, one may compensate with knowledge gathered outside the classroom.





Although sociologists rarely contest the significance of masculinity and sexuality in social dynamics, study of their effect within a classroom environment is relatively recent. Research by sociologist CJ Pascoe reasons that masculinity considerably influences cognitive male development during high school.<sup>16</sup> Fieldwork over a year and a half at a public high school in the United States suggested that boys' behaviour is guided by a fear of being labeled as non-masculine, with masculinity correlated to sexuality (a spectrum visualized below).



With homosexuality in adolescence reduced to a rhetorical method of enforcing gender roles within the classroom, adolescents – both those who identify to some degree as homosexual and those who do not – are conditioned to perceive homosexuality as a malignant trait, an effect exacerbated by any environmental factors related to homophobia and heterosexism (such as those pervasive in Russia). Considering the vices with which homosexuality is equaled by the bill – substance abuse, brutality, sadism –, a negative perception of homosexuality is all but imminent, a truth that bears greater consequences for gay youth than just those capable of spreading further hate.

Throughout the world, suicide rates among LGBT youth surpass those of other segments of the population.<sup>17</sup> Sociologists often attribute the depression of LGBT youth to alienation and ostracization from and by one's community (such as family, or students and faculty at school)




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<sup>16</sup> Pascoe, C.J. *Dude, You're a Fag: Masculinity and Sexuality in High School*. Berkeley: University of California, 2007. Print.

<sup>17</sup> Johnson, R. B., Oxendine, S., Taub, D. J. and Robertson, J. "Suicide Prevention for LGBT Students." *New Directions for Student Services* (2013).

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that comes in a variety of forms: hate speech, physical violence, isolation, bullying.<sup>18</sup> Such experiences, paired with the insecurity that is characteristic of adolescents during formative years, undoubtedly create an emotional state not dissimilar to self-loathing; since the youth's inherent trait is the source of social isolation, a deprivation of key social interaction, despising oneself for bearing said trait is not out of the question: nor is attempting to take one's own life as a means of escaping such misery. ✓

Consider the circumstances in which gay youth in Russia live: pervasive homophobia, institutional *and* societal; constant reinforcement of negative stereotypes; associations with abhorrent behaviour; in many cases, exposure *exclusively* to harmful portrayals of homosexuality. If Pascoe's research chronicles the dangerous effects of heterosexism and homophobia in the classroom in a country with no legislation limiting discussion of tolerance in the classroom, then to what heights could the implications of such circumstances in a country with such legislation reach? With regard to the demoralizing effects of hetero-centrism in schools as well as the institutional forms it adopts, arguably, it is the aforementioned information that is harmful to the psyche of an LGBT youth, not the information deemed 'propaganda' and harmful to the development of children by the makers of this bill; herein lies the irony of the document. ✓

Ultimately, while the Russian classroom is but one of many public forums blocked from 'gay propaganda', arguably, the implications of closing children off from information that positively reinforces homosexuality are far greater than those of other segments of the Russian population, as the formative years spent in the classroom largely determine one's outlook on life;

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<sup>18</sup> Hatzenbuehler, Mark. "The Social Environment and Suicide Attempts in Lesbian, Gay, and Bisexual Youth." *Pediatrics* (2011).



an outlook that may harm others (an outwards effect), the individual him/herself (an inwards effect), and contribute to societal narrow-mindedness and violence.

*Uses sociological and psychological study to evaluate cultural relativist argument.*

c. **Contextualizing the Bill** ✓

In addition to an evaluation of the bill, a thorough investigation requires the consideration of the context in which the bill exists. For this purpose, two such contexts exist: the local and global. However, the role played by the bill remains the same in both albeit on different scales.

Both in local and global contexts, the bill – as mentioned in the Introduction – represents the culmination of political backlash in response to rising visibility of the gay community.

Although the aforementioned reforms of former President Yeltsin suggested a liberal, progressive direction for the country, upon achieving economic stability, the nation shifted to the right, siding itself with the Church, embracing imperialistic interests, and gradually increasing the difficulty of settling in Russia for foreigners. These measures, although attributed to current President Vladimir Putin by critical Western media sources, are the result of a bipartisan sentiment in Russia, one that rejects supposedly radical liberal reforms and westernization. Among these reforms are those that empower and enfranchise homosexuals (as well as other members of the LGBT community), an aim in contravention of the reactionary values of the Russian government and its religious proponents. As such, the aggressive legislation ratified by the Russian government in recent years is arguably a response to the actions of its Western contemporaries; many have criticized it for isolating Russia within international communities, but particularly in light of recent developments concerning Ukraine, isolationist policy is characteristic of the current regime and thus suggests that anti-gay policy is but a facet of a collective effort to distance Russia from westernization.

