



**Russian Federation Anti-Gay Laws:
*An Analysis & Deconstruction***

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About the Cover Image:

The cover artwork of this paper is part of the "Welcome! Sochi 2014" series by artist Vasily Slonov of Krasnoyarsk, Siberia. Mr Slonov is with the 11-12 Gallery <http://www.11-12gallery.com/artists/vasily-slonov> The work is being used, in this freely distributed white paper, in conjunction with Article 19 of Russian Federation Law on Copyright and Neighboring Rights.¹

1 <http://www.copyright.ru/ru/documents/zakoni/>

Preface

As a college student in 1998 the horrific murder of Matthew Shepard was the catalyst that both laid the foundation for my own coming out and inspired me to become involved in working to move the needle towards inclusion and equality for the Lesbian, Gay, Bisexual, Transgender (LGBT) community.

For background, the personal journey I began after Matthew's murder influenced my professional career path which has primarily focused on diversity and inclusion. As a diversity practitioner I have provided strategic counsel to and worked closely with the senior leadership of several major corporations, nonprofits and educational institutions to develop innovate, savvy and business-centric solutions to align diversity and inclusion imperatives with their existing marketplace, talent and operational objectives. I have authored and edited several major research-based benchmarking publications and white papers that focused on all areas of workplace diversity management from recruitment and retention and affinity groups to supplier diversity and crisis communications. These publications have been an important resource for corporations formulating, revising and enhancing their comprehensive strategic diversity plans. As a journalist and managing editor I have conducted countless broadcast (TV, radio) interviews focused on various diversity issues with CEOs of the world's largest public and privately-held companies, prominent US government officials (both elected & appointed), key leadership & ownership of professional sports leagues & teams and prominent individuals in the world of entertainment and the arts.

Needless to say, the advancement of LGBTQQI rights (and all human rights) in both the United States and abroad are very important to me and so much of my personal and professional life has focused on advancing equality and tolerance.

This past summer, about a month after the US Supreme Court ruled the Defense of Marriage Act was unconstitutional and also overturned California's Proposition 8, the US media began extensive reporting on a new Russian anti-gay law that outlawed "homosexual propaganda" and allowed violators to be fined and foreign violators to be arrested. Legislating inequality is something that disgusts me, but since the United States has a long, continued history of legislating against the LGBTQQI community I was not shocked that another country would do the same. However there was something about the reporting that bothered me, I knew from early reporting that the law banned "propaganda of nontraditional sexual relations to minors," but the word minors or children was never mentioned by the media; but I did not think much of it.

On August 4, 2013² my perception of the Russian anti-gay law would be challenged by two men whose analysis and insights I greatly respect: Adam Curry³ and John C Dvorak⁴ of the No Agenda Show.

For those unfamiliar with the No Agenda Show, it is a free-flowing conversation between Adam and John where they deconstruct news stories and analyze public relations agencies involvement; political motivations; secondary sources; in an effort to extract the elements of a given topic that the mainstream media fails to explore. They do not approach their analysis from a political slant, instead they examine the source material (legislation, studies, testimony, court filings, official reports, etc), their deep understanding of people and their unapparelled ability to dissect today's media, politics, society and culture which results in the most well-researched, rational and shrewd analysis available.

It is important to know that on August 4, Adam was broadcasting from the Netherlands where he and his wife were visiting Adam's daughter and her girlfriend. I mention this because prior to discussing the Russian law, Adam had told John about the fantastic family outing he, his wife, daughter and her girlfriend had the day before: participating in the Amsterdam Gay Pride Parade as part of the OUT TV float. (You should also know that Adam has long been trying to determine if he puts the B or the Q in LGBTQQ.) When the topic of discussion transitioned from the fabulous family outing to the Russian anti-gay law I was keenly interested in what he and John would say and wondered how harshly he would condemn Russia; as Adam presented his analysis I found myself surprised at what I was hearing and growing more convinced that Adam's analysis was completely inaccurate. The analysis concluded with references to several things that I had not heard reported by any US media and John, who had not researched the Russian law, found Adam's analysis plausible.

The fact that both Adam and John are true supporters/allies of the LGBTQQI community made it impossible to dismiss their analysis superficially; so that Sunday afternoon with great confidence I became a man on a mission: to completely disprove their analysis .

This white paper is the product of that mission. I invite you to read this paper and join me on this journey; a journey which included numerous twists and turns, a range of emotions and enlightenment, all of which I experienced and have tried to represent in my writing.

2 <http://536.NAShownotes.com>

3 <http://www.Curry.com>

4 <http://www.Dvorak.org>

Note to Readers:

Please note that in an effort to be as transparent as possible and provide you with sources for further reading, please find that for each fact, statistic, report, quotation, and government document that is referenced the reader is provided a full citation . Note the Appendix includes the full texts of the "Russian anti-gay law" and full text of each section of Federal Law and Administrative Code that have been changed by the "anti-gay law."

Executive Summary

10 Things You Didn't Know About Russia's Anti-Gay Law & LGBT Rights

1. The law never mentions or uses the word gay, lesbian, homosexual or any other LGBT identifier. [Chapter 2 & Appendix]
2. The law focuses on children, it's title is "On Protections of Minors from Propaganda of Non-Traditional Sexual Relations". The messaging and strategy to bring the ban on propaganda from the law of several regions to national laws is part of a larger family values push and is based on the successful anti-same sex marriage push in the United States. [Chapter 2]
3. Russia is actually expanding protections of members of the LGBT community: On September 20, 2013 the official delegation of the Russia Federation announced their willingness to take all required measures to prevent homophobic hate crimes and discrimination on grounds of sexual orientation at the 24th UN Human Rights Council. [Chapter 2]
4. There have been regional (much harsher) versions of the propaganda ban in effect for 7 years and there were only 2 convictions for violations of the regional laws and both were overturned. [Chapter 3]
5. In 6 months of the Federal Law there have been 3 convictions: 2 were acts of civil disobedience to challenge the legality of the law, the other is a story which you must read. [Chapter 3]
6. Statistically you are far more likely to be the victim of an anti-LGBT Hate Crime in the United States than in Russia. [Chapter 4]
7. In Russia you cannot be fired from your job for being an LGBT individual, in the United States you can. [Chapter 4]
8. Since 1993 gay sex was made legal in Russia, in 12 US States gay sex is a crime. [Chapter 4]
9. While President Obama says "I have no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them." his policies demonstrate he has nothing but patience. [Chapter 5]
10. The group impacted most if found to be in violation of the law: Multinational corporations. [Chapter 6]

Chapter 1: The Surprising Story of How Russia's Anti-Gay Law Emerged in US Broadcast Media

For most Americans it is not commonplace for the laws of foreign nations to come up in casual conversation; sure we all have that friend who rambles on incessantly about international affairs, but as reflected by opinion polls, the average American does not hold world affairs to be among the top issues important to them. In my experience, for most of us, the focus on another country's laws most often emerges when preparing to travel overseas; we will crowdsource people we know who have been to the country and check Wikipedia for information in an effort to avoid making an appearance on *Locked Up Abroad*. Otherwise, as Americans, we tend to focus on policy issues at home rather than abroad in casual discussions.

In late-July 2013 the laws of a foreign country would take center stage and with its emergence I found myself in the most random situations hearing about, what is colloquially referred to as, the "Russian Anti-Gay Law" (Russian Federation Federal Law № 135-FZ : On the propaganda of non-traditional sexual relations among minors) Russian Federation Law No. 135-FZ Propaganda of Non-Traditional Sexual Relationships Among Minors⁶). Just a few of the countless examples I could share: whether while out with friends at a favorite bar or club when a friend orders a drink made with Stolichnaya (Stoli) vodka and is told it is unavailable because of Russia's anti-gay laws or when I got together with some friends to watch the Miss Universe competition and the room was abuzz speculating if host Thomas Roberts might go off script and publicly challenge the law [he didn't], or even over the holidays when discussing the Sochi Olympics only to have a family member ask how I felt about it being illegal to be gay in Russia.

Although my understanding of the law was vague in late-July, I did know the title of the law included the word "minors". I have to admit that I did find it odd that both the media coverage I had viewed and the countless, random times the law was brought up in conversation that not once was the word "children" or "minors" mentioned in conjunction with the law.

As I began my mission to disprove the Curry - Dvorak analysis of the law⁷ I first located the full text of the Russian Federation Law No. 135-FZ but since the document was written in Russian, in order to get a completely accurate translation, I decided to have an

5 <http://www.gallup.com/poll/166880/americans-rate-economy-top-priority-government.aspx>

6 Full Text of Russian Federation Federal Law № 135-FZ available in the Appendix.

7 See the Preface of this document.

expert fluent in Russian do the translation rather than rely on Google. It would be five days before I would receive the translated document so in the interim I decided to immerse myself in the early media coverage of the law.

Having studied and been influenced by the work of Marshall McLuhan, whose book *Understanding Media*⁸ introduced to the world to the enigmatic paradox, "The medium is the message"; in researching media events I have found that an understanding of the emergence of a news story can reveal a wealth of information and lead to a more complete understanding of a topic. Curious to learn if there had been any fundamental changes in the messaging by broadcast media from the earliest reports through the present, I began researching the earliest coverage by American broadcast media in hopes of gaining a more complete understanding of the Russian anti-gay laws.

On **June 29, 2013** Russian Federation President Vladimir Putin signed into law a bill banning the promotion of "non-traditional sexual relations" to minors (Federal Law No. 135-FZ aka the "Russian anti-gay law").⁹ Once signed, the law was immediately enacted/able to be enforced.

The Earliest Coverage by US Broadcast Media

How extensive was the American broadcast news media's initial coverage of the signing & enactment of the "Russian Anti-Gay Law"?

If you picked non-existent; you're right!

The sad reality is that with very few exceptions (where a local news report mentioned it in passing and devoting less than 10 seconds of airtime to it), broadcast news media in the United States completely ignored the "Russian Anti-Gay Law".

To be more specific: by completely ignored I am not only referring to the period between June 29-30, rather the period I am referring to is June 29 through July 21. During this 23 days period the "Russian Anti-Gay Law" was never mentioned, debated or analyzed by any broadcast network news program (ABC, CBS, NBC, PBS), cable news network (CNN, FOX, HLN, MSNBC) or by National Public Radio.

⁸ McLuhan, Marshall. *Understanding the Media*, Mentor Books; 1964.

⁹<http://en.ria.ru/russia/20130630/181970032/Putin-Signs-Anti-Gay-Bill-Into-Law.html>

The print media's coverage, during that same timeframe, was only a touch better than their TV & radio counterparts; as this selection of some of the earliest print articles demonstrates the early reports were mostly benign:

- Putin Signs Law Banning Gay 'Propaganda' Among Children¹⁰ (Bloomberg)
- Russia's Putin signs anti-gay measures into law¹¹ (Associated Press)
- Russia's Bad Weekend for Gay Rights¹² (The Atlantic Wire)
- Some US conservatives laud Russia's anti-gay bill¹³ (Associated Press)
- Russia Passes Bill Targeting Some Discussions of Homosexuality¹⁴ (NY Times)

The examination of the earliest coverage revealed that while non-US media prominently featured/highlighted the word "children" or "minors" in their coverage, US-based media did not. Considering the word "minors" is in the title of the legislation, and as I would later learn the words "minors" and "children" are mentioned several times in the legislation, the omission of those words in US media coverage was curious if not troubling to me; although the explanation could be quite simple: maybe they could not find someone to translate the text from Russian to English.

To help put this the early media coverage in perspective: If you are among the 55% of American's whose main news source is television (broadcast or cable)¹⁵ or the the 1% whose primary news source is NPR, you would not have heard a word about a new law being passed in Russia until 21 July 2013 (that's 3 weeks after the law was enacted).

10 Rose, Scott. (2013, June 30). Putin Signs Law Banning Gay 'Propaganda' Among Children. Bloomberg. Retrieved from <http://www.bloomberg.com/news/2013-06-30/putin-signs-law-banning-gay-propaganda-among-children.html>

11 Staff. (2013, June 30). Russia's Putin signs anti-gay measures into law. Associated Press. Retrieved from <http://bigstory.ap.org/article/russias-putin-signs-anti-gay-measures-law>

12 Ohlheiser, A. (2013, June 30). Russia's Bad Weekend for Gay Rights. The Atlantic Wire Retrieved from <http://www.theatlanticwire.com/global/2013/06/russias-bad-weekend-gay-rights/66729/>

13 Crary, D. (2013, July 1). Some US conservatives laud Russia's anti-gay bill. Associated Press. Retrieved from <http://bigstory.ap.org/article/some-us-conservatives-laud-russias-anti-gay-bill>.

14 Kramer, A. (2013, June 11). Russia Passes Bill Targeting Some Discussions of Homosexuality. NY Times. Retrieved from <http://www.nytimes.com/2013/06/12/world/europe/russia-passes-bill-targeting-some-discussions-of-homosexuality.html>.

15 (2013). TV Is Americans' Main Source of News. Gallup Poll, . Retrieved from <http://www.gallup.com/poll/163412/americans-main-source-news.aspx>

It took 23 days for the Russian Federation's ban of the promotion of "non-traditional sexual relations" toward minors to be mentioned on TV or radio-- the US broadcast media approached reporting the news of the Russian law with the same type of urgency that Casey Anthony had to report her daughter missing.

On 21 July an unlikely voice would emerge and wall to wall coverage of the "Russian Anti-Gay Law" would quickly follow complete with a Chyron letting the viewer know that they are hearing "Breaking News".

An Unlikely Voice Emerges, News Coverage Follows

Who was this unlikely voice that thrust the "Russian Anti-Gay Law" into the spotlight? It was none other than *renowned Russian domestic policy expert*, and one-time Miami Vice guest star, Harvey Fierstein whose *New York Times* Op-Ed on July 21, 2013 was the catalyst for American broadcast media coverage. In an Op-Ed titled "Russia's Anti-Gay Crackdown" the voice of the Easter Bunny in *Elmo Saves Christmas* wrote:

A few days earlier, just six months before Russia hosts the 2014 Winter Games, Mr. Putin signed a law allowing police officers to arrest tourists and foreign nationals they suspect of being homosexual, lesbian or "pro-gay" and detain them for up to 14 days. Contrary to what the International Olympic Committee says, the law could mean that any Olympic athlete, trainer, reporter, family member or fan who is gay – or suspected of being gay, or just accused of being gay – can go to jail.

Earlier in June, Mr. Putin signed yet another antigay bill, classifying "homosexual propaganda" as pornography.¹⁶

Note to the Reader: I greatly admire Harvey Fierstein; he is a truly gifted writer and actor as well as a great social justice advocate whose selfless work has helped to de-stigmatize LGBTQQI issues and foster an environment of acceptance in America. I am in complete agreement with his overall thesis that legislating discrimination is unacceptable.

16 Fierstein, Harvey. "Op-Ed Contributor: Russia's Anti-Gay Crackdown." *The New York Times* (2013, July 21). Retrieved from: http://www.nytimes.com/2013/07/22/opinion/russias-anti-gay-crackdown.html?_r=0.

Fierstein's Op-Ed went "viral" and within 24 hours an event that occurred 24 days earlier and ignored by the US media had become "Breaking News".

Fierstein appeared on most national network and cable news outlets to inform the audience about the existence of the "Russian Anti-Gay Law" and explain the details of the legislation and its potential impact to the American viewer.

Unfortunately, as I would later learn, Fierstein's Op-Ed and media appearances were flooded with inaccuracies, wildly extreme assumptions and a lot of emotion (as we review the law in the following chapters, you will clearly understand the validity of the previous statement).

At the time of his appearances I was stunned by the information Fierstein was sharing and immediately felt that something must be done to help my LGBTQQI brothers and sisters in the Russian Federation.

In retrospect, as you will learn in the subsequent pages, any newsroom's most unskilled intern could have quickly debunked several of the falsehoods that Fierstein presented as fact. This did not happen and the information shared by Fierstein went completely unchallenged--- at a time that a producer or editor could have chosen to put a package together which would present facts about the law, gay rights in Russia and several of the emotional claims Fierstein made; no major media outlet challenged him.

Not only did Fierstein's messaging go unchecked, it became the messaging used by almost every broadcast media outlet and would soon solidify the average viewer's understanding of the "Russian Anti-Gay Law".

Within days a new meme would emerge and be universally accepted: it's illegal to be gay in Russia and one can be thrown in jail if he or she is suspected of being gay.

Social media was aflutter; interestingly as the "outrage" across social media networks escalated the amount of airtime devoted to the story increased. Instead of using the extra airtime to educate and inform the viewer to allow for a better understanding of the law's content, the networks featured content high on emotion and lacking information.

Again, for full disclosure I must share that for weeks I was among the outraged masses. I did not question the accuracy of Fierstein's information because that content became the messaging and facts being reported by all broadcast news outlets. I never considered reading the text of the law or gaining a better understanding of it.

While the first two days of wall-to-wall “Breaking News” coverage of the “Russian Anti-Gay Law” captured the attention of viewers and was popular in social media, I would argue that what occurred on 24 July gave this story the legs it needed to emerge as a long-term story that would be a focus through the Olympics.

A Brilliant Public Relations Tactic

What happened on July 24, 2013? Dan Savage, the popular columnist and advocate, in a shrewd and brilliant move (from a public relations perspective) unveiled the “Dump Stolli Vodka” campaign.

In a column titled “Why I’m Boycotting Russian Vodka”¹⁷ Savage (who disappointingly parroted several of Fierstein’s most inaccurate claims and a few of his own) conjured up the right emotions with his readers and the response to his “Dump Stolli” boycott was most impressive-- within hours of the article’s publication, Sidetrack, Chicago’s largest gay bar announced it would no longer serve Stolli or any Russian vodka. Sidetrack made local and national headlines within 24 hours of their announcement and in the following days and weeks several bars across the United States followed the lead of Sidetrack and joined the boycott.

Let me explain how Savage’s vodka boycott gave the story got “legs” in the eyes of the media: He singlehandedly turned an international story, not just into a national news story, but a local news story. This unprecedented personalization of a global story was achieved by the bars who joined the boycott staged events bringing together activists and bartenders to pour Russian Vodka into the street as the Television cameras captured each drop. Considering that most media markets have a gay bar, the boycott is a win-win: the local news can localize the story and the bar that agrees to boycott gets free publicity (essentially it’s free advertising but called news) resulting in more customers. Everyone, with the exception of the SPI Group (Soli’s parent company), benefits. In reviewing many of the local news coverage of the vodka dump events I immediately noted that, regardless of media market, the comments made by bartenders and activists were the same as the messages pushed by Harvey Fierstein in his New York Time Op-Ed.

It is beyond disappointing to learn that understand the for 24 days after the law was signed the American news media completely ignored it and, after deeming it worthy of airtime (aka likely good for business/ratings) it was presented with a “Breaking News” Chyron.