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Therefore, the bill must be perceived as a measure against Western influence, both from within and from outside Russia's borders; however, this aggressive undertone lends to criticism of the bill rather than support, as its attack on the gay community and its ability to express itself takes on a deliberate nature rather than that of a side-effect of efforts to protect Russian youth from perceived 'decadence'. ✓

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But Russia is not alone in rejecting human rights progress for LGBT people. Rather, a number of states have taken to resisting demand for the furthering of gay rights by human rights organizations: Uganda, for one, who in 2009 attempted to ratify a bill that would impose the death penalty upon those guilty of "aggravated homosexuality".<sup>19</sup> Although international outrage prompted revision of the bill's contents, it nonetheless passed in February 2014, appeasing right-wing parties and believers; indeed, a study of 39 countries by the Pew Research Centre in 2013 presented a strong correlation between anti-LGBT legislation and prevalent religious sentiment.<sup>20</sup> As such, developments in Russia must be viewed in the context of religious and conservative backlash over the advent of gay rights in the West: a trend visualized by the map below.

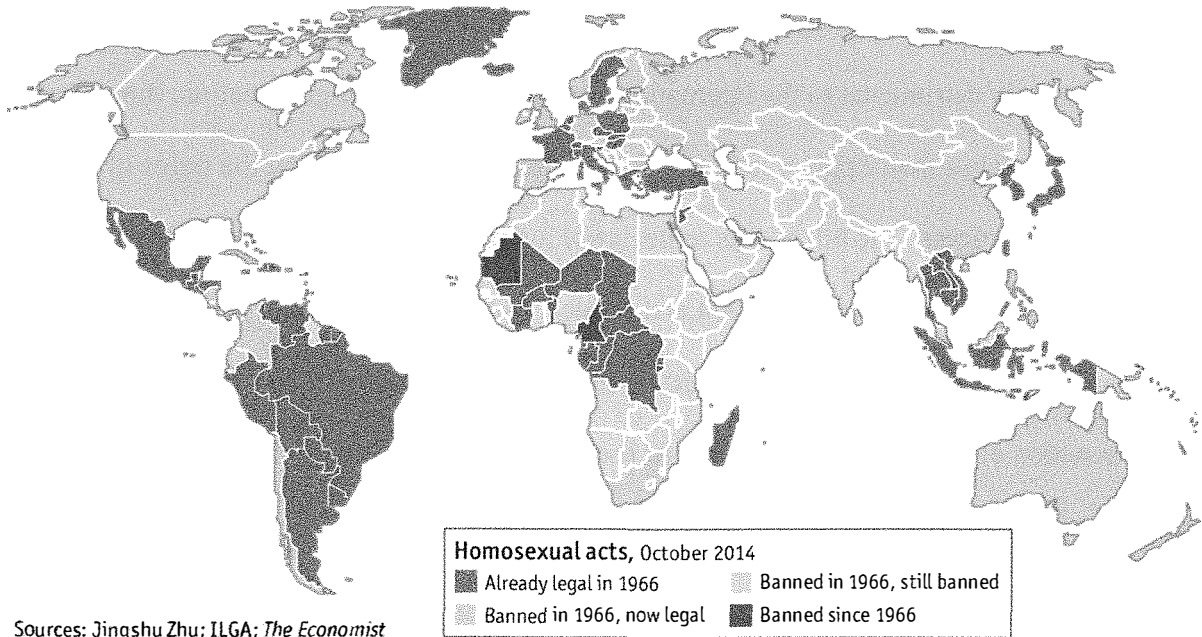
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<sup>19</sup> The Economist. "Tainting Love." *The Economist*. 14 Oct. 2014: n. pag. *The Economist*. Web. 17 Oct. 2014.

<sup>20</sup> Ibid.



## Then and now



Sources: Jingshu Zhu; ILGA; *The Economist*

21

## Conclusion

To call homophobia a Russian tradition would be grossly incorrect and moreover, a reflection of prejudice. If anything, the history of gay rights in Russia has been tumultuous, with certain leaders pushing for tolerance and others calling for its criminalization. But if not a tradition, then what can the pervasive homophobia with which Russia now bears association to those around the world be called? Arguably, a long-established social conflict, spurred to greater heights by developments in the world around it. Consult the past, and the source of today's hate is clear: misinformation and scapegoating by politicians of darker times. To defend the homophobia exacerbated by the bill in question on cultural grounds is to lend support to the lies of leaders long condemned and condone the blatant violation of international human rights law; to support the toxic heterosexism of the society in which tomorrow's leaders grow is to overlook

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<sup>21</sup> Ibid.

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the suffering of youth that have yet to call themselves adults. One *could* adopt a reactionary stance, and claim that the old ways are best; but the old ways breed bigotry and violence, in a manner ultimately detrimental to the international reputation of a once-great nation; moreover, they move to isolate a major player in world politics, knowingly threatening the rights of a group of people in the process. The bill and its terms is *not* justifiable from a human rights perspective, as it silences those seeking representation and a voice, and, in the classroom, prevents those yet to find theirs the chance to ever do so, violating established international law and pursuing a goal in contravention of the essence of universalist theory and of contemporary human rights as a whole.

The essay consults an imaginative range of relevant sources and locates the debate in an academic context. ✓

The RQ is evaluated within the scope of HR perspectives and whilst this is sophisticated in places, the objectivity and balance could be more effective in others.

The HR most closely related to the RQ "non-discrimination" is not analyzed on the paper.




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## **Appendices**

### **Appendix A: On Amendments to Article 5 of the Federal Law On Protecting Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values (2013)**

#### **Article 1**

To insert the words “promoting non-traditional sexual relationships” after the word “values” into Clause 4 Section 2 Article 5 of Federal Law of December 29, 2010 No. 436-FZ On Protecting Children from Information Harmful to their Health and Development

#### **Article 2**

To insert the words “from information promoting non-traditional sexual relationships,” after the words “pornographic nature” into Clause 1 Article 14 of Federal Law dated July 24, 1998 No. 124-FZ On Basic Guarantees of the Rights of the Child in the Russian Federation

#### **Article 3**

Insert into the Code of the Russian Federation On Administrative Offences the following amendments:

1) in first Paragraph Section 1 Article 3.5 the words “by Articles 5.38, 20.2” shall be changed by the words “by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 20.2”, the words “stipulated by Section 2 Article 6.21, Section 21 Article 14.16”;

2) in Chapter 6:

a) in Section 1 Article 6.17: in the first Paragraph, to change the words “by Article

6.20” by the words “by Articles 6.20, 6.21”; in the second Paragraph, the words “and (or) administrative” shall be changed by the words “or administrative”;

b) add Article 6.21 as follows:

**‘Article 6.21. Promotion of non-traditional sexual relationships among minors**

1. Promotion of non-traditional sexual relationships among minors expressed in the dissemination of information aimed at forming of non-traditional sexual orientation, attractiveness of non-traditional sexual relationships, distorted interpretation of social equivalency of traditional and non-traditional sexual relationships or touting of information on non-traditional sexual relationships that attracts interest to such relationships in minors, if these actions do not contain criminal offence,-

is subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from forty thousand to fifty thousand roubles; on legal entities, from eight hundred thousand to one million roubles or administrative suspension of activities for a period to ninety days.

2. Actions stipulated by Section 1 hereof done using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from one hundred thousand to two hundred thousand roubles; on legal entities, one million roubles or administrative suspension of activities for a period to ninety days.

3. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person, if these actions do not contain criminal offence,

-are subjected to imposition of administrative fine in the amount from four thousand to five thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation.

4. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from fifty thousand to one hundred thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation”;

3) in Section 1 Article 23.1 numbers “6.18 - 6.20” shall be changed by the numbers “6.18 - 6.21”;

4) in Section 2 Article 28.3:

a) Clause 1 after numbers “6.20,” insert numbers “6.21,”;

b) Clause 58 after numbers “6.13,” insert numbers “6.21,”.

#### **Article 4**

In second Paragraph Clause 1 Article 1 of the Federal Law of May 7, 2013 No. 96-FZ On Amendments to the Code of the Russian Federation on Administrative Offences (Legislation Bulletin of the Russian Federation, 2013, No. 19, Article 2323), the words “by Articles 5.38, 7.13, 7.14, 7.142, Section 2 Article 7.15” shall be changed by the words “by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 7.13, 7.14, 7.142, Section 2 Article 7.15”, the words

“stipulated by Section 21 Article 14.16” shall be changed by the words “stipulated by Section 2 Article 6.21, Section 21 Article 14.16”.

#### **Article 5**

This Federal Law comes into force from the date of its official publication.