As this journey to understand the Russian law, the 24 day period after it became law

¹⁷ Savage, Dan. “Why I’m Boycotting Russian Vodka.” The Stranger 24 July 2013: Web. <http://slog.thestranger.com/slog/archives/2013/07/24/why-im-boycotting-russian-vodka>.

that the US media failed to report it was not the most disheartening aspect of the coverage: that was the media's failure to inform and educate the viewer about the content of the law.

In addition to not using the word "minor" or "children" in their coverage, not one major US news media outlet published the text of Russian Federation Law No. 135-FZ. As of this writing it is not easy for the average American to obtain an English translation of the law.

With that in mind, to gain a complete understanding of this major news story, in the subsequent chapters together we will become informed and educated about:

- Russian Federation Law No. 135-FZ Propaganda of Non-Traditional Sexual Relationships Among Minors';
- Areas of Russian Federation Federal Law and Administrative Code changed by the "Russian Anti-Gay Law";
- The impact that the local versions of law banning propaganda of non-traditional sexual relationships to children had prior to the law being nationalized and Russian Court decisions impacting the LGBT community;
- The rights afforded to LGBT individuals in Russia and the LGBT communities in various Russian cities;

Then, we will extract any key information acquired through our examination of those areas, which when put together will hopefully reveal an accurate understanding of the Russian laws regarding propaganda of non-traditional sexual relationships among children. Finally we will explore the entirety of the situation, combining both what we learn about gay rights in Russia with the American response to the Russian law and determine if the American response is purely to advance human rights or might there be other potential motivations or interests behind it.

Chapter 2: Deconstructing & Understanding the Law that Sparked an International Outcry

In a 2004 Lewis Burke Frumkes Lecture in Philosophy at NYU renowned American linguist, activist and media analyst Noam Chomsky said:

The duty of journalists is to tell the truth. Journalism means you go back to the actual facts, you look at the documents, you discover what the record is, and you report it that way.¹⁸

Chomsky's words reflect my own approach to reporting and analysis at the root of which is the fundamental importance of primary source material for one to understand the basic facts which serve as a framework to begin to cover a story. And when reporting it is critical to be transparent through sharing access to the original source material alongside news stories so that readers and historians alike can see evidence of the facts.

As you'll recall from the Preface my reason for examining the "Russian anti-gay laws" was to disprove the analysis of the law presented by Curry & Dvorak on the No Agenda Show, an analysis which challenged the understanding of the law I had developed from US news media coverage and statements by US government officials.

In order to analyze Russian Federation Federal Law № 135-FZ I needed to acquire a copy of it translated to English. Generally when devoting significant coverage to a significant judicial decision, major legislation (both in the US and abroad) or a key international agreement, the larger American news media outlets will provide the reader with an electronic copy of the source material via their website. Sadly at the height of the coverage in early August 2013 an English translation of № 135-FZ was nowhere to be found; needless to say this struck me as most peculiar:

**While everyone was talking about the law,
did anyone actually know what the law said?**

¹⁸ http://journalism.nyu.edu/publishing/archives/bullpen/noam_chomsky/lecture/

As mentioned in the previous chapter I was able to obtain the original Russian text of the law which I had professionally translated; this and other key primary source materials can be found in the Appendix.

The Regional Bans on Propaganda

As I began to examine № 135-FZ, after reading the translated text I found myself with a key unanswered question:

What caused the Russian Federation legislature to address the issue of propaganda of non-traditional sexual relations to minors?

The earliest roots of legislation, regarding the propaganda of non-traditional sexual relations to minors, date back to 2006 in the legislature of the Ryazan Oblast region of the Russian Federation.¹⁹ In a change to the region's Code of Administrative Offenses the region banned "Public actions aimed at "propaganda" of homosexuality (sodomy and lesbianism) among minors."

In 2011 three additional regions: Kostroma Oblast²⁰, Arkhangelsk Oblast²¹, and the City of Saint Petersburg²² enacted similar legislation.

And in 2012 bans on propaganda of non-traditional sexual relations to minors were passed by the legislatures of the following regions of Novosibirsk Oblast²³, Magadan Oblast²⁴, Samara Oblast²⁵, Krasnodar Krai²⁶ and Republic of Bashkortostan.²⁷ In 2013,

19 Ryazan Oblast Region Code of Administrative Offenses, N 182-O3,
<http://guk.ryazangov.ru/upload/iblock/320/182.doc>

20 The Code of Administrative Offenses of Kostroma Oblast, N 352-4-3KO,
<http://www.csp.bmr44.ru/docs/KoAP.doc>

21 The Code of Administrative Offenses of ArkhangelskOblast, N 172-22-O3,
<http://docs.cntd.ru/document/962008274>

22 The Code of Administrative Offenses of Saint Petersburg, N 273-70,
<http://www.rg.ru/2012/02/29/zak-piter-admin-pravonarush-reg-dok.html>

23 The Code of Administrative Offenses of NovosibirskOblast, N 99-O3,
http://zakon.scli.ru/ru/legal_texts/legislation_RF/extended/index.php?do4=document&id4=bb5b5d30-e5b6-4c17-a470-c97f330223a9

24 The Code of Administrative Offenses of Magadan Oblast, N 583-O3,
<http://base.consultant.ru/regbase/cgi/online.cgi?req=doc;base=RLAW439;n=44035>

25 The Code of Administrative Offenses of Samara Oblast, N
115-<http://docs.cntd.ru/document/945017936>

26 The Code of Administrative Offenses of Krasnodar Krai, N 608-K3,
<http://fskn-kuban.ru/2009-02-20-08-12-00/2011-03-02-13-45-23/991-23--2003--n-608-.html>

27 The Code of Administrative Offenses of the Republic of Bashkortostan, N 413-3,

prior to the Federal legislation being enacted the Kaliningrad Oblast²⁸ region enacted their own ban.

As I immersed myself in Russian-based English language news stories from the various regions at the time of the bans on propaganda of non-traditional sexual relations to minors in each region I began to read messaging and statements that were eerily familiar; messaging that included anti-gay measures as one pillar of a faith-based, family values movement which seemed to have begun in the legislature of the Ryazan Oblast region in 2006 and spread throughout the nation.

Trusted or Respected Individuals, Horrifically Homophobic Words

Well respected elected officials, national religious leaders and even trusted commentators were making horrific, anti-gay, hateful statements; some would even call for the murder of members of the LGBT community.

Here is a chronological sample of some of the statements and actions:

- In the beginning of this values-focused movement a key legislative leader declared that homosexuality is a sin and then compared it to such personal problems as alcoholism, kleptomania and "sex addiction."²⁹
- Two members of the national legislature tried to withhold federal funds to one major city as punishment for a policy they considered to be pro-gay.³⁰
- A key national journalist campaigned against legislation that would provide civil rights for LGBT individuals declaring "as a person of faith, that we need to extend Christian charity to all individuals. That doesn't mean in the public policy realm that we need to extend special privileges to individuals based on their private sexual behavior."³¹

<http://base.consultant.ru/regbase/cgi/online.cgi?req=doc;base=RLAW140;n=86850>

28 The Code of Administrative Offenses of Kaliningrad Oblast, N 244,

<http://www.akc2s.ru/кодекс-об-административных-наказаниях/>

29 Senate Majority Leader Trent Lott

<http://www.nytimes.com/1998/06/16/us/lott-says-homosexuality-is-a-sin-and-compares-it-to-alcoholism.html>

30 Congressman Rep. Joe Hefley and Frank Riggs. July 1998.

<http://www.pfaw.org/media-center/publications/anti-gay-politics-and-religious-right>

31 Chris Matthews — Hardball with Chris Matthews, August 11, 1998

<http://www.pfaw.org/media-center/publications/anti-gay-politics-and-religious-right>

- A respected religious leader told his national audience: "I just don't think we should craft laws that give privileges on the basis of the way people perform sex acts."³²
- These values-based leaders used different tactics as the movement grew, there was a national campaign which declared that "homosexuals are diseased, and can be "cured" with a combination of religious indoctrination and psychological counseling. Reparative therapy as practiced by a variety of "ex-gay ministries" includes a large dose of gender stereotyping."³³
- A minister used his sermon broadcast nationally to call for the killing of gay men: "I've never seen a man in my life I wanted to marry. And I'm going to be blunt and plain: If one ever looks at me like that, I'm going to kill him and tell God he died."³⁴ In response his congregation applauded and laughed.
- The messaging of these religious and political "values" groups equates homosexuality with child molesters /pedophiles.

I mentioned that the Russian family "values" anti-gay movement seemed eerily familiar to me... With that in mind you should know that none of the above quotes and events are Russian Federation-based; if you review the footnote for each you will learn the identity of the national figures in the United States who engaged in their anti-gay rhetoric with the movement beginning in 1998 and leading to the re-election of a US President whose victory in 2004 is largely the result of the anti-gay wave sweeping the nation.

There is a strong argument supported by evidence to suggest that the religious, political and special-interest groups who are pushing the traditional family values agenda in the Russian Federation have modeled their efforts on the successful efforts by their counterparts in the United States; we've already established that the rhetoric and messaging used in the efforts in the Russian Federation and the United States are identical. Even the genesis and evolution of the push to ban propaganda of non-traditional sexual relations to minors is strikingly similar and likely based on the successes to ban recognition of some or all types of same-sex unions in individual US States which began in Hawaii in 1998, followed by Alaska that same year and, after a couple years of grassroots actions in individual States leading to widespread success in

32 Pat Robertson. 700 Club 1998.

<http://www.pfaw.org/media-center/publications/anti-gay-politics-and-religious-right>

33 Ad Campaign. National coverage.

<http://www.pfaw.org/media-center/publications/anti-gay-politics-and-religious-right>

34 Jimmy Swaggart. http://usatoday30.usatoday.com/news/nation/2004-09-22-swaggart-remark_x.htm

2004 and continuing to grow to bans in 30 of 50 States in 2012 (with 28 States having bans today).

Analysis of Russian Federation Federal Law № 135-FZ

The most striking takeaway after reading the legislation is:

- The word "child" "children" or "minors" appears 6 times in the legislation.
- The word "gay" "homosexual" "sexual orientation" "same sex" or any LGBT identifier appears Zero times in the legislation.

What makes this revelation so striking is that the terms that the US media fails to mention in their coverage is used consistently in the actual legislation and the terms that the US media endlessly mention when covering № 135-FZ is never used in the actual law.

In lieu of specific references to individuals in the LGBT community the law refers to "non-traditional sexual relations." Usage of the phrase is key to our understanding of the law; every time the phrase "non-traditional sexual relations" is used it is explicitly tied to the word "minors" or "children" and also the word "promotion" or "propaganda."

According to Article 6.21, 28 "propaganda to minors" is the act of distributing information to minors that:

1. Disseminating of information aimed at forming non-traditional sexual attitudes among minors, attractiveness of non-traditional sexual relationships
2. Presents a distorted image of social equality of traditional and non-traditional sexual relationships
3. The forced imposition of information of non-traditional sexual relationships, which can attract interest to such relationships

The text of the law bans adults from initiating contact with minors/children who do not self identify as LGBT for the express purpose of encouraging the minor/child to explore

non-traditional sexual relationships when there had not been interest previously.

There is nothing in the legislation that prevents a minor/child who does not openly identify as LGBT but privately seeks out resources as to as they come to terms with their sexuality during that difficult period of adolescence that any of us who identify as LGBT have experienced. In fact, nothing in the legislation prevents LGBT youth resources to provide services to minors who seek out such services.

Examining the Penalties for Violating N 135 - FZ³⁵

Overall Penalties for Distributing Information that is Deemed Harmful to the Health of Children

If you distribute material to children that is promoting intolerance, advertising alcohol or tobacco, promoting inequalities, sharing pornography or glorifying untraditional sexual relations the penalties are as follows:

Classification	Fine	Materials Confiscated?	Administrative Suspension?
Individual Russian Citizen	2,000 - 3,000 rubles (\$61 - 92 USD)	Yes	N/A
Russian Officials	5,000 - 10,000 rubles (\$153 - 306 USD)	Yes	N/A
Individual Russian Citizen Selling the Material	5,000 - 10,000 rubles (\$153 - 306 USD)	Yes	Yes, Up to 90 Days
Legal Entities (NGO or Corporation)	20,000 - 50,000 rubles (\$611 - 1,529 USD)	Yes	Yes, Up to 90 Days

35 The Russian Federation Code of Administrative Offenses. Chapter 6. Administrative Offenses Detrimental to the health, sanitary-epidemiological welfare and public morals. Article 6.17: Violation of the legislation of the Russian Federation on the protection of children from information harmful to their health and (or) development. Available at:

https://docs.google.com/file/d/0B_qUME4dV8P8X0hEa0o0djRZTnM/edit?usp=sharing

Penalties for Violations Specifically Related to Non-Traditional Sexual Relations

If you distribute, to children under 16, material which is aimed at glorifying non-traditional sexual relations in their young minds or material which imposes the idea that there are an equal number of traditional and non-traditional sexual relationships in society and therefore presents a distortion of the facts, you are subject to the following:

Classification	Fine	Administrative Suspension?
Individual Russian Citizen	4,000 - 5,000 rubles (\$122 - 153 USD)	N/A
Russian Officials	40,000 - 50,000 rubles (\$1,223 - 1,529 USD)	N/A
Legal Entities (NGO or Corporation)	800,000 - 1,000,000 rubles (\$24,458 - 30,572 USD)	Yes, Up to 90 Days

Penalties when Media is Utilized to Commit the Previously Mentioned Violation

If the violation outlined above is committed using the media (TV, Film, Radio) or the Internet the previous fines apply as well as the following additional penalties:

Classification	Fine	Administrative Suspension?
Individual Russian Citizen	50,000 - 100,000 rubles (\$1,529 - 3,057 USD)	N/A
Russian Officials	100,000 - 200,000 rubles (\$3,057 - 6,114 USD)	N/A
Legal Entities (NGO or Corporation)	1,000,000 rubles (\$30,572 USD)	Yes, Up to 90 Days

Penalties to Non-Citizens Who Distribute Material to Children Focused on Non-Traditional Sexual Relations

If an individual foreigner distributes material to children which violates N 135 - FZ, he or she will face the following penalties:

Classification	Fine	Additional Penalty
Individual Non-Citizen or Foreign National	4,000 - 5,000 rubles (\$122 - 153 USD)	Either: (a) Expulsion from the Russian Federation OR (b) Arrest for up to 15 Days followed by Expulsion from the Russian Federation

Penalties for Non-Citizens who Used Media to Distribute Material to Children Focused on Non-Traditional Sexual Relations

If a violation by an individual foreign national / non-citizen is committed using the media (TV, Film, Radio) or the Internet the following penalties apply:

Classification	Fine	Additional Penalty
Individual Non-Citizen or Foreign National	50,000 - 100,000 rubles (\$1,529 - 3,057 USD)	Either: (a) Expulsion from the Russian Federation OR (b) Arrest for up to 15 Days followed by Expulsion from the Russian Federation

It is obvious that these fines are substantial; especially for corporations who face a fine of up to one million rubels for each offense. While circa \$31,000 USD might seem insignificant to a multi-billion dollar global corporation, consider the possibility that the corporation facing penalties for violating N 135 - FZ is a US-based media company whose distribution in the Russian Federation includes popular American films, television shows which originally aired in the States, Russian language versions of their websites and a concert promotion subsidiary featuring outspoken artists. Consider the potential fines resulting from the total number of violations in PG & G Rated mainstream American films and popular family television shows; several major Hollywood corporations fine ledger would resemble the iconic, consistently growing amount displayed U.S. National Debt Clock on Sixth Avenue in New York City.

Keep these fines in mind as we will more extensively explore this area later in this paper.

Conclusion

Although there is much confusion over what the anti-“propaganda” law means, not even its strongest proponents argue that it amounts to the criminalization of homosexuality.

Simply reading the text of the law and utilizing the materials in the Appendix to understand the law in the context of the Russian Federation Administrative Code and the Russian Federation Federal Law hopefully provided an enlightenment that the coverage of the US media and statements of elected officials have egregiously failed to communicate.

This understanding the law certainly does not allow for us to comprehend it’s impact. It is important to note that President Putin, his deputies and even the legislators in the Duma and Federation Council who advocated the bill’s passage have all been consistent in their usage of the most broad, non-extremist terms; never failing to mention that Russia does not discriminate against LGBT individuals and always noting that the law applies to everyone. Their comments serve to reflect the law’s non-specific nature which only highlights, to those familiar with the text of the law, the fact the law’s meaning and impact will depend on how the government enforces it and judiciary interprets it.

I mention the law’s non-specific nature because the Federal Law does not provide a clear, legal definition of “propaganda” or “nontraditional sexual relations”; the best indicator of these definitions will come from an examination of the manner which law enforcement makes arrests for violations of the law and the court’s decisions in cases related to the law. Depending on the information gained in our examination of that we will be able to see clear indicators to understand if the government will use the law as a tool to persecute members of the LGBT community or if the law is benign.

We will examine Russian Federation judicial decisions to answer the following key questions:

- What types of information creates an interest in nontraditional sexual relations if shared with minors?
- What's is considered propaganda of nontraditional sexual attitudes toward minors?

To attempt to answer these questions, in the next chapter we will examine:

- The rights of LGBT individuals in the Russian Federation
- The history of enforcement of the regional propaganda laws and the Court decisions related to those laws.
- Examine the impact that № 135-FZ since becoming law on 1 July 2013.

Chapter 3: Examining Judicial Rulings from 7 Years of Regional Versions of the Law and 6 Months of the Federal Law

At the conclusion of our analysis of Russian Federation Federal Law № 135-FZ (see Chapter 2) we noted that without a legal definition of “propaganda,” “distributing information,” or “nontraditional sexual relations,” the article’s interpretation is left to the police and the courts to interpret.

Through an examination of the prosecutions of those charged with violating a ban on the propaganda of non-traditional sexual relations to minors, both under the federal law and the various regional laws, we will gain valuable insights that should allow us to evaluate if the government will utilize the law as a powerful tool to persecute activists and other dissenting voices. This examination may also reveal legal precedents which provide us with a better understanding of how the government defines: “propaganda,” “distributing information,” or “nontraditional sexual relations.”