President of the Russian Federation                      V. Putin

“Russian Propaganda Law and the Basic Law on the Protection of Children from Harmful Info.”

*European Dignity Watch*. European Dignity Watch, Sep. 2013. Web. 25 May 2014.

<[http://www.europeandignitywatch.org/fileadmin/user\\_upload/PDF/Day\\_to\\_Day\\_divers\\_e/2013\\_09\\_Russian\\_Propagand\\_Law\\_and\\_the\\_Basic\\_Law\\_on\\_the\\_protection\\_of\\_Children\\_from\\_harmful\\_info\\_eng.pdf](http://www.europeandignitywatch.org/fileadmin/user_upload/PDF/Day_to_Day_divers_e/2013_09_Russian_Propagand_Law_and_the_Basic_Law_on_the_protection_of_Children_from_harmful_info_eng.pdf)>

#### **Appendix B: United Nations Universal Declaration of Human Rights (1948)**

##### **Preamble**

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

#### **THE GENERAL ASSEMBLY**

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### **Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

**Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3**

Everyone has the right to life, liberty and the security of person.

**Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6**

Everyone has the right to recognition everywhere as a person before the law.



**Article 7**

All are equal before the law and are entitled without any discrimination to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone is entitled in full equality to a fair, and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11**

1. Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it

was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### **Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

#### **Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

#### **Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### **Article 15**

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

## **Article 16**

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

## **Article 17**

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

## **Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## **Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

**Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23**

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

#### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### **Article 25**

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

#### **Article 26**

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

#### **Article 27**

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

#### **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

#### **Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

### **Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

“The Universal Declaration of Human Rights.” *Welcome to the United Nations: It’s Your World.*

United Nations, n.d. Web. 25 May 2014. <<http://www.un.org/en/documents/udhr/>>

## **Appendix C: On Protecting Children from Information Harmful to their Health and Development**

**Approved by Federation Council on December 24, 2010**

### **Chapter 1. General provisions**

#### **Article 1. Jurisdiction of this Federal Law**

1. This Federal Law shall regulate relationships connected to the protection of children from information harmful to their health and (or) development, including from such information that can be found in informational product.

2. This Federal Law shall be applied to the relationships in the field of:

- 1) circulation of information product containing scientific, technical and statistical information;

2) dissemination of information, inadmissibility of access restriction to which is established by the Federal Law of July 27, 2006 No. 149-FZ On Information, Information Technologies and Information Protection and other federal laws;

3) circulation of information products having significant historical, artistic or other cultural value for the society;

4) advertisements.

## **Article 2. Basic concepts used in this Federal Law**

The following basic concepts are used in this Federal Law:

1) access of children to information is the possibility of receipt and usage of freely disseminated information by children;

2) mark of information product is graphical and (or) textual symbol in accordance with classification on information product stipulated by Section 3 Article 6 hereof;

3) entertainment is demonstration of information product in the place available to children and the place, where considerable number of people is present that do not belong to usual family ambiance, including by means of performance of theatrical and spectacular, cultural and educational and entertaining activities;

4) informational safety of children is safe condition of children, upon which there is no risk connected to information harm infliction to their health and (or) physical, psychic, moral and ethical development;

5) information product is intended for circulation of product of mass media, printed product, audiovisual product in any form, programs for computers (computer programs) and databases as well as information disseminated by means of entertaining activities and



information placed in informational and telecommunication networks (including Internet) and networks of mobile telephone communications in the Russian Federation;

6) information product for children is information product complying with physical, psychic, moral and ethic development of children by theme, content and artistic design;

7) information harmful to health and (or) development of children is information (including contained in information product for children), dissemination of which is forbidden or limited in accordance herewith among children;

8) information of pornographic nature is information represented in the form of naturalistic images or description of human genitals and (or) sexual relationships or act of sexual nature comparable to sexual relationships, including such act done in regard to an animal;

9) classification of information product is information product distribution depending on its theme, genre, content and artistic design under age category of children in accordance with the procedure established hereby;

10) places accessible for children are public places, access of child to which and (or) staying of child where is not forbidden, including public places, where child has access to product of mass media and (or) placed in information and telecommunication networks of information product;

11) naturalistic image or description is an image or description in any form and using any means of human, animal, separate parts of human body and (or) animal, activity (inactivity), events, phenomena, their consequences focusing attention on details, anatomical specialties and (or) physiological processes;

12) circulation of information product is representation and (or) dissemination of information product, including its selling (including subscription), lease, hiring, distribution, output from public library funds, public showing, public performance (including using broadcasting or cable casting, entertainment events), placing in informational and telecommunication networks (including Internet) and networks of mobile telephone communications;

13) expert is a person that meets the requirements hereof and is involved to carry out expert examination of information product and expert opinion presentation or classification of information product and carrying out of its expert examination.

**Article 3. Legislation of the Russian Federation on protecting children from information harmful to their health and (or) development**

Legislation of the Russian Federation on protecting children from information harmful to their health and (or) development consist of the Constitution of the Russian Federation, this Federal

Law, other federal laws and other regulatory acts adopted in accordance therewith.

**Article 4. Power of federal executive authority, government bodies of the constituent units of the Russian Federation in the field of protecting children from information harmful to their health and (or) development**

1. The power of federal executive authority authorized by the Government of the Russian Federation in the field of protecting children from information harmful to their health and (or) development includes:

1) development and implementation of unified state policy in the field of protecting children from information harmful to their health and (or) development;

2) development and implementation of federal special-purpose programs of children information security, information product production for children and circulation of information product;

3) establishment of a procedure of information product expert examination performance provided hereby;

4) state monitoring and control for the compliance of the legislation of the Russian Federation on protecting children from information harmful to their health and (or) development.

2. The power of government authorities of the subjects of the Russian Federation in the field of protecting children from information harmful to their health and (or) development include development and implementation of regional programs of children information security provision, information product production for children and circulation of information product.

#### **Article 5. Kinds of information harmful to health and (or) development of children**

1. Information harmful to health and (or) development of children includes:

1) information stipulated by Section 2 of this article and forbidden for dissemination among children;

2) information stipulated by Section 3 of this article with the account of provisions 7 - 10 hereof and dissemination of which is limited among children of defined age categories.

2. Information forbidden to be disseminated among children includes information:

1) inducing children do acts harmful for their life and (or) health, including causing harm for their health, suicide;

2) able to create children' desire to use narcotics, psychotropic and (or) intoxicating drugs, tobacco products, alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in prostitution, vagabondage and beggary;

3) justifying or defending acceptability of violence and (or) cruelty or inducing to perform violent acts concerning people or animals, except for cases stipulated hereby;

4) denying family values and forming disrespect to parents and (or) other family members;

5) justifying offending behavior;

6) containing strong language;

7) containing information of pornographic nature.

3. Information, dissemination of which is limited among children of defined age category,

includes information:

1) represented in the form of image and description of cruelty, physical and (or) psychic abuse, crime or other antisocial action;

2) inciting children' fear, horror or panic, including represented in the form of image or description of non-violent death, disease, suicide, casualty, accident, disaster humiliating human dignity and (or) their consequences;

3) represented in the form of image or description of sexual relationships between male and female;

4) containing strong words and expressions that do not belong to strong language.

## **Chapter 2. Classification of information product**

## **Article 6. Classification performance of information product**

1. Classification of information product is performed by its producers and (or) distributors independently (including involving expert, experts and (or) expert organizations meeting requirements of Sections 4 and 5, 8 Article 17 hereof) till the beginning of its circulation in the Russian Federation.

2. Upon research conduct for the purpose of classification of information product, the following matters are subject to examination:

- 1) theme, genre, content and artistic design thereof;
- 2) features of information perception contained in it by children of defined age category;
- 3) possibility of information contained in it inflicting harm for health and (or) development of children.

3. Classification of information product (except for information product stipulated by Section 5 of this Article) is performed in accordance with requirements hereof under the following categories of information product:

- 1) information product for children under six years old;
- 2) information product for children who has reached the age of six years old;
- 3) information product for children who has reached the age of twelve years old;
- 4) information product for children who has reached the age of sixteen years old;
- 5) information product forbidden for children (information product containing information stipulated by Section 2 Article 5 hereof).<sup>9</sup>

4. Classification of information product intended and (or) used for training and education in educational institutions correspondingly implementing basic general educational programs, basic vocational general educational programs of elementary vocational education, secondary vocational education, in educational institutions of additional education for children is performed in accordance herewith and legislation of the Russian Federation in the field of education.

5. Classification of films is performed in accordance with requirements hereof and with the account of the procedure established by the Federal Law of August 22, 1996 No. 126-FZ On State Support for Cinematography of the Russian Federation.

6. Information received as a result of classification of information product is pointed out producers or distributors in accompanying documents on informational product and is the basis for placing on it meeting requirements of relevant technical regulations of the mark of information product and for its circulation in the Russian Federation.