A Closer Look: 7 Years of Regional Bans of the Propaganda of Non-Traditional Sexual Relations to Minors

The first regional ban of the propaganda of non-traditional sexual relations to minors was enacted in the Ryazan Oblast region in 2006.³⁶ Three additional regions, Kostroma Oblast³⁷, Arkhangelsk Oblast³⁸, and the City of Saint Petersburg,³⁹ enacted bans in 2011. In 2012 similar bans were enacted in five more regions: Novosibirsk Oblast⁴⁰, Magadan Oblast⁴¹, Samara Oblast⁴², Krasnodar Krai⁴³ and Republic of

36 Ryazan Oblast Region Code of Administrative Offenses, N 182-O3, <http://guk.ryazangov.ru/upload/iblock/320/182.doc>

37 The Code of Administrative Offenses of Kostroma Oblast, N 352-4-3KO, <http://www.csp.bmr44.ru/docs/KoAP.doc>

38 The Code of Administrative Offenses of ArkhangelskOblast, N 172-22-O3, <http://docs.cntd.ru/document/962008274>

39 The Code of Administrative Offenses of Saint Petersburg, N 273-70, <http://www.rg.ru/2012/02/29/zak-piter-admin-pravonarush-reg-dok.html>

40 The Code of Administrative Offenses of NovosibirskOblast, N 99-O3, http://zakon.scli.ru/ru/legal_texts/legislation_RF/extended/index.php?do4=document&id4=bb5b5d30-e5b6-4c17-a470-c97f330223a9

41 The Code of Administrative Offenses of Magadan Oblast, N 583-O3, <http://base.consultant.ru/regbase/cgi/online.cgi?req=doc;base=RLAW439;n=44035>

Bashkortostan.⁴⁴ The ban by the Kaliningrad Oblast⁴⁵ in 2013 was the tenth and final regional ban enacted prior to the Federal ban. In 2013, prior to the Federal legislation being enacted, the Kaliningrad Oblast⁴⁶ region enacted their own ban on propaganda of non-traditional sexual relations to minors.

All the relevant regional laws – although with varying wording – seek to prohibit propaganda of non-traditional sexual relations to minors and set administrative fines for such an offence.

Some of the Russian Federation's more defined gay communities are located in some of the 10 regions which enacted bans of the propaganda of non-traditional sexual relations to minors between 2006-2013. This is an important fact because the ability to examine the enforcement and prosecution in an area with a visible LGBT community such as St. Petersburg will allow us to ascertain how the Federal ban might impact other cities with vibrant, visible LGBT populations and/or neighborhoods.

The Variations in the Language of Individual Regional Bans

Before we examine the enforcement of the regional bans it is important to share the language used in many individual regions.

Article 7-1⁴⁷ of the St. Petersburg Law "On Administrative Offenses in St. Petersburg," and Article 2.28⁴⁸ of the Samara region Law "On Administrative Offenses in the Samara region" read as follows:

42 The Code of Administrative Offenses of Samara Oblast, N 115-ГД,
<http://docs.cntd.ru/document/945017936>

43 The Code of Administrative Offenses of Krasnodar Krai, N 608-K3,
<http://fskn-kuban.ru/2009-02-20-08-12-00/2011-03-02-13-45-23/991-23--2003--n-608-.html>

44 The Code of Administrative Offenses of the Republic of Bashkortostan, N 413-3,
<http://base.consultant.ru/regbase/cgi/online.cgi?req=doc;base=RLAW140;n=86850>

45 The Code of Administrative Offenses of Kaliningrad Oblast, N 244,
<http://www.akc2s.ru/кодекс-об-административных-наказани/>

46 The Code of Administrative Offenses of Kaliningrad Oblast, N 244,
<http://www.akc2s.ru/кодекс-об-административных-наказани/>

47 Article 7-1: "Public Actions Designed to Promote Sodomy, Lesbianism, Bisexuality and Trans-Genderism to Minors," enacted under St. Petersburg Law No 108-18 dated 7 March 2012.

48 Article 2.28 "Public Actions Designed to Promote Sodomy, Lesbianism, Bisexuality and Trans-Genderism to Minors," enacted under Samara region Law No.75-GD dated 10 July 2012.

Public actions designed to promote sodomy, lesbianism, bisexuality and transgenderism to minors shall be punishable by an administrative fine on individuals in the amount of five thousand rubles, on officials in the amount of fifty thousand rubles and on legal entities in an amount of from two hundred fifty thousand to five hundred thousand rubles.

The law banning propaganda in both St Petersburg and the Samara Region use the same language, fine structure and the definition of public action related to the law to mean::

Note. For the purposes of this Article, public actions designed to promote sodomy, lesbianism, bisexuality and transgenderism to minors shall mean activities for purposeful and uncontrolled dissemination of generally available information capable of inflicting harm on the health and moral and spiritual development of minors, including promotion among them of distorted attitudes with respect to the social equality of traditional and non-traditional marital relations

In 2008 the Kaliningrad region adopted Law No. 217 “On the Protection of the Population of Kaliningrad region from Information Products Harming Spiritual and Moral Development.”⁴⁹ The Kaliningrad Regional law was amended in January 2013, with Article 8 “Prohibition of public actions designed to promote pedophilia, sexual relations with minors, pederasty, lesbianism and bisexuality,” which reads:

Public actions designed to promote pedophilia, sexual relations with minors, pederasty, lesbianism and bisexuality shall be prohibited.

While the Kaliningrad region’s draconian amendment passed in 2013 demonstrates a close-minded way of thinking, it also violated Russian Federation Federal Law which bans the expression and practice of social intolerance and the promotion of inequality.

Prosecutions of those Violating the Regional Propaganda Laws

I began my research of the prosecutions under the various regional propaganda laws with a preconceived notion that when a bill becomes a law it has a purpose-- whether

⁴⁹ Kaliningrad region Law dated 18 January 2008 No. 217 “On the Protection of the Population of Kaliningrad region from Information Products Harming Spiritual and Moral Development”, as amended by Kaliningrad region Law dated 30 January 2013 No.199.

extending rights or services to citizens, allocating funds to specific entities or making revisions to the criminal code-- and once enacted the law's purpose will be fulfilled. This is most noticeable in situations where a law makes something illegal or bans something; shortly after enactment of such a law the fines and/or arrests begin to flow.

With that preconceived notion and the clear messaging by the US government and media that Russia is anti-gay; considering the draconian language of many regional bans, I anticipated to learn of countless prosecutions and convictions occurring over the 7 years. I was completely shocked when I learned the reality was quite the opposite:

**For 7 Years there have been Bans on Propaganda of
Non-Traditional Sexual Relations to Minors in 10 Regions**

Were the Laws Used to Persecute of LGBT Advocates?

Between 2006-2013

Total Prosecutions: 6

(all 10 regions included)

Total Convictions : 2*

(The asterisk offers a key clarifier below)

The only two convictions under the propaganda ban occurred in the first region to enact an anti-gay propaganda law: in 2006 the Ryazan region's law banned "the promotion of homosexuality among minors" (2006).⁵⁰

I had anticipated that since the Ryazan Region was the first to enact such a law then there have likely been a significant number of convictions. In seven years the Ryazan region law banning "the promotion of homosexuality among minors" has resulted in a total of two convictions*. To explain the asterisk we turn to the 3 October 2013 edition of the *Moscow Times*⁵¹:

50<http://www.themoscowtimes.com/news/article/gay-activist-wins-court-appeal-dealing-severe-blow-to-anti-gay-law/487014.html>

51<http://www.themoscowtimes.com/news/article/gay-activist-wins-court-appeal-dealing-severe-blow-to-anti-gay-law/487014.html>

A Ryazan region court has overturned an administrative charge against an activist who was fined under 0a regional statute banning gay propaganda among minors, in a ruling that a gay rights leader called a "severe blow" to a similar national law passed in June.

The charge stemmed from a 2009 demonstration in which activists Irina Fedotova and Nikolai Bayev stood holding posters reading "Homosexuality is normal" and "I am proud of my homosexuality" near schools and libraries in the city of Ryazan, about 325 kilometers southeast of Moscow.

They were subsequently detained and each given a 1,500-ruble fine (about \$50) in accordance with a regional law banning "the promotion of homosexuality among minors" passed by the Ryazan legislature in 2006. The case marked one of the first times that the regional anti-gay "propaganda" law was applied.

Fedotova subsequently submitted a complaint regarding the charges to the United Nations Human Rights Committee, which ruled in her favor, saying the Russian court's decision went against the International Covenant on Civil and Political Rights by violating her right to freedom of expression and protection from discrimination. Russia is among 74 signatories to the covenant worldwide.

The UN committee said in a statement regarding the original ruling that the Russian court "was unable to prove that the restriction of the right to freedom of expression in regards to 'gay propaganda,' as opposed to propaganda of heterosexuality or sexuality in general, among minors was based on rational or objective criteria."

"Furthermore, no evidence was presented that would indicate the existence of factors justifying such a distinction," the statement said.

Fedotova took that ruling to the Ryazan Regional Court on Aug. 16 to appeal the charge. Bayev took his case to the European Court of Human Rights, where his complaint is still pending.

On Sept. 26, the Ryazan Regional Court overturned the charge against Fedotova, according to the court's website.

Although the Ryazan court's ruling apparently only applies to the regional law, the ruling is being lauded by activists as a sign that the federal law will eventually be overturned. To summarize: the first time an individual is convicted of violating the Ryazan Region law banning "the promotion of homosexuality among minors", the decision and, in turn, the entire law is appealed to a higher court as well as the United Nations Human Rights Committee resulting in the lower Court's decision and the law being overturned by both in the appeal by Fedotova .

Strategically it was important that Bayev's appeal followed a different path than Fedotova's; Bayev's took his appeal to the European Court of Human Rights where a ruling is pending; if the ECHR rules in-line with the UN Human Rights Committee and the Ryazan Regional Court it will set a precedent and establish a framework to negate similar laws in each region of the Russian Federation.

While there may have only been two convictions* in seven years in the Ryazan Region, this must be an anomaly; these anti-gay laws must be more stringently enforced in the other 12 regions which had enacted these laws long before the passage of Federal Law N 135 - FZ.

The Nation recently examined the prosecutions and overall enforcement of each regional anti-gay law and the results are most interesting⁵²:

Given the international outcry a⁵³gainst the law, including hyperbolic comparisons to Nazi Germany, it's somewhat surprising how sparingly it's been used. No organization has been prosecuted yet. So far there have been only a handful of cases involving individuals. And most of these concern gay activists who've purposely violated the law to challenge it in court. In 2009,

52 <http://www.thenation.com/article/176368/repression-and-gay-rights-russia#>

two activists, Nikolai Baev and Irina (Fet) Fedotova, were convicted of violating Ryazan's gay propaganda law for holding a sign reading Homosexuality Is Normal and I Am Proud of My Homosexuality outside a school.

Baev brought his case before the European Court for Human Rights; Fedotova brought hers before the UN Committee for Human Rights. In their November 2012 decision, the UN Committee determined that the law was discriminatory under the International Covenant on Civil and Political Rights and violated Fedotova's freedom of expression. Nikolai Alexeyev, the head of Gay Russia and one of Russia's most prominent LGBT activists, received the first fine under St. Petersburg's law in June 2012 for holding a sign in front of city hall reading Homosexuality is not a perversion. A perversion is hockey on the grass and ballet on the ice. Alexeyev also took his case to the European Court.

There have been some unreported cases, but only a few. In 2012, the Straight Alliance for LGBT Equality discovered that in the first six months of the St. Petersburg law, only four people were charged under the gay propaganda provision. So far, there is only one recorded incident of the federal law's application: Dmitry Isakov, an activist from Kazan, was recently charged with for holding a sign that said Being gay and loving gays is normal. Beating gays and killing gays is a crime! The complaint against Isakov was filed by a teenager who saw the activist's protest online. The complainant, however, says his father forced him to file it. The father reportedly hates gay people because his wife left him for another woman. If convicted, Isakov could be the first person punished under the federal statute.

The police and the courts appear reluctant to enforce the gay propaganda law. In one case in St. Petersburg, the police forgot to record the "gay propaganda" of two arrested activists, Aleksei Kiseleva and Kirill Nepomniashchii, and the judge ordered them released. In another, also in St. Petersburg, the judge lost

materials from the case file. Igor Kochetkov, a LGBT activist, believes that “the judge simply didn’t want to take responsibility for [enforcing] a completely absurd law.” In Murmansk, a judge refused to consider the arrest of four Dutch nationals for violating the gay propaganda law.

Yes, there have been so few prosecutions in the past seven years in any of the Regions that have laws banning "the promotion of homosexuality among minors" that you read *The Nation's* version of the Baev and Fedotova cases which is the primary focus of the article cited above.

The most interesting information which allows one to understand the scope of the enforcement (or lack-thereof) and prosecutions (or lack-thereof) that have occurred under the the Regional laws. Based on independent confirmation of the data cited by *the Nation* it would appear that in seven years there have been a total of six prosecutions for violations of the law banning the promotion of homosexuality among minors in seven years and 2 convictions which were later overturned.

Six prosecutions in seven years... remember in the introduction of this paper I shared that because of the effort by the U.S. Government and news media which has continually pushed the idea that the environment for LGBT individuals in the Russian Federation is not dissimilar to the environment for Jewish individuals living in Germany in the mid-1930s, that many of my friends, family and acquaintances think that it is “it illegal to be gay in Russia” and “Olympic athletes will be arrested if they wear a multi-colored rainbow or sing the theme song to *the Flintstones*.”

The Impact on the Federal Ban on Propaganda of Non Traditional Sexual Relations to Minors

With the knowledge that over 7 years of Propaganda Bans on the books in 10 Regional jurisdictions of the Russian Federation there were a total of 6 prosecutions and 2 convictions (which were later overturned), we will now examine enforcement of the Federal ban.

It has been 6 months since Russian Federation Federal Law № 135-FZ was enacted and 5 months since the US media first mentioned it’s existence; this law which continues to

be headline news in America has resulted in a **total of 3 prosecutions (all three were convicted)**.

The data fails to properly illustrate why each man was charged with violating the ban, the stories of which are quite compelling:

Dimitry Isakov's Nobel Act and His Parent's Disgusting Response

After learning that President Putin had signed N 135 - FZ into Law , 24 year old Dmitry Isakov did something most admirable to protest the law: he went to the center of the town of Kazan and staged a one man protest. Isakov stood in the center of Kazan holding a sign which read "Being gay and loving gays is normal. Beating gays and killing gays is a crime."

Isakov's act of protest did not result in his arrest by law enforcement; it resulted in his homophobic parents confronting him, attacking him and physically removing him from the center of Kazan and taking him to the police station demanding his arrest for violating the ban on propaganda. After a short time in custody, Isakov was not arrested or charged and was quickly released.

Isakov's ordeal was highly publicized because it was believed to be the first arrest under the Federal propaganda ban. The image of Isakov holding his sign in the center of Kazan was seen all over the world.

Long after his June 30, 2013 one man protest (which did not result in no arrest or charges), Isakov was charged with violating the propaganda ban for the June 30 protest. In a strange, bizarre development as a result of Isakov's image being disseminated online a complaint was filed by a teen in the Arkhangelsk region (which is 1,000 miles away from Kazan). The teen, Erik Fedoseyev, later said he was forced to file the complaint by his father who reportedly hates gay people because "his ex-wife left him for a woman."

On December 19, 2013 the magistrate court in Kazan pronounced Isakov guilty of violating Federal Law № 135-FZ and fined him 4,000 Rubles (\$120). Isakov is the first person convicted for violating the Federal propaganda ban. He has filed an appeal of his conviction.

Pride Leads to a Courageous Act of Civil Disobedience

On December 2, 2013 Moscow Gay Pride founder Nikolai Alexeyev and fellow activist Yardslav Yevtushenko were arrested outside a children's library in the city of Arkhangelsk for picketing; the two held signs that read "Gay Propaganda Does not Exist. People Don't Become Gay, People Are Born Gay."

It should be noted that Grani.Ru reports the arrest of Alexeyev and Yevtushenko for protesting outside the children's library was not automatic:

"After prolonged phone conversations with unspecified supervisors, police officers detained Alexeyev and Yevtushenko."

This is a key revelation because it demonstrates that law enforcement are not jumping at the opportunity to arrest members of the LGBT community for violating the ban, the officers demonstrated significant restraint and only after discussion with supervisors did they initiate action to stop the protest in front of the children's library.

Following their conviction for violating the Federal propaganda ban (fine of 4,000 Rubles or \$120) Alexeyev and Yevtushenko offered key insights into their strategy. Alexeyev revealed that their arrest was an act of civil disobedience because he saw an opportunity to legally challenge the Constitutionality of the Federal Law. Alexeyev told Gay Russia:

"The verdict opens the way for appealing the ban on gay propaganda at Russia's Constitutional Court and later at the European Commission of Human Rights which is what we are going to do."

A Key, Pro-LGBT Development Goes Unnoticed: Russia Agrees to Protect LGBT at 24th United Nations Human Rights Council

On September 20, 2013 the official delegation of the Russia Federation announced their willingness to take all required measures to prevent homophobic hate crimes and discrimination on grounds of sexual orientation at the 24th UN Human Rights Council.⁵⁴

Russia agreed with the recommendations by Iceland and Argentina regarding **efficient investigation of crimes on grounds of homophobic hate and dissemination of homophobic stereotypes through mass media and by state officials**, noting that such recommendations have already been put into practice. Russia also agreed to the recommendation to **intensify the activities for protection of citizens against violence and discrimination on grounds of sexual orientation**.⁵⁵

54 <http://lgbtnet.ru/en/content/un-russia-agrees-protect-lgbt>

55 <http://lgbtnet.ru/en/content/un-russia-agrees-protect-lgbt>

As part of the final stage of the Universal Periodic Review (2 round) of Russia, the Russian delegation approved the recommendations by Switzerland, Denmark, and Norway as pertains to taking measures to **prevent violence and intolerance of racist, xenophobic, and homophobic nature** as well as to prevent discrimination on grounds of sexual orientation. **Russia has also assumed its obligations to defend lesbian, gay, bisexual, transgender, and intersexual (LGBTI) rights including the freedom of expression and peaceful assembly.**⁵⁶

This singlehandedly makes Russia accountable for fulfilling this agreement.

⁵⁶ <http://lgbtnet.ru/en/content/un-russia-agrees-protect-lgbt>

Chapter 4: Comparing LGBT Rights in the Russian Federation and the United States



Comparison of LGBT Rights



Decriminalized in 1993

**Homosexuality
Criminalized**

**Yes. in 12 States & the
US military gay sex is
criminalized and illegal.**

In the Russian Federation homosexuality was decriminalized in 1993.⁵⁷

In the United States sodomy laws were overturned by the US Supreme Court decision in *Lawrence v. Texas* in 2003. In their decision the justices determined that homosexuality wasn't a crime.⁵⁸ However 12 States still have laws which criminalize gay sex.⁵⁹ In the United States Military gay & lesbian service members are still barred from having sex under Article 125 of the Uniform Code of Military Justice which makes it a criminal offense to "engage in unnatural carnal copulation" with "another person of the same or opposite sex or with an animal."⁶⁰

57 http://articles.latimes.com/1993-05-29/news/mn-41287_1_human-rights

58 <http://www.nytimes.com/2003/06/27/us/supreme-court-homosexual-rights-justices-6-3-legalize-gay-sexual-conduct.html?pagewanted=all&src=pm>

59 <http://theweek.com/article/index/242412/why-do-so-many-states-still-have-anti-sodomy-laws>

60 <http://www.msnbc.com/msnbc/why-the-military-still-bans-sodomy>

A Closer Look: The Criminalization of Gay Sex in the United States

One of the most troubling revelations I experienced while examining the criminalization of homosexuality globally was that not only do the laws of 12 States criminalize homosexual acts but these draconian laws continue to be enforced.

According to Equality Matters the anti-gay laws in the United States significant impact on members of the LGBT community living in or visiting those States:

Unfortunately, the practice of improperly arresting gays and lesbians on "crime against nature" or sodomy charges only to have them later dismissed is not uncommon in states that still maintain these laws. In Virginia, for example, Attorney General Ken Cuccinelli's office defends the practice, stating it was "how the system works."

In some states, keeping sodomy laws on the books can result in abuse even in cases where sexual intercourse hasn't occurred:

In 2009, two gay men were kicked out of an El Paso restaurant for kissing in public. When the men called the police, officers informed them that "it was illegal for two men to kiss in public and said they could be cited for 'homosexual conduct,'" even though the state statute only prohibits "deviate sexual intercourse with another individual of the same sex." The local police department eventually claimed that the officers involved were "relatively inexperienced," but the incident demonstrates the ease with which seemingly dormant anti-sodomy laws can quickly turn into weapons to be used against LGBT citizens.⁶¹

As Christopher R. Leslie, Assistant Professor of Law at the Chicago-Kent College of Law, wrote in the *Harvard Civil Rights-Civil Liberties Law Review*.

Sodomy laws exist to brand gay men and lesbians as criminals. Social ordering necessitates the criminalization of sodomy, thereby creating a hierarchy that values heterosexuality over, and often to the exclusion of, homosexuality. This symbolic effect of sodomy laws is not dependent on their enforcement. Even though very few men and virtually no women ever suffer the full range of criminal sanctions permitted under state sodomy laws, these statutes impose "the stigma of criminality upon same-sex eroticism."

61 <http://equalitymatters.org/blog/201108080012>

Based on the mischaracterization that sodomy laws apply only to homosexuals, sodomy laws are currently justified as necessary to uphold an anti-gay morality. Any deterrent effect from sodomy laws is secondary to these primary symbolic effects. For their supporters, the laws are "seen not as a prohibition to be enforced as such, but rather as a symbol of societal disapproval."

Supporters argue that "these statutes may serve an important function even if unenforced." But the apparent function is not to condemn homosexual conduct, but homosexual persons. As one commentator put it, "unenforced sodomy laws are the chief systematic way that society as a whole tells gays they are scum." Indeed, in every state "where sodomy statutes remain on the books, animus against lesbians and gays has been a major, if not the sole, reason for the decision to retain them."⁶²

With this in mind, one has to wonder why the LGBT community in the United States is not focusing it's advocacy towards eliminating the anti-gay laws in so many States, laws which Equality Matters refers to as "weapons to be used against LGBT citizens"⁶³; I am disappointed in myself for not doing something to ensure that no one has to continue to face the persecution in the form of being arrested for kissing their partner in public because that expression of love is considered "deviate sexual intercourse with another individual of the same sex." as evidenced by the El Paso incident noted above.

62 Harvard Civil Rights-Civil Liberties Law Review, Vol. 35 No. 103, Winter 2000.

63 <http://equalitymatters.org/blog/201108080012>



No

Can I be fired from
my job simply for
being gay?

Yes

In the Russian Federation the Russian Federation Constitution (Article 19) declares equal rights of every human regardless of gender, race, nationality, language, ancestry, amount of property in possession or job position, place of living, religion, political or other views, affiliation to non-governmental organizations and other conditions. Prohibition of discrimination on any grounds except business qualities is the fundamental principle of the Russian labor law.⁶⁴

Russian law does not provide any specific or beneficial regime regulating employment or other aspects of the lives of homosexuals. If an employer discriminates against an employee based on his/her sexual orientation, there are no available legal remedies for the employee. However, **under Russian Labor Code, dismissal of an employee must meet certain statutory grounds and sexual orientation is not one of them. As a result, an employer may not dismiss an employee solely because of the employee's sexual orientation.**

In the United States, according to the Human Rights Campaign **"hardworking Americans are denied job opportunities, fired or otherwise discriminated against just because they are lesbian, gay, bisexual or transgender (LGBT).**

There is no federal law that consistently protects LGBT individuals from employment discrimination; there are no state laws in 29 states that explicitly prohibit discrimination based on sexual orientation, and in 33 states that do so based on gender identity. As a result, LGBT people face serious discrimination in employment, including being fired, being denied a promotion and experiencing harassment on the job."⁶⁵

64 Article 3 of Federal Law No. 197-FZ "Labor Code" dated 30 December 2001.

65 <http://www.hrc.org/laws-and-legislation/federal-legislation/employment-non-discrimination-act>

A Closer Look: You Can Be Fired for Being LGBT in the United States; But Not in Russia

At the request of the Council for Global Equality, the Moscow office of the international law firm of White & Case provided a legal analysis of of Russian Federation Federal Law № 135-FZ.

For background, the mission of the Council for Global Equality is to:

“encourage a clearer and stronger American voice on human rights concerns impacting LGBT communities around the world.”⁶⁶

In their legal analysis of № 135-FZ, Thomas McDonald and Natalia Yefanovat of the Moscow office of White & Case established that:

“under Russian Labor Code, dismissal of an employee must meet certain statutory grounds and sexual orientation is not one of them. As a result, an employer may not dismiss an employee solely because of the employee’s sexual orientation.”⁶⁷

In the United States there is “no federal law that consistently protects LGBT individuals from employment discrimination. There are no state laws in 29 states that explicitly prohibit discrimination based on sexual orientation, and In 33 states that do so based on gender identity. As a result, LGBT people face serious discrimination in employment, including being fired, being denied a promotion and experiencing harassment on the job.”⁶⁸

I am sure that you are as shocked as I found myself upon learning that in Russia one cannot be fired solely because of their sexual orientation but in the United States members of the LGBT community can be fired simply because of their sexual identity.

In their coverage of LGBT life in Russia, the United States media has consistently pushed forward the message that one can be fired simply because they are an LGBT individual-- I don’t know if it is an innocent but egregious error by the entire US media or simply a lie being propagated to the American public.

For background, in my evaluation of the credibility of White & Case the following

66 <http://www.globalequality.org/who-we-are/our-mission>

67<http://www.globalequality.org/storage/documents/pdf/russian%20anti-gay%20law%20-%20corporate%20memo%20final.pdf>

68 <http://www.hrc.org/laws-and-legislation/federal-legislation/employment-non-discrimination-act>

information was important: White & Case prepared their analysis at the request of one of the largest global gay rights groups; the firm has served as counsel in many high profile LGBT rights cases, the firm has a 100% rating in the Human Rights Campaign's Corporate Equality Index, the lawyers who authored the analysis are experts in this unique aspect of international law.

With that in mind, at this point in my research I began to ask myself:

Has the US media has told the public anything accurate about Russian Federal Law № 135-FZ or LGBT rights in Russia?



Yes Since July 1, 2003	Can Gays & Lesbians Openly Serve in the Military?	Yes Since September 20, 2011
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In the Russian Federation on July 1, 2003, gays were granted the right to serve openly in the military.⁶⁹

This right was restated on 1 December 2010 by President Vladimir Putin who stated during an interview with Larry King on CNN that there were no prohibitions to openly gay men serving in the Russian Federation military.⁷⁰

In the United States, gay people have been able to openly serve in the military since 20 September 2011.⁷¹

Prior to this date, a 1993 United States law referred to as *Don't Ask, Don't Tell* mandated the discharge of openly gay, lesbian, or bisexual service members.

According to Servicemembers Legal Defense Network more than 14,500 service members were been fired under the law between 1993-2011.⁷²

69 http://en.wikipedia.org/wiki/Sexual_orientation_and_military_service#Russia

70 <http://edition.cnn.com/TRANSCRIPTS/1012/01/lkl.01.html>

71 <http://www.theguardian.com/world/2011/sep/20/us-military-lifts-ban-gay-troops>

72 <http://www.sldn.org/pages/about-dadt>



No.	Can Same-Sex Couples Adopt Children Together?	Varies.
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In the Russian Federation, single persons (including gay men and lesbians) can adopt children, regardless of sexual orientation, but only married heterosexual couples can adopt children together, as a couple (unmarried couples, regardless of sexual orientation cannot legally adopt in Russia).

In the United States, according to Lambda Legal, "About half of all States permit second-parent adoptions by the unmarried partner of an existing legal parent, while in a handful of states courts have ruled these adoptions not permissible under state laws. This leaves parents in many states legally unrecognized or severely disadvantaged in court fights with ex-spouses, ex-partners or other relatives."⁷³

According to the HRC, in eight States same-sex couples are prohibited from adopting children together, as a couple and in 21 States the determination of parenting rights is made on a case-by-case basis and it is ultimately the decision of the judge whether to grant the adoption petition.⁷⁴

73 <http://www.lambdalegal.org/issues/adoption-and-parenting>

74 http://www.hrc.org/files/assets/resources/parenting_joint-adoption_082013.pdf



Yes.	Can Gay or Bisexual Men Donate Blood?	No.
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In the Russian Federation men who have sex with men have been allowed to donate blood since 16 April 2008.⁷⁵

In the United States the Food and Drug Administration (FDA) enacted the ban on blood donations from men who have had sex with other men (MSM) in 1983. This ban means that any man who have had sex with other men (MSM), at any time since 1977 (which the FDA cites as the beginning of the AIDS epidemic in the United States) are prohibited from donating blood. This is because "MSM are, as a group, at increased risk for HIV, hepatitis B and certain other infections that can be transmitted by transfusion."⁷⁶



No.	Is Same-Sex Marriage Legal?	Varies.
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In the Russian Federation there is currently no legal recognition of same-sex couples and same-sex marriages are not allowed. Public support for same-sex marriages is at 16% as of 2013.⁷⁷

In the United States, as of January 2014, same-sex marriage is legal in 17 States.⁷⁸ 28 States prohibit same-sex marriage in their State Constitution.⁷⁹

75 Order of the Ministry of Public Health and Social Development No. 175n dated 16 April 2008.

76 <http://www.fda.gov/BiologicsBloodVaccines/BloodBloodProducts/QuestionsaboutBlood/ucm108186.htm>

77 <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/>

78 http://en.wikipedia.org/wiki/Same-sex_marriage_in_the_United_States

79 <http://www.ncsl.org/research/human-services/same-sex-marriage-overview.aspx#1>



AGE OF CONSENT



16.

What is the Age of Consent?

Varies by State.

In the Russian Federation the legal age of consent in the Russian Federation is 16 years old regardless of sexual orientation.⁸⁰

In the United States the age of consent varies dramatically by State and sexual orientation; it ranges from 16 to 18 years old. US Federal Law has the legal age of consent as 18 years old, meaning that it is a crime to use any form of communication between States to try to get a minor to have sex with an adult-- even if the minor and adult are in the same State and meet that State's consent standards, if the communication leaves the state, it is a crime. For example, if both people live in the same state and use an instant messaging program to communicate. If the server used for the communication is in another state, this is a crime. It is also a crime for a minor to be taken to a different state to have sex. This could happen if the 16 year old lived in a state that had an age of consent of 18 but travelled to a state where the age limit was 16. If the adult travels to a different state or a different country to have sex with a minor, this is only a federal crime if the minor is under the age of 16. It may still be a local crime if the minor was under the age of consent of the state or nation where the sex happened but it is not a federal crime.⁸¹

80 <http://www.themoscowtimes.com/news/article/duma-votes-to-raise-age-of-consent-to-16/245588.html>

81 http://simple.wikipedia.org/wiki/Age_of_sexual_consent_in_the_United_States



Nationwide Rights

In the Russian Federation, since 1997 transgender people are able to change their legal gender after an appropriate medical procedure.⁸² After the amendment of the identification documents, a transgender person can legally marry a person of a sex opposite to the reassigned sex. Documents, such as a diploma, can also be amended to reflect the person's new name (no gender is indicated in the diploma).⁸³ A new diploma can be issued based on the decision of the university chancellor upon the application of the transgender person; the old diploma is to be destroyed.

Transgender Rights

In the United States, there is no uniform process for a transgender person to legally change their gender; according to the ACLU: A court-ordered name change is usually necessary to change the name on one's birth certificate.

In most states, changing the gender marker on one's birth certificate requires proof of surgical treatment to change one's sex as well as, in many cases, a court-ordered name change. What the law means by "surgical treatment" is often unclear. A growing number of states (currently California, Oregon, Vermont, and Washington) and the District of Columbia allow an individual to change the gender marker on his or her birth certificate by showing proof of appropriate clinical treatment (not necessarily surgery).

Some states (e.g., Alabama) will only issue an amended birth certificate showing the name and gender marker changes. Other states (e.g., Idaho, Ohio and Tennessee) simply **will not allow gender markers to be changed on birth certificates.**⁸⁴

Varies Widely by State

82 Article 70 of Federal Law No. 143-FZ "On Acts of Civil Status" dated 15 November 1997 provides for the possibility to rectify acts of civil status based on the document confirming sex transformation issued by a health institution.

83 Order of the Ministry of Education and Science No. 65 dated 10 March 2005.

84 <https://www.aclu.org/translaw>

A Closer Look : Transgender Individuals and Marriage Laws in the United States and Russian Federation

While a transgender person in the Russian Federation can legally marry a person of a sex opposite to the reassigned sex, this is not the case in the United States.

The ACLU shares how the draconian laws of many States impact transgender individuals:

It depends on where you live. Courts in Florida, Kansas, New York, Ohio and Texas have said no, explaining that what counts in those states is either the chromosomal or the birth-assigned sex. Other states that ban marriage for same-sex couples may require that in order for a marriage to be legal, the transgender spouse must prove "complete" transition, as an Illinois court required in a 2005 decision where it invalidated a transgender man's marriage to a woman because he had not undergone all available surgeries to transition. Courts in California and New Jersey have taken a more expansive view, ruling that the post-transition sex of the transgender spouse determines whether the marriage is valid. In states where same-sex couples can get married, this question does not arise.⁸⁵

85 <https://www.aclu.org/translaw>



What are the Latest Statistics Regarding Anti-Gay Hate Crimes?

3 ⁸⁶	2010	1,528 ⁸⁷
3 ⁸⁸	2011	1,572 ⁸⁹
12 ⁹⁰	2012	1,376 ⁹¹
22 ⁹²	2013	<i>Not Available Until November 2014</i>

40

Total

4,476

In the Russian Federation the most trusted and lauded source of information and statistics regarding racism, xenophobia and other hate crimes is the SOVA Center for Information and Analysis, a Moscow-based Russian nonprofit organization founded in October 2002.⁹³

Similar to the United States, all evidence indicates that there has been an increase to anti-gay hate crime in 2013.

In the United States the most trusted and cited source for hate crime statistics is the Federal Bureau of Investigation (FBI) who publishes an annual report on the topic.

The 2013 FBI Hate Crime Statistics report states that **prejudice over a victim's sexual orientation was the second largest motivator in hate crimes carried out across the United States in 2012.**⁹⁴

In the following pages we will take a closer examination at hate crimes based on sexual orientation in both countries and attempt to provide the most accurate portrayal of the current state of affairs.

86<http://www.sova-center.ru/en/database/violence/?tip1=301&xfield=phenotype&yfield=y&victims=Min&how=1#references>

87<http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2010/tables/table-1-incidents-offenses-victims-and-known-offenders-by-bias-motivation-2010.xls>

88<http://www.sova-center.ru/en/database/violence/?tip1=301&xfield=phenotype&yfield=y&victims=Min&how=1#references>

89 <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/tables/table-1>

90<http://www.sova-center.ru/en/database/violence/?tip1=301&xfield=phenotype&yfield=y&victims=Min&how=1#references>

91http://fbi.gov/about-us/cjis/ucr/hate-crime/2012/tables-and-data-declarations/1tabledatadecpdf/table_1_incidents_offenses_victims_and_known_offenders_by_bias_motivation_2012.xls

92<http://www.sova-center.ru/en/database/violence/?tip1=301&xfield=phenotype&yfield=y&victims=Min&how=1#references>

93<http://www.sova-center.ru/en/>

94 http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2012/topic-pages/victims/victims_final

A Closer Look : Anti-LGBT Hate Crimes

The current trend of increased acts of violence against members of the LGBT community is horrific in both the United States and Russian Federation.

Regarding the data related to the number of these crimes per year/country, I suspect that the FBI statistics are reasonably accurate and I am confident that the SOVA Center's data underrepresents the actual number of crimes, however I do not believe SOVA's numbers are significantly off; let me explain why:

SOVA is not an entity of the Russian Federation government, in reality it is one of the few organizations that takes the government to task on human rights issues. Since its formation in 2002 SOVA Center for Information and Analysis has built a reputation as being the most trusted and lauded source of information and statistics regarding racism, xenophobia and other hate crimes.⁹⁵

The SOVA Center is not some obscure, irrelevant organization; rather it is the most cited and commended source of what is colloquially referred to as "hate crime" statistics, information and analysis regarding the Russian Federation.

The National Endowment for Democracy shares the following: "SOVA has become the premiere center for publications on anti-Semitism, racism and discrimination in Russia and its materials are used by the Council of Europe and the United Nations."⁹⁶

For accurate statistics and independent analysis of every human rights issue and extremist action in the Russian Federation, the world's most prestigious organizations endorse only the SOVA Center. In addition to the United Nations and the Council of Europe, some other entities who endorse the SOVA Center include: Amnesty International USA⁹⁷, the United States Department of State⁹⁸, Human Rights Watch⁹⁹, Center for Strategic and International Studies¹⁰⁰, International Center for Law and Religious Studies¹⁰¹ and the Woodrow Wilson International Center for Scholars¹⁰²; among countless others.

95 <http://www.sova-center.ru/en/>

96 <http://www.ned.org/publications/newsletter-archive/sova-center-combats-hate-crimes-and-extremism-in-russia>

97 <http://www.amnestyusa.org/research/reports/annual-report-russian-federation-2011?page=3>

98 <http://www.state.gov/documents/organization/193067.pdf>

99 http://www.hrw.org/search/apachesolr_search/Sova

100 http://csis.org/files/media/isis/pubs/isis_north_caucasus_report1.pdf

101 <http://www.iclrs.org/common/search.php?query=SOVA>

102 <http://www.wilsoncenter.org/search/site/sova>

I mention SOVA attaining universal praise for the accuracy & quality of the human rights information and analysis because it demonstrates credibility and expertise. Since its start in 2002, media coverage of SOVA has been very positive and their statistics are accepted as accurate.