**Article 7. Information product for children under the age of six years old**

Information product for children under the age of six years old may include information product containing information not harmful for health and (or) development of children (including information product containing episodic non-naturalistic images or descriptions of physical and (or) psychic abuse justifying its genre and (or) content (except for sexual abuse) upon the condition of triumph of good over evil and showing compassion to victim of abuse and (or) condemnation of abuse).

**Article 8. Information product for children who has reached six years old**

Information product allowable for circulation intended for children who has reached six years old

may include information product stipulated by Article 7 hereof as well as information product containing justified by its genre and (or) content:

1) short-time and non-naturalistic images or description of human disease (except for serious diseases) and (or) their consequences in the form not humiliating human dignity;

2) non-naturalistic image or description of casualty, accident, disaster or non-violent death without demonstration of their consequences that may incite children' fear, horror and panic;

3) episodic images or descriptions of these activities and (or) crimes not inducing to conduct of antisocial actions and (or) crimes as long as their admissibility is not justified and defended and negative and disapproving attitude is expressed concerning persons committing them.

#### **Article 9. Information product for children who has reached twelve years old**

Information product allowable for circulation intended for children who has reached twelve years old may include information product stipulated by Article 8 hereof as well as information product containing justified by its genre and (or) content:

1) episodic images or descriptions of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration of homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);

2) images or descriptions not inducing to conduct antisocial actions (including to use alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in vagabondage or beggary), episodic mentioning (without demonstration) of narcotics, psychotropic and (or) intoxicating drugs, tobacco products as long as admissibility of antisocial actions is not justified and defended, negative and disapproving attitude is expressed concerning them and hazard statement to use the mentioned product, articles, substances, articles is pointed;

3) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

#### **Article 10. Information product for children who has reached sixteen years old**

Information product allowable for circulation intended for children who has reached sixteen years old may include information product stipulated by Article 9 hereof as well as information product containing justified by its genre and (or) content:

1) image or description of casualty, accident, disaster, disease, death without naturalistic demonstration of their consequences that may incite children' fear, horror or panic;

2) image or description of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);



3) information on narcotics or psychotropic and (or) intoxicating drugs (without their demonstration), on hazardous consequences of their use with demonstration of such cases as long as negative, disapproving attitude to the use of such articles or substances is shown and hazard statement to use them;

4) separate strong words and (or) expressions that do not belong to strong language;

5) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

### **Chapter 3. Requirements to the circulation of information product**

#### **Article 11. General requirements to the circulation of information product**

1. Circulation of information product containing information stipulated by Section 2 Article 5 hereof is not allowed, except for cases provided hereby.

2. Circulation of information product containing information to be disseminated among children in accordance with Section 2 Article 5 hereof in places accessible for children is not allowed without employment of administrative and organizational measures, technical and soft hardware of children's protection from mentioned information.

3. Requirements to administrative and organizational measures technical and soft hardware of children's protection from information harmful for their health and (or) development are established by federal executive authority authorized by the Government of the Russian Federation.

4. Circulation of information product containing information product stipulated by Article 5 hereof is not allowed without mark of information product, except for:

1) textbooks and teaching guides recommended or permitted to be used in educational process in accordance with the legislation of the Russian Federation in education field;

2) television programs, television shows aired without prior record;

3) information product disseminated by means of radiobroadcast;

4) information product demonstrated by means of entertainment events;

5) printed periodical publications specialized on dissemination of information of socio-political or production and practical nature.

5. In the presence of parents or other legal representatives of children who has reached six years old circulation of information product stipulated by Article 9 hereof is permitted.

6. Before the beginning of demonstration of information product by entertainment events, mark of information product is given to it. Upon demonstration of several kinds of information product for children of different age categories, the mentioned mark should be correspondent to 2

information product for children of elder age category. Mentioned mark is placed on billposters and other announcements on performance of entertainment events as well as on admission tickets, invitations and other documents giving right of its admission.

7. Demonstration by means of entertainment event of information product containing information stipulated by Article 5 hereof is preceded immediately before the beginning of entertainment event by sound announcement on inadmissibility or limitation of presence of

children of corresponding age category on such demonstration.

8. In distribution certificate of audiovisual work, registration certificate shall include information on a category of this information product as means of mass media TV and radio program, printed periodical publication for children.

#### **Article 12. Mark of information product**

1. Category of information product is defined in accordance with requirements of Articles 6 - 10 hereof and is designated by mark of information product placed with the compliance of requirements of this Article and requirements of corresponding technical regulations by its producers or distributors.