Well, recently the credibility and accuracy of SOVA has been challenged and the organization that is known for challenging the Russian government has even been called a puppet of the government. You must be asking what brought about the criticism of SOVA? I am sure you are not the least bit surprised to learn that certain international advocacy groups and news media have questioned SOVA's credibility because the anti-LGBT hate crime data fails to illustrate and support the narrative they are reporting-- a hateful, dangerous environment for members of the LGBT community where every LGBT person is a target and safety is not possible.

I would submit that if one combines the empirical evidence (SOVA statistics) with anecdotal evidence (not fully verified information or media), a reasonable, educated person would conclude that there have been more than 22 anti-LGBT hate crimes in the Russian Federation in 2013. Which begs the question, how many more than 22 anti-LGBT hate crimes in 2013? Using the same empirical and anecdotal evidence should extract two facts:

- (1) We don't know how many more but we can factually conclude that it is not hundreds of additional crimes. **The actual number of anti-LGBT hate crimes/year in Russia is substantially lower than 1,376.**
- (2) **Even one anti-LGBT hate crime is one too many.** We in the LGBT community and our straight allies must work to help end senseless hate crimes everywhere.

The above use of the number **1,376** is not random, rather it is the **number of anti-LGBT hate crimes** that occurred in the **United States in 2012.**

1,376 Anti-LGBT Hate Crimes Per Year = 3.77 Anti-LGBT Hate Crimes Every Day

That is an astonishing statistic which begs the questions:

Why is this epidemic of anti-LGBT hate crimes throughout the United States not being showcased by the media?

Are those of us in the LGBTQQI community choosing to make efforts to stop anti-LGBT violence in Russia while turning a blind eye to both the crimes occurring and victims of hate in our neighborhoods?

According to the National Coalition of Anti-Violence Programs (NCAVP) report *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate Violence in 2012* there were **25 anti-LGBTQ and HIV-affected homicides in the United States**¹⁰³ which accounts for the fourth highest number of homicides ever recorded by the NCAVP.

According to the SOVA Center there were **zero anti-LGBT homicides in the Russian Federation in 2012 and one anti-LGBT homicide in 2013**. I should note that I exhaustively investigated any evidence of additional anti-LGBT murders in Russia between 2011 - present, if I had found even the slightest indication of a murder having anti-LGBT connotations I would have mentioned it here; but I failed to find such evidence.

Anti-LGBT Murders

25 LGBTQ persons murdered in United States in crimes of hate in 2012

1 Vladislav Tornovoi(2013), killed in Russia's first anti-gay murder in years.

Most recently I've noticed that the US media is emphasizing that throughout the Russian Federation LGBT individuals are being attacked by groups/mobs of homophobic individuals. I am unwavering in my belief that one act of anti-gay violence is too many and must not be tolerated.

I also believed without a doubt that if similar violent, anti-gay attacks by groups/mobs of people were to occur here in the United States such horrors would receive significant focus by the national news media. That belief was shattered when I examined if similar attacks had occurred here; I expected to find documentation of incidents in the 90's and early 00's, but since I read several LGBT-specific news sources daily, I had not imagined that such attacks had occurred recently.

I want to share some of the horrific, unspeakable acts of anti-gay hate committed by groups/mobs of individuals against LGBT individuals in the United States that have

¹⁰³ http://www.avp.org/storage/documents/ncavp_2012_hvreport_final.pdf

occurred since № 135-FZ was signed into law; note that I have only focused on those attacked by groups/mobs, there have been countless horrific anti-gay attacks perpetrated by one or two individuals which are not represented below:

Occurring in Seattle on August 5, 2013:

Police: Man's nose broken in Capitol Hill gay bashing¹⁰⁴

A group of men and women broke a 37-year-old man's nose after hurling anti-gay slurs at him early Monday in Capitol Hill, according to the Seattle Police Department.

Jason Jacobs told officers he was walking in the 200 block of Summit Avenue East shortly after midnight when he was approached by three men and two women, who started calling him derogatory names based on his sexual orientation.

The group chased Jacobs down the street and attacked him when they caught up, leaving him with a broken nose and cuts to his face and knees, according to police. He was later taken to Harborview Medical Center for treatment.

Occurring in a gay-friendly area of Cleveland on August 31, 2013:

Arrest made in beating of man by mob of 20 outside gay bar in Cleveland, Ohio¹⁰⁵

An arrest has been made in connection with the beating of a man outside of a gay bar in Cleveland, Ohio, that has been the site of several anti-gay incidents in recent months.

Jared Fox, 26, is a New York man who was visiting his hometown and was walking towards Cleveland Cocktails on 31 August when he was confronted by a group of about 20 youths.

'One of them said, "Do you want to die?" and I thought, "No."' Fox said in a tearful YouTube video describing the incident. 'They started to just charge - they surrounded me.'

Fox says he was called a 'faggot' more than once, knocked to the ground and

104<http://www.komonews.com/news/crime/Mans-nose-broken-in-possible-Capitol-Hill-gay-bashing-218384061.html?tab=video&c=y>

105

<http://www.gaystarnews.com/article/arrest-made-beating-man-mob-20-outside-gay-bar-cleveland-ohio190913>

stomped on as they tried to get into his pockets. He suffered a cut on his face from where his glasses broke, a ruptured eardrum and multiple bruises.

He was finally able to get up and run and eventually made his way into the bar and the police were called.

Occurring in Portland on Halloween 2013:

Three Gay Men Attacked on Halloween for Dressing in Drag: A group of people brutally attacked three gay men dressed in drag in downtown Portland, Ore., on Halloween¹⁰⁶

Dustin Miller, Joey Malone, and Curtis Hughes were celebrating Halloween in drag outfits near the waterfront in downtown Portland around 2 a.m. when, they say, a group of people began hollering antigay slurs at them because of their costumes.

Within moments the group turned violent and attacked the three men, dragging them by their hair, beating them with their fists, and punching one in the face with such force it broke a tooth. "I was in shock. I felt my tooth go into my tongue and I spit it out onto the ground," Malone told KATU.

One of the assailants also had a knife and attempted to slash one of the victims. "He swung it at my stomach and then swung it back up at my face," Malone said.

Occurring at a San Francisco Bay Area High School on November 13, 2013:

Students Caught on Video Beating Transgender Teen¹⁰⁷

A transgender teen was verbally harassed and then beaten by a group of her fellow students at Hercules High School in Hercules, Calif., reports San Francisco TV station KGO.

The attack was caught on video by another student, who recorded the incident with a cell phone. School officials say the fight broke out after some female students began verbally harassing the trans teen about her gender identity. Though the trans student was the first to initiate physical contact and all those involved in the fight could face disciplinary action, school officials say the altercation was the result of bullying over a period of time and are standing beside the trans student in this incident.

¹⁰⁶<http://www.advocate.com/society/hate-crimes/2013/11/05/three-gay-men-attacked-halloween-dressing-drag>

¹⁰⁷<http://www.advocate.com/society/hate-crimes/2013/11/15/watch-students-caught-video-beating-transgender-teen>

Occurring in Hillcrest, the popular LGBT section of San Diego on December 23, 2013:

Hillcrest man beaten with baseball bat for being gay; suffers broken eye socket, cracked ribs¹⁰⁸

A Hillcrest man says he was randomly attacked by a group of men with a baseball bat because he was gay.

"I've never been that scared in my entire life," said Dwayne Wynn. "I literally thought I was going to die. I thought they were going to kill me. They were beating me that bad."

Wynn's eye socket was broken in the attack. He has 18 stitches in his side and three cracked ribs.

His fingers were also fractured from trying to protect his face.

"They just didn't stop and they thought it was a game," Wynn said. "They thought it was fun."

After learning of the vicious, disgusting acts of anti-LGBT violence that continue to occur throughout the United States I am enormously disappointed both with myself and my brothers and sisters in the LGBTQQI community for not adequately calling attention to each of the 3.77 anti-LGBT hate crimes that occur each day in the United States.

There were 25 members of our community murdered in anti-LGBT hate crimes in 2012; 25 nameless people whose murders did not make national news headlines, 25 victims who had their lives taken because of hate who could have been me or any other LGBTQQI person reading this..

I think that it is great and admirable for our community to call for reforms, demand equality and condemn violence against all of our brothers and sisters across the globe; but after gaining a deeper understanding of the anti-LGBT climate of violence here in the United States I have to wonder if we are collectively turning a blind eye to the epidemic plaguing our own communities which is demonstrated by the lack of our collective voice being used to support the thousands of victims of anti-LGBT hate crimes

¹⁰⁸<http://www.10news.com/news/hillcrest-man-beaten-with-baseball-bat-for-being-gay-suffers-broken-eye-socket-cracked-ribs12242013>

each year and demanding action to foster a safer, more inclusive environment.

The epidemic of hate crimes against LGBT individuals in the United States must be addressed with the same media attention and community mobilization that is currently focused on the Russian Federation.

The uncomfortable truth is that an LGBT individual is far more likely to be the victim of an anti-LGBT hate crime in the United States than in the Russian Federation.

Chapter 5: The U.S. Has No Tolerance for Anti-LGBT Policies in All Countries or Just One Country?

THE ANTI-GAY WORLD: 76 COUNTRIES WHERE BEING GAY IS ILLEGAL



Graphic from BuzzFeed¹⁰⁹

109 <http://www.buzzfeed.com/saeedjones/76-countries-where-anti-gay-laws-are-as-bad-as-or-worse-than>

It is generally accepted that the motivation for the strong response to the “Russian Anti-Gay law” by the United States and US-based NGOs is explained best by President Barack Obama during his August 7, 2013 appearance on *The Tonight Show with Jay Leno*:

“I’ve been very clear that when it comes to universal rights, when it comes to people’s basic freedoms, that whether you are discriminating on the basis of race, religion, gender or sexual orientation, you are violating the basic morality that I think should transcend every country. And I have no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them.”¹¹⁰

I absolutely agree with the President’s comment that discriminating on the basis of race, religion, gender or sexual orientation violates basic morality and must not be tolerated; however President Obama’s words and actions (or lack thereof) differ greatly.

In her 24 September 2013 Huffington Post article *10 Key U.S. Allies With Antigay Laws Even Worse Than Russia’s*¹¹¹, Sharon Kelly of Human Rights First writes: “Homosexuality is illegal in more than 70 countries, and it’s punishable by death in at least five and possibly in as many as seven. Many of these countries are key U.S. allies, frequent recipients of American aid, arms, and praise, including these ten.”:

Afghanistan.

The United States has spent enormous money and energy trying to strengthen the government of Afghanistan, which came to power due to the U.S. invasion. Although Afghanistan is still officially an Islamic Republic, there have been no recorded executions for homosexuality since the fall of the Taliban in 2001. But “pederasty,” the term used in the law to describe all same-sex relations, is still a serious offense, and in 2004 an American adviser to the government was arrested and jailed for allegedly having sex with an Afghan.

Bangladesh.

According to the State Department, the United States’ “excellent” relations with Bangladesh reflect “the two countries’ strong bonds of friendship and shared values.” Under Bangladesh’s penal code, those engaging in same-sex relations can be put in prison for life. In July, police in the capital city of Dhaka arrested a lesbian couple, Shibrony Roy Puja and Sanjida Akter, for “marrying” in secret.

¹¹⁰ <http://www.whitehouse.gov/the-press-office/2013/08/07/interview-president-jay-leno-tonight-show>

¹¹¹ http://www.huffingtonpost.com/sharon-kelly/10-key-us-allies-with-ant_b_3984532.html

Kenya.

The State Department says the United States and Kenya have an "enduring strategic partnership," one that's gotten closer in recent years as the countries have teamed up to battle terrorism. In Kenya, homosexuality carries a sentence of up to 14 years, 21 with extenuating circumstances. According to the Kenya Human Rights Commission, security forces routinely harass, arrest, and detain LGBT Kenyans, and they demand bribes or sex in exchange for leniency. Those who refuse are sometimes raped.

Pakistan.

Despite tensions with the United States, Pakistan remains a crucial "War on Terror" ally. Its legal system is a hybrid of Sharia Law and British colonial law, which both criminalize homosexuality. Section 377 of the penal code -- still operative not just in Pakistan but in other former British colonies: Malaysia, Singapore, Bangladesh, Myanmar, Maldives, and Jamaica -- says: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which shall not be less than two years nor more than ten years, and shall also be liable to fine."

Qatar.

For the last two decades, Qatar has been a major military ally of the United States and now hosts U.S. Central Command's Forward Headquarters and the Combined Air Operations Center. Its penal code makes sex between men punishable by up to seven years in prison (lesbian sex is legal.) Sharia law is also operative, so at least theoretically Qatari Muslims could be executed for homosexuality. Qatar's antigay laws are sure to draw more attention because the country will host the World Cup in 2022.

Saudi Arabia.

One of the most important U.S. strategic and economic allies, Saudi Arabia is the linchpin of American policy in the Middle East. Saudi Arabia, which has no penal code, administers Sharia Law, under which married men who engage in homosexual acts can be stoned to death. The religious police (the Commission for the Promotion of Virtue and Prevention of Vice) have raided private gatherings to arrest suspected homosexuals. In 2005, they arrested 100 men at a private party. Charged with "deviant" sexual behavior, they were sentenced to prison time and flogging.

Singapore.

The United States has a free trade agreement with Singapore, which has also been a steadfast ally in the fight against terrorism. The bad news is that sex between men is illegal; the better news is that this bad is seldom enforced. A 2007 review of its penal code resulted in the legalization of sodomy for heterosexuals and lesbians but male gay

sex -- proscribed by the Section 377, a repressive relic of British colonial rule -- remained illegal.

Uganda.

The rare country whose antigay policies have caused serious friction with the United States, this War-on-Terror ally sparked a furor in the West when its parliament took up the infamous "Kill the Gays" Bill. That bill is stalled for now, but homosexuality carries a maximum sentence of life in prison. Beginning at the end of 2012, Uganda police intensified its persecution of LGBT activists, targeting the Youth on Rock Foundation (YRF), which runs anti-AIDS programs for youth. It arrested and detained four activists affiliated with the organization: Joseph Kawesi, Kabuye Najibu, Martin (Morgan) Kanyike, and Nsubuga Pin.

United Arab Emirates.

A "key partner" to the United States on "issues including defense, non-proliferation, trade, law enforcement, energy policy, and cultural exchange," the United Arab Emirates has a vague statute that, according to some interpretations, make homosexuality punishable by death. In any case, the county's individual emirates, Dubai and Abu Dhabi, punish homosexual acts with maximum penalties of 14 and 10 years, respectively. In June, a Belgian man who told the police he was gay was sentenced to one year in prison (later reduced to six months) and deportation.

Yemen.

The Yemeni government has become a close partner to the United States as they battle Al Qaeda. In Yemen, an Islamic Republic that administers Sharia law, homosexuality carries a sentence of up to one year in prison for unmarried men, death by stoning for married men, and up to seven years for women. The government's official position is that Yemen has no homosexuals. According to one report that cites official documents, Yemeni authorities have arrested as many as 316 men for homosexuality over the last two years.

India.

On December 11, 2013 the list of 10 Key U.S. Allies With Antigay Laws Even Worse Than Russia's grew to 11 when the Supreme Court of India ruled homosexuality to be a criminal offense by upholding the constitutional validity of Chapter XVI, Section 377 of the Indian Penal Code which criminalizes sexual activities "against the order of nature", including homosexual acts.¹¹² The deafening silence from United States officials in response to India's criminalization of homosexuality is troubling if not shocking because India is a key ally to the United States. To demonstrate the importance of India to the

112 http://en.wikipedia.org/wiki/Section_377_of_the_Indian_Penal_Code

United States, consider a December 2013 Pew Research survey of the Council on Foreign Relations (CFR), a grouping of former diplomats, government officials and international relations specialists, who were asked about which countries will be more important to the United States in the future. The CFR members responded that India was more important to the US than China: 37 per cent named India, while 35 per cent said China and 25 per cent identified Japan. Only 20 per cent said the European Union.¹¹³ Since the ruling neither the US government or US LGBTQQI rights groups have mobilized against the policy of India.

With this knowledge, we must question President Obama's silence about the draconian anti-LGBT laws enforced by some of our closest allies. Despite the deep ties and frequent meetings between the US and Saudi Arabia, not once has President Obama condemned Saudi Arabia for laws criminalizing simply being homosexual or the penalty for violating this law being the death penalty. In addition to Saudi Arabia, there are 75 other countries with laws making it illegal to be gay¹¹⁴ yet President Obama has remained silent and not condemned any of these nations and the United States provides many of these nations with billions and billions of dollars in aid and continues to do business with almost all of these 76 anti-gay countries.

We can unequivocally conclude that President Obama does, in fact, have an inordinate amount of patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them.

Clearly the US-led anti-Russian propaganda effort is not motivated by a policy of protecting LGBT rights everywhere.

113 <http://www.people-press.org/2013/12/03/section-6-views-of-council-on-foreign-relations-members/>

114 <http://www.buzzfeed.com/saeedjones/76-countries-where-anti-gay-laws-are-as-bad-as-or-worse-than>

Chapter 6: What is Motivating the U.S.-led Campaign of Propaganda Against the Russian Federation?

I am sure that after reading up to this point you find yourself as dismayed as I felt months ago when my research and analysis reached this point. What began with a mission statement of negating Adam Curry & John C Dvorak of the No Agenda Show's analysis of Russian Federation Federal Law № 135-FZ had resulted in a journey of unexpected revelations, endless failed attempts of trying to disprove primary source material because it completely contradicted the messaging of US media and government officials, pouring over judicial decisions, triple checking the accuracy and credibility of every source cited and experiencing dismay after establishing that the President's passionate statement that he has "no patience for countries that try to treat gays or lesbians or transgender persons in ways that intimidate them or are harmful to them", in reality amounts to nothing more than empty words. As a gay man who is passionate about and worked tirelessly to create an environment of tolerance and respect which fosters LGBTQQI equality globally, the journey led us to this enlightenment has answered a plethora of questions, however one question remains unanswered: Why?

Why has the US government and media propagated inaccurate information about the Russian Federation's ban on propaganda of non-traditional sexual?

Although my research and analysis resulted in a deep understanding of the true reality of the ban on propaganda of non-traditional relationships, becoming educating on the various protections afforded to LGBT individuals in the Russian Federation and an awareness of the existence of vibrant LGBT communities in various cities throughout Russia (although I have not written about it in this paper, I'd encourage each reader to Google "Queer Fest 2013"¹¹⁵, a 9 day event in St Petersburg which was a huge success¹¹⁶ and held after the Federal Propaganda Ban); I truly believed that the US government & media's inaccurate portrayal of the law was motivated by purely humanitarian reasons. This belief was unequivocally disproved by the facts revealed in Chapter 5.

I began to examine if there was an important US interest that might be harmed or

115 <http://queerfest.ru/en/>

116 http://www.huffingtonpost.com/innokenty-kes-grekov/from-russia-with-cheer_b_4005193.html

significantly impacted for violating the ban on propaganda. It was also clear that in examining potential US-interests impacted by the law the focus should be on corporate interests rather than individuals (considering that the US government and media are willfully blind to the laws of nations like Saudi Arabia where homosexuality is not only criminalized, the penalty for violations is death).

I spent a number of days trying to determine the US-interest motivating this anti-Russia propaganda initiative and in reviewing my compendium of hundreds of articles I came across one that, when reading it with the knowledge gained to this point, made a lot of sense:

From Pravda. Published June 27, 2013.¹¹⁷

State Duma deputy Alexei Mitrofanov, in an interview with Pravda.Ru talks about the act against the propaganda of non-traditional family values that has recently been approved by the Russian parliament.

Alexei Mitrofanov: "There is no law against homosexuality. There is a law against the propaganda of non-traditional values among the youth, that is, among those who are under 18 years of age. There are no other restrictions whatsoever. It only goes about the prohibition of propaganda of non-traditional family values for young people.

"This law, frankly speaking, is more addressed to show business. The law mostly relates to mass media and show business. This is one of the laws in the complex of measures that are being taken in the field of show business.

One should pay attention to what is written there. The law says that foreign nationals, who engage in such propaganda of non-traditional values, shall be punished, unlike Russian citizens, with 15 days of administrative detention and expulsion. Thus, for example, **Western pop singers, who conduct such propaganda - I will not reveal their names, but they are widely known - can be immediately detained for 15 days in Russia and then deported. They will have to clean a street or two and then go."**

That's what this has been done for - to clean up show business to avoid public propaganda. As for everything else - there are no restrictions. This is a completely wrong understanding of the law. No one attacks the gay community in Russia.

¹¹⁷ http://english.pravda.ru/news/society/27-06-2013/124961-russian_gay_community-0/

I repeat, it touches upon show business, and, frankly, some of its "wonderful" representatives who've gone a little too far.

Earning millions of dollars here, they are turning their concerts into rallies that are attended by children over 12 years of age.

This, by the way, will make concert organizers - I have spoken to some of them - to put the "18 +" mark on concert tickets of several artists. On the tickets that were held this and last year, there were "12 +" marks used. There were many children over 12 in the standing area present at the concerts, where, let's say, propaganda was conducted."

Let's examine this as a potential motivating factor for the US government and media's herculean efforts to have the propaganda law overturned. In Chapter 2 it was revealed that there were substantial penalties for both foreign individuals and foreign corporations who violate this law; for reference, these fines are as follows:

Penalties for Corporations That Violate the Ban on Propaganda of Non-Traditional Sexual Relations to Minors

If a corporation distributes, to children under 16, material which is aimed at glorifying non-traditional sexual relations in their young minds or material which imposes the idea that there are an equal number of traditional and non-traditional sexual relationships in society and therefore presents a distortion of the facts, they are subject to the following:

Classification	Fine	Administrative Suspension?
Legal Entities (NGO or Corporation)	800,000 - 1,000,000 rubles (\$24,458 - 30,572 USD)	Yes, Up to 90 Days

Penalties when a Corporation Uses Media to Commit the Previously Mentioned Violation

If the violation outlined above is committed using the media (TV, Film, Radio) or the Internet the previous fines apply as well as the following additional penalties:

Classification	Fine	Administrative Suspension?
Legal Entities (NGO or Corporation)	1,000,000 rubles (\$30,572 USD)	Yes, Up to 90 Days

Penalties to Non-Citizens Who Distribute Material to Children Focused on Non-Traditional Sexual Relations

If an individual who is not a citizen of Russia distributes material to children which violates Russian Federation Federal Law № 135-FZ, he or she will face the following penalties:

Classification	Fine	Additional Penalty
Individual Non-Citizen or Foreign National	4,000 - 5,000 rubles (\$122 - 153 USD)	Either: (c) Expulsion from the Russian Federation OR (d) Arrest for up to 15 Days followed by Expulsion from the Russian Federation

Penalties for Non-Citizens who Used Media to Distribute Material to Children Focused on Non-Traditional Sexual Relations

If a violation by an individual foreign national / non-citizen is committed using the media (TV, Film, Radio) or the Internet the following penalties apply:

Classification	Fine	Additional Penalty
Individual Non-Citizen or Foreign National	50,000 - 100,000 rubles (\$1,529 - 3,057 USD)	Either: (b) Expulsion from the Russian Federation OR (b) Arrest for up to 15 Days followed by Expulsion from the Russian Federation

Before we take a closer examination of the potential impact the above fines for violating the law can have on a multinational corporation operating in Russia, we must first gain a better understanding of the rapid growth of the Russian Federation as a key Entertainment and Media market:

Russian Box Office Is a Critically Important Revenue Stream for Hollywood

In May 2011 the *Financial Times* notes that Disney holding a Moscow premiere for *Pirates of the Caribbean: On Stranger Tides*, with Johnny Depp and Penelope Cruz in attendance marked “the first time Disney has held such an event in Russia and is a sign of the importance of the Russian market for Hollywood studios looking for growth markets.”¹¹⁸

Key Facts About Russia’s Growing Importance to Hollywood:

- Since the Eighties, international revenue has gone from 20% to 70% of the Hollywood studios’ income; the US is now virtually a niche market.¹¹⁹
- According to the Motion Picture Association of America, in 2012 “International box office was also up in 2012, driven by growing markets like Russia, Brazil and China.”¹²⁰
- In 2012, Russia had the ninth largest international box office market, with \$1.2 billion in ticket sales.¹²¹ When it crossed the \$1 billion box-office mark for the first time in 2010, that represented a fifteen-fold increase since 2001.¹²²
- The Russian box office continues to rise at a compound annual rate of 27 per cent since 2006, according to Renaissance Capital, a Russian investment bank.¹²³

118 <http://www.ft.com/intl/cms/s/0/c00963d4-7cc2-11e0-994d-00144feabdc0.html?siteedition=uk>

119 <http://calvertjournal.com/comment/show/1438/hollywood-russia-film-market-idov>

120 <http://www.mpa.org/resources/43a3b102-6703-45f4-a15c-ac75573f4352.pdf>

121 <http://blog.mpa.org/BlogOS/post/2013/12/18/Another-Important-Milestone-in-Russia-in-Building-an-Online-Creative-Marketplace.aspx>

122 http://www.washingtonpost.com/lifestyle/style/us-movie-studios-now-depend-on-russia-and-other-markets-once-trivial-to-them/2011/06/29/glQAn0WL4H_story.html

123 <http://www.ft.com/intl/cms/s/0/c00963d4-7cc2-11e0-994d-00144feabdc0.html?siteedition=uk>

“Russia’s growth has outpaced established markets and emerging markets like China,” says Dave Hollis, Disney’s executive vice-president for theatrical exhibition sales and distribution. “It’s not just because of higher ticket prices, box office has gone up with more admissions. There’s a cultural revolution under way there in terms of people embracing cinema.”¹²⁴

- As of July 2011 Russia has 3,000 commercial movie screens, with 1,000 equipped for 3D, which remains more popular overseas than in North America.¹²⁵
- Unlike China, Russia doesn’t have a quota for foreign releases, although conservatives in the government love to talk about instituting one. (China, meanwhile, has grudgingly raised its foreign-movie quota from 20 films a year to 34 — but the additional 14 have to be in IMAX or 3D: score another one for megaspectacles).
- Russia manages to combine a growing appetite for foreign films with a more subdued enthusiasm for domestic product. In 2009, Hollywood outperformed Russian studios on their home turf for the first time ever. By 2010, it was winning almost five to one.

“Russia has become a top-five market for us and for some movies it’s even more important than that,” ¹²⁶

- **Andy Bird, Chairman of Walt Disney International.**

Russia is the new globalized Hollywood’s dream: A giant country with new infrastructure and little oversight that hates its own movies.

124 <http://www.ft.com/intl/cms/s/0/c00963d4-7cc2-11e0-994d-00144feabdc0.html?siteedition=uk>

125 http://www.washingtonpost.com/lifestyle/style/us-movie-studios-now-depend-on-russia-and-other-markets-once-trivial-to-them/2011/06/29/gIQA0WL4H_story.html

126 <http://www.ft.com/intl/cms/s/0/c00963d4-7cc2-11e0-994d-00144feabdc0.html?siteedition=uk>

Russia's Rapid Entertainment & Media Market Growth in All Consumer Segments

The Russian Federation is a rapidly growing market for not only the film industry but all consumer media. PricewaterhouseCoopers report "Media Market in Russia: A future full of potential. Key facts and figures 2013-2017"¹²⁷ reveals the following key information about the growth of media and trends in the Russian Federation:

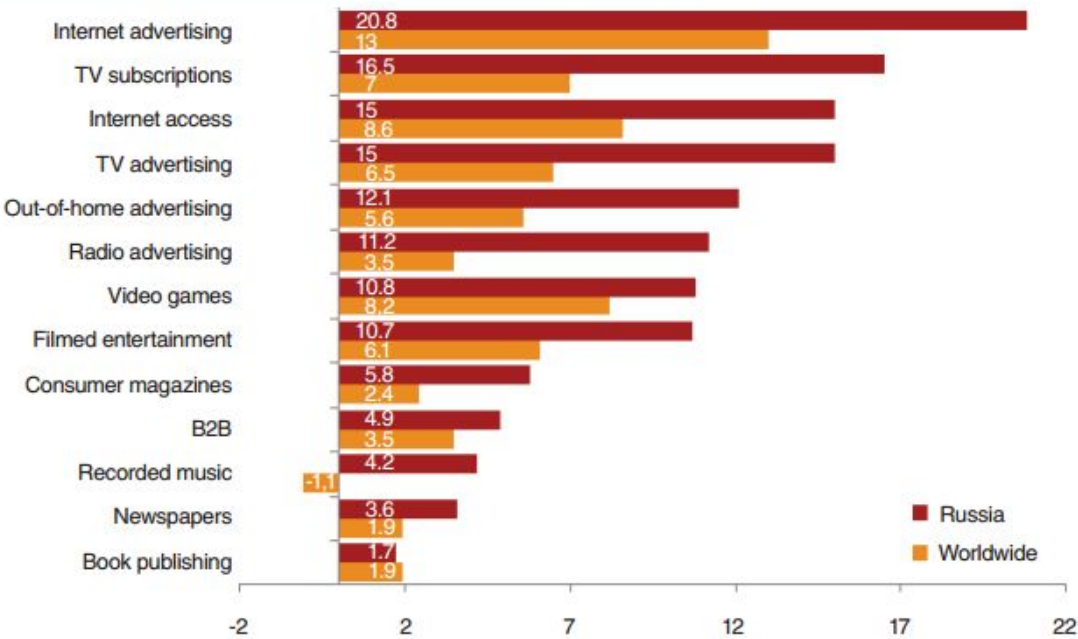
- In 2012, Russia's Entertainment & Media market grew by 14% to USD 25.4bn against 2011.
- Russia remains one of the most dynamic Entertainment & Media markets and is ranked sixth in Europe, Middle East and Africa (EMEA).
- PwC expects Russia's Compound Annual Growth Rate (CAGR) to come to 9.4% in the forecast period and, by 2017, the market should reach USD 39.8bn.
- The most rapidly developing segments of Russia's Entertainment & Media market will be:
 - Online advertising (20% growth),
 - Internet access (14.5%) and
 - Pay TV (11.9%).
- Newspapers will show slow growth (1.4%), and the trend for the educational books market will be negative (-3.7%).
- Online advertising has been growing due to Internet access segment, which has recently shown significant growth and is expected to continue to do so in the future. Market revenue will double from USD 6.4bn in 2012 to USD 12.7bn in 2017. This growth will largely be maintained thanks to mobile web services.
- The Russian TV advertising market has been actively recovering after the downturn of 2009. Annual revenue grew up from USD 2.7bn in 2009 to USD 4.2bn in 2012 with CAGR reaching 11%. The market volume is expected to reach USD 5.4bn by 2017.

127 <http://www.pwc.com/gx/en/entertainment-media/publications/pwc-outlook-on-russia.pdf>

- The Russian video game market is also rapidly and sustainably expanding. In 2008, total revenue for segment came to USD 873m. In 2012, it reached USD 1.2bn. Thus, the annual growth came to 11%. PwC believes that the total gaming market will reach USD 1.8bn by 2017. At the same time, the annual growth rate will move down from double digits to 8% and will remain fixed on that level in 2014.

Almost all segments of the Russian media market will demonstrate faster growth rates than their counterparts in the global market.

Growth rate by segment in Russia and worldwide, 2011-2015, %



The Potentially Enormous Impact on Corporations Who Violate Russian Federation Federal Law № 135-FZ

A US-based multi-national conglomerate in violation of the ban on propaganda of non-traditional sexual relations to minors has far reaching consequences.

In Chapter 2 I wrote:

While circa \$31,000 USD might seem insignificant to a multi-billion dollar global corporation, consider the possibility that the corporation facing penalties for violating N 135 - FZ is a US-based media company

whose distribution in the Russian Federation includes popular American films, television shows which originally aired in the States, Russian language versions of their websites and a concert promotion subsidiary featuring outspoken artists. Consider the potential fines resulting from the total number of violations in PG & G Rated mainstream American films and popular family television shows; several major Hollywood corporations fine ledger would resemble the iconic, consistently growing amount displayed U.S. National Debt Clock on Sixth Avenue in New York City.¹²⁸

At that point in my understanding of the law and the related judicial decisions I had not yet recognized the penalty clause which, if enacted, yields far greater damage than the one million Ruble fine per violation could ever inflict: the 90 day administrative suspension. Keep this in mind as we examine the example of one multinational corporation operating multiple entities in the Russian Federation.

Take for Example the Viacom Corporation:

In October 2013, Viacom relaunched its MTV channel on Russian cable and satellite. The relaunch of MTV is part of an overall corporate “strategy to focus on a local market that promises growing audiences.”¹²⁹ The *Moscow Times* notes that Viacom is keen to join Western companies like Disney and be competitive while guaranteeing its share of the Russian television market. The paper notes that the channel will also host reality and documentary entertainment programs, made globally and dubbed in Russian, supplemented by locally tailored programming.

Viacom has been in Russia for 15 years. MTV is its third country-specific initiative, after Nickelodeon, which is aimed at children, and the Paramount Comedy channel. In early 2014 the company plans to introduce a fourth venture — a Paramount movie channel supported by advertising revenue.¹³⁰

Nickelodeon has become the number one kids' network on paid television in Russia and Paramount Comedy has quickly become a top 25 channel after only a year on air.¹³¹

128 See Chapter 2.

129

<http://www.themoscowtimes.com/business/article/viacom-takes-control-for-mtv-russia-relaunch/486852.html>

130 <http://www.themoscowtimes.com/business/article/viacom-takes-control-for-mtv-russia-relaunch/486852.html>

131 <http://www.themoscowtimes.com/business/article/viacom-takes-control-for-mtv-russia-relaunch/486852.html>

The Russian paid television market is one of the biggest in the world, according to J'son & Partners. By the end of 2012, there were close to 32 million households connected either to cable, satellite or Internet television networks. And the market is growing. Consultants estimate that there will be more than 40 million households watching paid television content by 2017, while market penetration will reach 74 percent.¹³²

Non-Film or Television Operations in Russia

According to Dan Frugtniet, licensing director, Viacom International Media Networks emerging markets, Viacom's operations in Russia extend far beyond movies and television:

We are developing a license business for all our existing TV brands. Traditionally, Nickelodeon has led by providing various internationally well-known characters for local licensees. Air time is still key to success, and in addition to our Nickelodeon channel, we also have branded blocks on local FTA channel TNT (Russia), QTV (Ukraine) and Balapan and NTK (Kazakhstan). Our content also airs on FTA channel 2x2 in Russia and TET/1+1 in the Ukraine. We have also recently launched branded blocks for MTV on Russian FTA channel U. In addition to this air time, our licensees receive strong marketing support throughout the year.

The Teenage Mutant Ninja Turtles master toy range, produced by Playmates and exclusively distributed locally by Gulliver, has been a huge success and currently holds 12 percent market share in the boys' toy sector. We have developed a fantastic relationship with the No. 1 kids' retail channel Detsikiy Mir, and to-date have run two key retail promotions for Teenage Mutant Ninja Turtles that drove incremental toy sales and brand awareness.¹³³

Viacom's Film Properties

Viacom owns a portfolio of film production and distribution properties which account for a large share of the total global box office. This portfolio includes: MTV Films, Nickelodeon Movies, Paramount Animation, Paramount Pictures and Viacom International.

In 2013 Viacom-owned Paramount Pictures global ticket sales were \$2.47 billion USD.

2.html

132 <http://www.themoscowtimes.com/business/article/viacom-takes-control-for-mtv-russia-relaunch/486852.html>

133 <http://www.licensemag.com/license-global/last-word-viacom-builds-russia>

The Potential Impact of a Violation

While a fine of 1,000,000 Rubles (\$30,572 USD) for each violation could add up quickly if a television show or film includes multiple instances of banned material; the significant impact or harm a company could potentially incur is an administrative suspension of all the activities of a company in violation for 90 days.

An administrative suspension of operations would potentially mean that for 90 days:

- No Viacom owned film production and distribution properties could be shown in Russia's theaters
- All Viacom owned television networks would not be permitted to broadcast in Russia.
- No licensed products from Viacom-owned properties could be sold.

The potential loss of revenue, a 90 day administrative suspension of operations to Viacom, is staggering.

Now I'd ask you to substitute Viacom for Walt Disney, Time Warner, News Corporation, Sony or any other media conglomerate that comes to mind; the financial loss inflicted by a 90 day suspension to some of those would be significantly greater than the Viacom example.

Which Brings Us to the Pinnacle Question:

Would the US government and news media (all owned by multinational conglomerates) implement a enormous propaganda campaign demanding the repeal of Russian Federation Federal Law № 135-FZ because of the potential revenue loss a company in violation could incur with a 90 day suspension resulting in lower than projected revenues leading to a negative impact on the company's stock price and ultimately causing a negative impact on key US economic indicators?