2. Producer, distributor of information product places mark of information product and (or)

textual warning on limitation of its dissemination before the beginning of broadcasting of TV program, TV show, demonstration of film upon cinema and video facilities in accordance with the procedure established by the federal executive authority authorized by the Government of the Russian Federation. Mark of information product is displayed in the corner of the picture, except for demonstration of the film performed in the cinema hall. The size of the mark of information product shall make no less than five percent of screen area.

3. The size of the mark of the information product shall make no more than five percent of billposter or other announcement area on the performance of corresponding entertainment event, announcement on film and video show as well as admission ticket, invitation or other document giving right to attend such event.

4. Mark of information product is placed in published programs of TV and radio programs, lists and catalogues of information product placed in information and telecommunication networks.

**Article 13. Additional requirements to dissemination of information product by means of TV and radio broadcasting**

1. Information product containing information stipulated by Clauses 1 - 5 Section 2 Article 5 hereof is not subjected to dissemination by means of TV and radio broadcasting from 4 a.m. till 11 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

2. Information product containing information stipulated by Clauses 4 and 5 Article 10 hereof is not subjected to be disseminated by TV and radio broadcasting from 7 a.m. till 9 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

3. Dissemination of information product by TV broadcasting is accompanied by message on limitation of its dissemination in the beginning of demonstration (including by means of “roller titles” does not exceed five percent of the screen area).

4. Dissemination of information product by means of radio broadcasting is accompanied by

message on limitation of its dissemination in the beginning of broadcasting of information product and after each broadcast interruption.

5. Upon placement of message on limitation of its dissemination by means of TV and radio

broadcast of information product forbidden for children, use of fragments of mentioned information product containing information harmful for health and (or) development of children is not permitted.

**Article 14. Additional requirements to dissemination of information product by means of information and telecommunication networks**

Children's access to information disseminated by means of information and telecommunication networks (including Internet) is provided by service providers rendering telematic communications services in public access points provided that specified service providers use technical, protection software hardware for children from information harmful for their health and (or) development.

**Article 15. Additional requirements to the circulation of separate kinds of information product for children**

1. It is not permitted to place messages to attract children to participate in creation of information product harmful for their health and (or) development in information product for children, including information product placed in information and telecommunication networks (including Internet) and mobile communication network.<sup>14</sup>

2. Content and artistic design of information product intended to teach children in pre-school educational institutions shall conform to content and artistic design of information product for children under the age of six years old.

3. Content and artistic design of printed press, print media materials (including exercise books, school diaries, covers for books, markers for books), audiovisual products, other information product used in educational process shall conform to the requirements of Articles 7 - 10 hereof.

**Article 16. Additional requirements to the circulation of information product forbidden for children**

1. Front and back pages of a newspaper, cover page of printed product copy, other print media materials forbidden for shall not contain information harmful for health and (or) development of children upon dissemination for indefinite scope of persons in places accessible for children.

2. Information product forbidden for children is permitted to be disseminated in the form of printed product in places accessible for children only in sealed packages.

3. Information product forbidden for children is not permitted to be disseminated in educational institutions, nursery healthcare, health resort, physical educational institutions, cultural organizations intended for children, recreation and sanitation organizations for children or at a distance of less than one hundred meters from the borders of mentioned organization territories.

**Chapter 4. Expert examination of information product**

## **Article 17. General provisions to expert examination of information product**

1. Expert examination of information product is performed for the purpose of information security of children by the decision of federal executive authority authorized by the Government of the Russian Federation, an expert, experts and (or) expert organizations.

2. Legal entities, individual entrepreneurs, public associations, other non-profit organizations, citizens have the right to apply to federal executive authority authorized by the Government of the Russian Federation to conduct expert examination of information product, which makes decision to refer the mentioned application to an expert, experts and (or) expert organizations within a period of up to ten days.

3. Expert examination of information product is performed by an expert, experts and (or) expert organizations accredited by federal executive authority authorized by the Government of the Russian Federation in accordance with the established procedure.

4. An expert, experts and (or) expert organizations are defined by federal executive authority authorized by the Government of the Russian Federation on the basis of random sampling technique with the account of a kind of information product subjected to expert examination.

5. Federal executive authority authorized by the Government of the Russian Federation issues accreditation certificates, suspends or terminates effect of issued accreditation certificates, keeps a register of accredited experts and expert organizations.

6. Expert examination of information product may be performed by two or more experts of certain specialty (single-discipline expert panel) or different specialties (multi-discipline expert panel).