To answer this question, we must utilize the understanding of Russian Federation Federal Law № 135-FZ we have gained in each chapter of this paper and also the following:

- The data from the 7 years of regional propaganda bans which proves that those laws were not enforced and therefore didn't significantly impact LGBT individuals;
- The knowledge that the Federal ban which came into law with such fanfare has only resulted in 3 prosecutions (2 of which were acts of civil disobedience to challenge the law);
- The understanding that although the US media is presenting Russia to be a dangerous atmosphere of homophobic hate making it unsafe for LGBT individuals in Russia, the reality is that an LGBT individual in the United States is far more likely to be the victim of an anti-LGBT hate crime than our Russian counterparts; and,
- The critically important fact that on September 20, 2013 at the 24th UN Human Rights Council the official delegation of the Russia Federation agreed to take all required measures to prevent homophobic hate crimes and discrimination on grounds of sexual orientation.

With all that in mind we can conclude that the only accurate, fact-based, logical answer to the question is YES.

Afterword.

As I wrote in the Preface the advancement of LGBTQQI rights (and all human rights) in both the United States and abroad are very important to me; so much of my personal and professional life has focused on advancing equality, inclusion and tolerance. In fact these core values were top of mind throughout the entire journey which resulted in this paper-- if you recall I began to research Russian Federation Federal Law № 135-FZ after hearing the analysis of the law by Adam Curry and John C. Dvorak of the No Agenda Show; their analysis that challenged my perception of the Russian law and their clear and consistent support of LGBTQQI rights made it impossible to superficially dismiss their findings. If not for the Curry - Dvorak analysis I would not have looked beyond the media coverage and official US government messaging and, with a goal of disproving the Curry - Dvorak analysis, began a journey to gain a deep understanding of all the intricacies of the law, LGBT life and LGBT rights in the Russian Federation.

The journey which resulted in the enlightenment was by no means easy; whenever my research revealed information and facts that contradicted what was being reported by US media, I spent an inordinate amount of time (unsuccessfully) trying to disprove my findings. It was only after I had exhausted all possible ways to disprove the material I had amassed that I accepted that this information is accurate, factual and important to share.

In an effort to be as transparent as possible, it is important for me to share that I have not received and I will not accept any form of payment or compensation to research or write this paper. I am not a member or supporter of any political party. I am not Russian and do not have any affinity or animosity towards the Russian Federation. The only possible connection one might draw is that, although I haven't seen her in years, my father's cousin is Carol Heiss who won the Gold Medal in Figure Skating at the 1960 Olympics. There were no outside influences on any of the material in this paper, I'm simply a person who is dedicated to advancing equality, inclusion and tolerance of not only the LGBT community but the entire spectrum of our diverse world. I approached this with only goal: to disprove the Curry - Dvorak analysis; I never imagined that the result would be to not only validate their analysis but to solidify it.

The decision to share this information was not an easy one, but it is the right thing to do. With that in mind I want to make this clear: if a hate group like the American Family Association or anyone with an anti-LGBT mindset attempts to cherry-pick, distort or otherwise use any of the facts or findings presented in this paper to try to push your anti-gay agenda forward, I promise there will be no voice louder than my own

condemning such actions.

I hope that the understanding of the reality which you may have reached reading this paper will allow each of you passionate about equality to use this knowledge in developing the most effective strategic approach to advance LGBT equality and build an atmosphere of tolerance & understanding both in the Russian Federation and the United States. If there is anything I might do to support such efforts, please let me know.

Brian M. Heiss
Chicago, Illinois USA
January 25, 2014

APPENDIX OF OFFICIAL DOCUMENTS



THE RUSSIAN FEDERATION

Federal Law № 135-FZ	1
On amending Article 5 of the Federal Law “On the protection of children from information harmful to their health and development” and other legal instruments of the Russian Federation in order to protect children from information promoting rejection of traditional family values. (June 29, 2013)	
Federal Law № 124-FZ	5
On basic guarantees of the rights of children in the Russian Federation. (July 24, 1998)	
Federal Law № 436-FZ	20
The protection of children from information harmful to their health and development. (December 29, 2010)	
Federal Law № 139-FZ	37
On Amending the Federal Law "On Protection of children from information harmful to their health and development" and Certain Legislative Acts of the Russian Federation. (July 28, 2012)	
Federal Law № 50-FZ	49
On Amendments to Certain Legislative Acts of the Russian Federation with regard to limiting the spread of information about minors, victims of illegal actions (inaction). (April 5, 2013)	
Code of Administrative Offenses	52
Chapter 6. Administrative offenses against the health, sanitary and epidemiological welfare of the population and public morals. (Current as of January 13, 2014)	

June 29, 2013

№ 135-FZ



THE RUSSIAN FEDERATION
FEDERAL LAW

On amending Article 5 of the Federal Law “On the protection of children from information harmful to their health and development” and other legal instruments of the Russian Federation in order to protect children from information promoting rejection of traditional family values

Adopted by the State Duma

June 11, 2013

Federation Council approved

June 26, 2013

Article 1

In Article 5 Paragraph 2 Item 4 of the Federal Law of 29 December 2010 № 436-FZ "On the protection of children from information harmful to their health and development" (Collected Legislation of the Russian Federation, 2011, N 1, Art. 48, 2013, N 14, Art. 1658), after the word "value" words “promoting non-traditional sexual relations” .

Article 2

Article 14 Paragraph 1 of the Federal Law of July 24, 1998 № 124-FZ "On Basic Guarantees of the Rights of the Child in the Russian Federation" (Collected Legislation of the Russian Federation, 1998, N2 31, Art. 3802, 2008, N2 30, 3616 one, 2009 N2 23, Art. 2773, 2011, N2 30, 4600 one) after the words "of a pornographic nature," the words "of information that promotes unconventional sexual relationships."

Article 3

Add to the Russian Federation Code of Administrative Offences (Collected Legislation of the Russian Federation, 2002, N 1, p. 1; N 30, Art. 3029; N 44, Art. 4295, 2003, N 27, Art. 2700, 2708, 2717; N 46, Art. 4434; N 50, Art. 4847, 4855, 2004, N 31, Art. 3229; N 34, Art. 3529, 3533; N 44, Art. 4266, 2005, N 1, Art. 9 13.40, 45; N 10, Art. 763; N 13, Art. 1075, 1077; N 19, Art. 1752; N 27, Art. 2719 2721; N 30, Art. 3104, 3131; N 50, Art. 5247; N 52, Art. 5574, 2006, N 1, Art. 4, about 1; N 2, Art. 172; N 6, p. 636; N 10, Art. 1067; N 12, Art. 1234 ; N 17, Art. 1776; N 18, Art. 1907; N 19, Art. 2066; N 23, Art. 2380; N 31, Art. 3420, 3438, 3452; N 45, Art. 4641; N 50, Art. 5279, 5281; N 52, Art. 5498, 2007, N 1, Art. 21,29; N 16, Art. 1825; N 26, Art. 3089; N 30, Art. 3755; N 31, art. 4007, 4008; N 41, Art. 4845; N43, Art. 5084; N 46, Art. 5553, 2008, N 18, Art. 1941; N 20, art. 2251,2259; N29, Art. 3418; N 30 , Art. 3604; N 49, Art. 5745; N 52, Art. 6235, 6236, 2009, N 7, Art. 777; N 23, Art. 2759; N 26, Art. 3120, 3122; N 29, Article . 3597, 3642; N 30, Art. 3739; N 48, Art. 5711, 5724; N 52, Art. 6412, 2010, N 1, p. 1; N 19, Art. 2291; N 21, Art. 2525 ; N 23, Art. 2790; N 27, Art. 3416; N 30, Art. 4002, 4006, 4007; N 31, Art. 4158, 4164, 4193, 4195, 4206, 4207, 4208; N 41, art. 5192; N 49, Art. 6409, 2011, N 1, Art. 10,23,29, 54; N 7, Art. 901; N 15, Art. 2039; N 17, Art. 2310; N 19, art. 2714, 2715; N 23, Art. 3260; N 27, Art. 3873; N 29, Art. 4290, 4298; N 30, Art. 4573, 4585, 4590, 4598,4600, 4601, 4605; N 46, Art . 6406; N 47, Art. 6602; N 48, Art. 6728; N 49, Art. 7025, 7061; N 50, Art. 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366, 2012, N 6, Art. 621; N 10, Art. 1166; N 19, Art. 2278, 2281; N 24, Art. 3069, 3082; N 29, Art. 3996; N 31, Art. 4320, 4330; N 41, Art. 5523; N 47, Art. 6402, 6403, 6404, 6405; N 49, Art. 6757; N 53, Art. 7577, 7602, 7640, 2013, N 8, Art. 720; N 14, Art. 1651 , 1658, 1666; N 19, Art. 2323, 2325) as follows:

1) In the first paragraph of Part 1 of Article 3.5 replace the words "Articles 5.38, 20.2" with the words "Article 5.38, paragraphs 2 and 4 of Article 6.21, Article 20.2", the words "specified in paragraph 2 of Article 14.16" with the words "specified in paragraph 2 of Article 6.21, part 2 of article 14.16 ";

2) Chapter 6:

a) Article 6.17 Paragraph 1:

In the first paragraph the words "Article 6.20" with the words "Articles 6.20,6.21";

In the second paragraph the words "and (or) the administration" with the words "or administrative";

b) Add Article 6.21 as follows:

"Article 6.21. Promotion of non-traditional sexual relations among minors

1. Propaganda of non-traditional sexual relationships among minors, expressed in the dissemination of information aimed at forming non-traditional sexual attitudes among minors, attractiveness of non-traditional sexual relationships, distorted image of social equality of traditional and non-traditional sexual relationships, or the forced imposition of information of non-traditional sexual relationships, which can attract interest to such relationships, if these actions do not make up a criminal offence,

- shall entail the imposition of an administrative fine in the amount of 4,000 to 5,000 rubles for citizens; in the amount of 40,000 to 50,000 rubles for officials; and in the amount of 800,000 to 1,000,000 rubles for legal entities, which can in the latter case be replaced by suspension of activity for up to 90 days.

2. Actions provided for by paragraph 1 of this Article, committed with the use of the mass media and(or) information and telecommunication networks (including Internet), if these actions do not make up a criminal offense,

- shall entail the imposition of an administrative fine on citizens in the amount of 50,000 to 100,000 rubles; for officials - from 100,000 to 200,000 rubles; for legal entities – 1,000,000 rubles or administrative suspension of activity for up to 90 days.

3. Actions provided for by paragraph 1 of this Article, committed by a foreign national or a stateless person, if these actions do not make up a criminal offense,

- shall be punishable by a fine of 4,000 to 5,000 rubles followed by administrative expulsion from the Russian Federation or administrative arrest for up to 15 days followed by expulsion from the Russian Federation.

4. Actions provided for by paragraph 1 of this Article, committed by a foreign national or a stateless person with the use of the media and(or) information and telecommunication networks (including Internet) if these actions do not make up a criminal offense,

- shall be punishable by a fine of 50,000 to 100,000 rubles followed by administrative expulsion from the Russian Federation or administrative arrest for up to 15 days followed by administrative expulsion from the Russian Federation.

3) in Part 1 of Article 23.1 replace the figure "6.18 - 6.20" with the figure "6.18 - 6.21";

APPENDIX

4) in Part 2 of Article 28.3:

a) Paragraph 1 after the numbers "6.20" add numbers "6.21";

b) Paragraph 58 after figures "6.13," add the numbers "6.21".

Article 4

In the second subparagraph of paragraph 1 of Article 1 of the Federal Law of 7 May 2013 № 96-FZ "On Amendments to the Code of Administrative Offenses" (Collected Legislation of the Russian Federation, 2013, N 19, Art. 2323), replace the words "Articles 5.38, 7.13, 7.14, 7.142, paragraph 2 of Article 7.15 "with the words" Article 5.38, paragraphs 2 and 4 of Article 6.21, Articles 7.13, 7.14, 7.142, paragraph 2 of Article 7.15, "the words" specified in paragraph 21 of Article 14.16 is replaced "with the words" specified in part 2 of Article 6.21, part 21 of article 14.16. "

Article 5

This Federal Law shall enter into force on the day of its official publication.

President of the Russian Federation
Putin

July 24, 1998

№ 124-FZ



THE RUSSIAN FEDERATION
FEDERAL LAW

On basic guarantees of the rights of children in the Russian Federation

Adopted by the State Duma

July 3, 1998

Federation Council approved

July 9, 1998

(in ed. of federal laws from 20.07.2000 N 103-FZ, from 22.08.2004 N 122-FZ, from 21.12.2004 N 170-FZ, from 26.06.2007 N 118-FZ, from 30.06.2007 N 120-FZ, from 23.07.2008 N 160-FZ, from 28.04.2009 N 71-FZ, from 03.06.2009 N 118-FZ, from 17.12.2009 N 326-FZ, with chg, introduced by federal law from 21.07.2011 N 252-FZ)

Present federal law establishes the basic guarantees of rights and legitimate interests of child, provided by the constitution of the Russian Federation, for purposes of the creation of legal, social and economic conditions for the realization of rights and legitimate interests of child.

State recognizes childhood with the important stage of the life of man and it proceeds from the principles of the priority of training children for the valuable life in the society, development in them of the publicly significant and creative activity, training in them of high moral qualities, patriotism and civilization.

Chapter 1. General Provisions

Article 1

Definitions used in this Federal Law For the purposes hereof , the following concepts:

- **Child** - a person reaches the age of 18 years (age);

- **Children in difficult situations** - children left without parental care , children with disabilities , children with disabilities , that is, with deficiencies in physical and (or) mental development , and children - victims of armed conflicts and ethnic , environmental and technological catastrophes, natural disasters , children from families of refugees and internally displaced persons , and children who find themselves in extreme conditions , and children - victims of violence , children serving a sentence of imprisonment in a penal colonies , children in special educational institutions , children living in low-income families , children with behavioral problems , and children whose livelihoods disrupted by objective circumstances and which can not overcome these circumstances alone or with the help of family ;
- **Social adaptation of the child** - the process of active adaptation of children in difficult situations, to socially accepted rules and standards of conduct , as well as the process of overcoming the effects of psychological or mental trauma ;
- **Social rehabilitation of children** - actions to restore the lost child social connections and functions replenishment environment livelihoods , strengthening care of him ;
- **Social services for children** - the organization regardless of their organizational and legal forms of ownership , with activities for social services for children (social support , provision of social , medical and social , psychological , educational, legal services and material assistance organizations providing recreation and health social rehabilitation of children in difficult situations, the employment of these children when they reach working age) , as well as citizens , asking for unincorporated business activities of social services to the population , including children;
- **Social infrastructure for children** - a system of objects (buildings , structures) required for the sustenance of children , as well as organizations, irrespective of their organizational and legal forms of ownership that provide social services to the population , including children , and activities are carried out in order ensuring a full life , health , education, training , recreation and health , child development , to meet their social needs ;
- **Holidays for children and their recovery** - a set of measures to ensure the development of the creative potential of children , protection and promotion of health , prevention of diseases in children , engaging them in physical culture , sport and tourism , formation of children's healthy lifestyles , their adherence to diet and activity in favorable environment when the sanitary and sanitary requirements ;
- **Recreation for children and their recovery** - children's camps (country health camps, day care , etc.) , specialized (core) camp (sports camps , sports camps defense , tourist camps, work and leisure, ecological and biological camp and technical camps, local history and other camps) , wellness centers , and database systems , and other organizations regardless of their organizational and legal forms of ownership , whose main activity is focused on the implementation of services to provide recreation for children and their rehabilitation ;
- **Night** - time from 22 to 6 local time .

- **Trafficking in children** - sale of a minor, other transactions in respect of a minor, as well as committed to in its recruitment, transportation, transfer, harboring or receipt;
- **Exploitation of children** - use of prostitution of minors and other forms of sexual exploitation, slave labor (services) juvenile servitude of minors, illegal seizure of the juvenile authorities and (or) tissues, illegal adoption (adoption) of a minor from selfish motives;
- **Trafficked children and (or) the exploitation of children** - a minor, a victim of trafficking and (or) the exploitation of children, including those involved in the trafficking of children and (or) in situations of exploitation, regardless of the presence or absence of its consent to the activities related to trafficking children and (or) the exploitation of children.

Article 2. Relations Regulated by this Federal Law

This Federal Law regulates relations arising in connection with the implementation of the fundamental guarantees of the rights and legitimate interests of the child in the Russian Federation.

Article 3. Legislation of the Russian Federation on the basic guarantees of children's rights in the Russian Federation

Legislation of the Russian Federation on the basic guarantees of children's rights in the Russian Federation is based on the Constitution of the Russian Federation and consists of this Federal Law, the relevant federal laws and other normative legal acts of the Russian Federation, as well as laws and other normative legal acts of the Russian Federation in the field of protection of the rights and legitimate interests of the child.

Article 4. Public Policy Goals for Children

1. Public policy objectives in the interests of children are:
 - Children's rights provided by the Constitution of the Russian Federation, to prevent discrimination against them, strengthening of basic guarantees of rights and legal interests of children, as well as the restoration of their rights in cases of violations;
 - The formation of the legal framework guarantees the rights of the child;
 - Promote physical, intellectual, mental, spiritual and moral development of children, teaching them patriotism and citizenship, as well as the implementation of the child's personality in the public interest and in accordance with not contradict the Constitution of the Russian Federation and federal law traditions of the peoples of the

Russian Federation, the achievements of Russian and world culture ;

- Protect children from the factors that negatively affect their physical, intellectual, mental, spiritual and moral development.
2. State policy for children is a priority and is based on the following principles:
- Legislative support for the rights of the child;
 - Family support in order to provide training, education, recreation and health of children, protection of their rights, to prepare them for a fulfilling life in society;
 - Liability of legal persons, officials, citizens for violation of the rights and legitimate interests of the child, causing him harm;
 - Support NGOs and other organizations working to protect the rights and legitimate interests of the child.

Article 5. Powers of state authorities of the Russian Federation and bodies of state power of subjects of the Russian Federation on the implementation of safeguards the rights of children in the Russian Federation

1. The powers of the authorities of the Russian Federation on the implementation of safeguards the rights of children in the Russian Federation:
- Establishing the principles of federal policy for children;
 - Selection of priority activities to promote the rights and legitimate interests of the child, the protection of health or morals;
 - Formation and implementation of federal target programs to protect the rights of the child and child support and determination of those responsible for the execution of such programs, agencies, institutions and organizations;
 - Establish procedures for judicial protection and judicial protection of the rights and legitimate interests of the child;
 - Fulfillment of international obligations of the Russian Federation and the representation of the interests of the Russian Federation in international organizations for the protection of children's rights.
2. The powers of the organs of state power of subjects of the Russian Federation on the implementation of safeguards children's rights in the Russian Federation include the implementation of public policies for children, issues of social support and social services for orphans and children left without parental care (except for children enrolled in the federal government educational organizations), street children, children with disabilities, the organization and provision of recreation and health of children (with the exception of recreation for children during the holidays).