7. Persons who have received higher vocational education, possess special knowledge, including in the field of pedagogic, developmental psychology, developmental physiology, child psychiatry are involved in the capacity of an expert, experts to perform expert examination of information product, except for persons:

1) who have or had a criminal record for commitment of serious or extremely serious crimes against a person, crimes against sexual integrity and sexual freedom of a person, against family and minors, intentional crimes against health of population and public morality;

2) who are the producer, distributor of information product transferred on expert examination or their representatives.

8. The period of expert examination of information products cannot exceed ninety days from the date of receiving an application for its performance.

9. The expenses connected to expert examination of information products are reimbursed in accordance with the procedure established by federal executive authority authorized by the Government of the Russian Federation.

#### **Article 18. Expert opinion**

1. Upon completion of expert examination of information products, expert opinion is given.

2. Expert opinion includes:

1) date, time and place of expert examination performance of information product;



2) information about the expert organization and the expert (surname, first name, patronymic, education, specialty, specialty professional experience, availability of a scientific degree, academic title, job position, place of work);

3) Issues raised before the expert, experts;

4) analysis subjects and materials submitted for expert examination of information products;

5) content and results of analysis mentioning methods;

6) substantiated responses on issues raised before an expert, experts;

7) conclusions on the presence or absence of information harmful for health and (or) development of children in the product information or on the compliance or non-compliance information product with certain categories of information products, on the compliance or non-compliance of information product with mark of information product.

3. Expert opinion of single-discipline expert panel is signed by all the experts involved in the performance of mentioned expert examination if their opinions on the issues raised coincide.

In

the event of a dispute, each expert provides a separate expert opinion on the issues that caused the discrepancy. Each expert who participated in the performance of single-discipline expert panel signs a part of the expert opinion that describes analysis conducted by them and is responsible therefor.

4. Within five days after signing of the expert opinion, it is sent to the federal executive authority authorized by the Government of the Russian Federation.

#### **Article 19. The legal consequences of expert examination of information**

Not later than fifteen days after receipt of the expert opinion, the federal executive authority authorized by the Government of the Russian Federation makes a decision:

1) on non-compliance of information product with requirements hereof and the imposition of injunction to remove the revealed violations if the expert opinion contains conclusion on the presence of information harmful for health and (or) development of children in information product or of non-compliance of mark information products of certain category with information product;

2) on compliance of information product with requirements hereof and on refusal to impose the injunction mentioned in Clause 1 of this Section.

## **Chapter 5. Supervision and control in protecting children from information harmful for their health and (or) development**

### **Article 20. State supervision and control over compliance with the legislation of the Russian Federation on protecting children from information harmful for their health and (or) development**

1. State supervision and control over compliance with the legislation of the Russian Federation on protecting children from information harmful of their health and (or) development is performed by federal executive authority authorized by the Government of the Russian Federation.

2. State supervision and control over compliance with the legislation of the Russian Federation on protecting children from information harmful of their health and (or) development is performed taking into account the requirements of the Federal Law of December 26, 2008 No. 294-FZ On the Protection of the Rights of Legal Entities and Individual Entrepreneurs

During Exercising the State Control (Supervision) and Municipal Control.

**Article 21. Public control in protecting children from information harmful for their health and (or) development**

1. Public associations and other non-profit organizations registered in accordance with the procedure established by federal law in accordance with their charters as well as citizens have the rights to perform public control over the compliance of requirements hereof in accordance with the legislation of the Russian Federation.

2. Upon the performance of public control, public associations and other non-profit organizations, citizens have the right to:

1) perform monitoring of information product circulation and access of children to information, including by creating “hot lines”;

2) apply to federal executive authority authorized by the Government of the Russian Federation, to perform expert examination of information products in accordance with the requirements hereof.

**Chapter 6. Responsibility for violation in protecting children from information harmful to their health and (or) development**

**Article 22. Responsibility for violations in protecting children from information harmful to their health and (or) development**

Violation of the legislation of the Russian Federation on protecting children from information harmful to their health and (or) development entails responsibility in accordance with the legislation of the Russian Federation.

**Chapter 7. Final provisions**

**Article 23. Procedure of coming into effect of this Federal Law**

1. This Federal Law comes into effect from September 01, 2012.

2. Provisions of Section 1 Article 12 hereof is not applied to printed products, released into circulation before coming into force of this Federal Law.

**D. Medvedev, the President of the Russian Federation**

“Russian Propaganda Law and the Basic Law on the Protection of Children from Harmful Info.”

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