Chapter 2. Main Areas of Providing for the Child in the Russian Federation

Article 6. Legislation guaranteeing the rights of the child in the Russian Federation

Child from birth and guaranteed by the state owned the rights and freedoms of man and citizen in accordance with the Constitution of the Russian Federation, generally recognized principles and norms of international law, international treaties of the Russian Federation, the present Federal Law, the Family Code of the Russian Federation and other normative legal acts of the Russian Federation.

Article 7. Helping the child to realize and protect their rights and legal interests

1. Authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, officials of these bodies in accordance with their competence in helping the child realize and protect their rights and interests, taking into account the child's age and within the established laws of the Russian Federation volume capacities of the child through appropriate normative legal acts of methodical, informational and other work with the child to explain his rights and duties, protection of the rights of the order established by the legislation of the Russian Federation, as well as through the promotion of child execution responsibilities support enforcement practices in the field of protection of the rights and legitimate interests of the child.
2. The child's parents (persons replacing them) contribute to it in the implementation of independent action aimed at the implementation and protection of the rights and legitimate interests, taking into account the child's age and within the established laws of the Russian Federation volume capacities of the child.
3. Educational, medical, social workers, psychologists and other specialists who carry out the functions of education, training, health care, social support and social services for the child, contribute to their social adaptation, social rehabilitation, may participate in the legislation of the Russian Federation in order to ensure that events protection of the rights and legitimate interests of the child in state bodies and local self-government.
4. Associations (organizations) and other non-profit organizations may carry out activities to prepare the child for the implementation of his or her rights and duties.

Article 8.

Abolished. - Federal law from 22.08.2004 N 122-FZ.

Article 9. Measures to protect the rights of the child in the exercise of its activities in the field of education

1. In carrying out activities in the field of education of the child within the family or organization engaged in educational activities may not infringe on the rights of the child.
2. Controls organizations engaged in educational activities, is not entitled to prevent the establishment of the initiative of students over the age of eight years of public associations of students, with the exception of children's public associations established by or created by the political parties, children's religious organizations.
3. Students organizations implementing educational activities, with the exception of students in educational programs of preschool and primary education are entitled to their own or through their elected representatives to contact the Commission for the settlement of disputes between members of educational relations.

Article 10. Ensuring Children's Right to Health

In order to ensure children's rights to health, in accordance with the legislation of the Russian Federation, in medical organizations of public health and community health systems are taking steps to provide free medical care to children, providing children health, prevention, diagnosis and treatment of diseases, including medical check-up, medical rehabilitation of disabled children and children with chronic diseases, and sanatorium treatment of children.

Article 11. Protection of rights and legal interests of children in vocational guidance, vocational training and employment

1. In accordance with Russian law enforcement authorities of subjects of the Russian Federation shall take measures to ensure the vocational guidance, vocational training of children under the age of 14 years.

2. In the case of recruitment of children under the age of 15 years, they are guaranteed remuneration, health and safety, reduced working hours, holidays. Workers under 18 years old are available benefits when combining work with study, the annual compulsory medical examination, employment quotas for employment, termination of the employment agreement (contract) and other benefits established by the legislation of the Russian Federation.

Article 12. Protecting the rights of children to rest and recuperation

1. State authorities of the Russian Federation, local self-government within its authority shall take measures to ensure the rights of children to rest and recreation, conservation and development institutions, which are aimed at leisure and health of children. Authorities of the Russian Federation may carry additional funding to ensure the rights of children to rest and recuperation.

2. Repealed. - Federal law from 22.08.2004 N 122-FZ.

Article 13. Protection of rights and legitimate interests in the formation of social infrastructure for children

1. Federal executive bodies, executive bodies of subjects of the Russian Federation to the decision-making on socio-economic development of the Territories regulations allow construction of social infrastructure for children. Such standards shall be established by the Government of the Russian Federation and applied to regional differences and traditions of the peoples of the Russian Federation, unless otherwise provided by law of the subject of the Russian Federation.

2. Adoption of the federal executive authorities, executive authorities of the Russian Federation or local authority decisions on reconstruction, modernization, change of destination or on the Elimination of social infrastructure for children, which is the state and (or) municipal property, as well as the reorganization or liquidation of state organizations, community organizations, forming social infrastructure for children, is allowed under the positive conclusions of the commission to assess the consequences of this decision for their livelihoods, education, development, recreation and health of children, providing them with medical care, disease prevention in children, their social protection and social service.

Procedure for the assessment of the decision on reconstruction, modernization, change of destination or on the Elimination of social infrastructure for children, is a federal state property, as well as the reorganization or liquidation of the federal government agencies that make up the social infrastructure for children, including the criteria for this assessment procedure create a committee to evaluate the consequences of this decision and its preparation conclusions established by the Government of the Russian Federation.

Procedure for the assessment of the decision on reconstruction, modernization, change of destination or on the Elimination of social infrastructure for children, which is state-owned entity of the Russian Federation or municipal property, as well as the reorganization or liquidation of public organizations of the Russian Federation, municipal organizations, forming social infrastructure for children, including the criteria for this assessment, how to create a committee to evaluate the consequences of this decision and to prepare its conclusions established by the authorized body of state authority of the Russian Federation.

3. The property, which is public property (land, buildings and facilities, equipment and other property), which refers to social infrastructure for children and the occurrence, isolation, or the acquisition of which is intended for education, development, recreation and health of children, providing medical care for children and prevention of diseases among them, social protection and social services for children, can be used only for these purposes.

The property, which is property of the Russian Federation and is intended for education, development, recreation and health of children, care for children and prevention of diseases among them, social protection and social services for children, used in accordance with the procedure established by the legislation of the Russian Federation and the legislation of the Russian Federation.

4. If the state or municipal institution, forming social infrastructure for children, leases assigned to her objects of ownership, the conclusion of the lease must be preceded by the founder conducted in the manner prescribed by paragraph 2 of this Article, assess the consequences of signing the contract for their livelihoods, education, development, recreation and health of children, providing them with medical care, disease prevention in children, social protection and social services. Lease agreement can not be concluded if as a result of the impact assessment of its conclusion, the possibility of deterioration of these conditions.

5. How to change the destination of the property, which is the municipal property (land, buildings and facilities, equipment and other property) and the occurrence, isolation, or the acquisition of which related to the goals of education, development, recreation and health of children, care for children and prevention of diseases they, social protection and social services for children, established by local governments with the prior creation (acquisition, change of destination) property sufficient for these purposes.

6. Repealed. - Federal law from 22.08.2004 N 122-FZ.

7. Change of ownership of the property, which refers to social infrastructure for children and is a state or municipal property, can be installed in the law order.

Article 14. Protection of the child from information and propaganda, detrimental to his health, moral and spiritual development

1. Authorities of the Russian Federation shall take measures to protect the child from

information and propaganda, detrimental to his health, moral and spiritual development, including the national, class, social intolerance, the advertising of alcoholic beverages and tobacco products from social advocacy, racial, ethnic and religious inequalities of pornographic content, from the information that promotes unconventional sexual relationships, as well as dissemination of printed materials, audio and video, which promotes violence and abuse, drug addiction, substance abuse, antisocial behavior.

2. In order to protect children from information harmful to their health and (or) development, the Federal Law of December 29, 2010 N 436-FZ "On the protection of children from information harmful to their health and development" establishes requirements for the dissemination of information among children, including requirements for the implementation of the classification of information products, its expertise, state supervision and control over compliance with the Russian legislation on the protection of children from information harmful to their health and (or) development.

3. In order to ensure the safety of life, health, morals of the child, to protect it from the negative impacts in the manner specified by the Russian Government authorized federal executive body, is examined (social, psychological, educational, sanitary) desktop, and other computer games, toys and playing facilities for children.

Article 14.1 Measures to promote the physical, intellectual, mental, spiritual and moral development of children

1. In order to promote the physical, intellectual, mental, spiritual and moral development of children and the formation of their healthy lifestyles authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local self-government in accordance with their competence create favorable conditions for sports activities and sports organizations, cultural organizations, organizations forming social infrastructure for the kids (including the space for them to access the network "Internet").

2. Parents (persons replacing them) must take care of health, physical, mental, spiritual and moral development of their children. Persons engaged in education activities, education, development, health, social protection and social services for children, promote their social adaptation, rehabilitation and similar activities involving children (hereinafter - the person asking for activities involving children), within their powers contribute to the physical, intellectual, mental, spiritual and moral development of children.

Authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local self-government in accordance with their competence assist these persons in carrying out their responsibilities for physical, intellectual, mental, spiritual and moral development of children.

3. Laws of the Russian Federation in order to prevent harm to children's health, their physical, intellectual, mental, spiritual and moral development can be established:

- Measures to prevent a finding of children (persons under 18 years of age) on the objects (in the territories, premises) legal entities or individuals engaged in

entrepreneurial activities without forming a legal entity, which are intended only for the sale of goods of a sexual nature, in the beer garden, wine bars, pubs, rumochnaia, in other places, which are intended to implement only alcoholic beverages, beer and drinks made based on it, and in other places, finding that may harm the health of children and their physical, intellectual, mental, spiritual and moral development;

- Measures to prevent a finding of children (persons under 18 years of age) at night in public places, including streets, stadiums, parks, squares, public service vehicles, on the objects (in the territories, premises) legal entities or individuals engaged in entrepreneurial activities without forming a legal entity, which are designed to provide access to the "Internet", as well as for the implementation of services in the sphere of trade and catering (organizations or points) for entertainment, leisure, where the established legal order provided retail sale of alcoholic beverages, beer and drinks made based on it, and in other public places without their parents (or persons in loco parentis), or persons performing activities involving children;

- Procedure for notifying parents (or persons acting in loco parentis), or persons performing activities involving children, and (or) the internal affairs agencies in case of a child in the locations specified in paragraphs two and the third of this paragraph, in violation of the requirements and the procedure of delivering such a child's parents (or persons in loco) or persons performing activities involving children, or in the absence of such persons, failure to identify their location or other obstacles brought promptly before a child of circumstances specified persons in institutions for juveniles in need of rehabilitation, the place of discovery of the child.

4. Subjects of the Russian Federation in accordance with paragraph 3 of this Article shall be entitled to:

- Determined taking into account cultural and other local traditions place, finding that may harm the health of children and their physical, intellectual, mental, spiritual and moral development, and public places in which at night does not allow children without parents (persons replacing them), as well as persons performing activities involving children;

reduce to a seasonally adjusted, climatic and other conditions night, during which allow children without parents (persons replacing them), as well as persons engaged in activities involving children, established in public places;

- Reduce a given cultural and other local traditions age up to which their presence is not allowed at night in public places established without their parents (or persons in loco parentis), as well as persons performing activities involving children, but not more than Two years.

5. Establishment of subjects of the Russian Federation in accordance with the third subparagraph of paragraph 3 of this Article of measures to prevent a finding of children (persons under 18 years of age) at night without their parents (or persons in loco parentis), or persons performing activities involving children in vehicles public funds shall be based on negotiated agreements between the Russian Federation on the application of these measures, if the routes of these vehicles pass through the territories of two or more subjects of the Russian Federation.

6. For the evaluation of determining the locations, finding that may harm the health of

children and their physical, intellectual, mental, spiritual and moral development, public places, where at night does not allow children without parents (or persons acting in loco parentis) as well as persons engaged in activities involving children, an expert committee. Procedure for the formation and functioning of such committees shall be established in accordance with the laws of the Russian Federation.

7. Local authorities with regard to the provisions of this article and in the manner prescribed by the laws of the Russian Federation, may determine the territory of the municipal formation space, finding that children in accordance with paragraph 3 of this Article shall not be permitted.

8. Laws of the Russian Federation for non-compliance to ensure parents (or persons in loco parentis), persons engaged in activities involving children, as well as legal entities or citizens engaged in entrepreneurial activities without forming a legal entity, measures to promote the physical, intellectual, mental, spiritual and moral development of children and to prevent harming them can be established administrative responsibility.

Article 14.2 Measures to combat child trafficking and exploitation of children

1. Authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local self-government within its authority shall take measures to combat trafficking in children and child exploitation.

2. Authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local self-government in accordance with their competence shall take measures to provide the necessary educational, psychological, medical and legal assistance to victims of trafficking and (or) the exploitation of children, their parents (or persons, their replacement).

3. Associations (organizations) and other non-profit organizations can assist state authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local authorities in the implementation of measures to combat child trafficking and exploitation of children, to provide the necessary educational, psychological, medical and legal assistance to victims trafficking and (or) the exploitation of children, their parents (or persons in loco).

4. Citizens of the Russian Federation, foreign citizens, stateless persons for offenses involving trafficking in children and (or) the exploitation of children, in accordance with the legislation of the Russian Federation.

5. Legal entities are responsible for the creation of conditions for the sale of children, and (or) the exploitation of children, as expressed in the provision of facilities, vehicles, or other tangible assets, creating living conditions for the sale of children, and (or) the exploitation of children, the provision of services to facilitate the sale of children and (or) the exploitation of children, or in financing the sale of children, and (or) the exploitation of children as well

as for the production, purchase, storage, transportation, distribution, public display, advertising materials or objects with pornographic images of minors in accordance with the legislation of the Russian Federation. This provision applies to foreign legal persons in cases provided by legislation of the Russian Federation.

6. Application of measures liable to a legal entity for offenses involving trafficking in children and (or) child exploitation, production and (or) of materials or objects with pornographic images of minors are not exempt from liability for these offenses guilty individual, as well as physical attraction person to criminal or other liability for offenses involving trafficking in children and (or) child exploitation, production and (or) of materials or objects with pornographic images of minors are not exempt from liability for these offenses entity.

Article 15. Protecting the rights of children in difficult situations

1. Paragraph repealed. - Federal law from 22.08.2004 N 122-FZ. Protecting the rights of children in difficult situations (except contained and enrolled in the federal state educational institutions), carried out by public authorities of the Russian Federation in accordance with the legislation of the Russian Federation. Protecting the rights of children in difficult situations, and students contained in the federal state educational institutions, provided by federal authorities in accordance with the legislation of the Russian Federation.

State guarantees judicial protection of the rights of children in difficult situations.

2. Repealed. - Federal law from 22.08.2004 N 122-FZ.

3. Associations (organizations) and other non-profit organizations, including international associations (organizations), through its offices in the Russian Federation shall perform their duties to protect the rights of children in difficult situations, in accordance with the generally recognized principles and norms of international law, international treaties of the Russian Federation, the Russian legislation and the legislation of the Russian Federation. These associations (organizations) have the right to challenge in court the illegal infringe or violate the rights of children in difficult situations, the actions of officials of public authorities, organizations, citizens, including parents (or persons acting in loco parentis), educational, health, social workers and other professionals working with children.

4. When regulating court procedures involving children and (or) the protection of their rights and legitimate interests, as well as decisions of the penalties that can be applied to minors who have committed offenses, officials of state and local authorities act in accordance with generally accepted principles and norms of international law, norms stipulated by international treaties of the Russian Federation, including in terms of humane treatment of minors, providing them with qualified legal aid legislation of the Russian Federation.

Are required to ensure the priority of personal and social well-being of the child, the specialization enforcement procedures (actions) with his participation or benefit, taking into account peculiarities of age and social status of the child.

In the case of a minor exemption from criminal liability or punishment from the application of coercive measures of educational influence the court deciding on the application of these measures, except measures such as placement in an educational organization for students with deviant (socially dangerous) behavior, special needs education , requiring special training and pedagogical approach (special educational institution open or closed), or medical organization may deem necessary to carry out activities for the rehabilitation of the juvenile.

If a child with whom or in whose interests the enforcement procedure (action) needs pedagogical, psychological, medical and legal assistance, social rehabilitation, an official exercising enforcement procedure (action), regardless of the subject matter reported to the competent authority about the need for action and requests to inform him of the action taken.

Chapter 3. Organizational Basis Warranties of Child

Article 16. Federal executive bodies, executive bodies of subjects of the Russian Federation, asking for guarantees of children's rights in the Russian Federation

1. Competence of the federal executive bodies, which carry the guarantee of the rights of the child, implement public policies for children, including carrying out activities in the field of education, health, social protection, social services, promote social adaptation and rehabilitation of children with regard to their employment and protection labor, neglect and delinquency prevention, organizing children and families, state support of public associations (organizations), other non-profit organizations and other areas in accordance with the legislation of the Russian Federation, established by the President of the Russian Federation and the Government of the Russian Federation.
2. Repealed. - Federal law from 22.08.2004 N 122-FZ.
3. Competence of executive bodies of subjects of the Russian Federation, which carry out activities for the implementation of public policies for children, governed by the laws of the Russian Federation.

Article 16.1 Authorized the President of the Russian Federation for children's Rights and the Commissioner for children's Rights in the subject of the Russian Federation

1. Authorized the President of the Russian Federation for children's Rights within its powers under relevant decree of the President of the Russian Federation, to protect the rights and legitimate interests of the children.
2. In accordance with the law and other regulatory legal acts of the Russian Federation may be established by the Commissioner for children's Rights in the Russian Federation.

Articles 17-20 No Longer in Force

No longer in force. - Federal law from 22.08.2004 N 122-FZ.

Article 21. Funding for the implementation of public policies for children

Funding for federal actions to implement the state policy for children at the expense of the federal budget, extra-budgetary sources, as well as from the budgets of subjects of the Russian Federation in accordance with the legislation of the Russian Federation.

Article 22. State report on the situation of children and families who have children in the Russian Federation

State report on the situation of children and families who have children in the Russian Federation annually developed in order to ensure public authorities of the Russian Federation objective systematic analytic information on the situation of children and families who have children in the Russian Federation and its trends.

State report on the situation of children and families who have children in the Russian Federation represented by the Government of the Russian Federation of the Federal Assembly of the Russian Federation. Structure of State report on the situation of children and families who have children in the Russian Federation, the requirements for the content of its sections, the system used therein indicators order to develop, distribute, including publication, providing for public discussion by posting on the official website of the federal executive authorized by the Government of the Russian Federation for the development of this report, the network "Internet" and the presentation of the results of public discussion in

the Government of the Russian Federation shall be determined by the Government of the Russian Federation.

Chapter 4. Warranty Performance of this Federal Law

Article 23. Judicial dispute resolution procedures in the execution of this Federal Law

1. Parents (persons replacing them), as well as educational, medical, social workers, psychologists and other specialists who carry out the functions of education, training, health, social protection and social services to the child, contribute to his social adaptation, social rehabilitation, may apply in accordance with legislation of the Russian Federation Order in the court for the child compensation for harm caused to his health, property and moral damage.
2. When court cases to protect the rights and legitimate interests of the child state fee will be charged.

Chapter 5. Final Provisions

Article 24. Entry into Force of this Federal Law

1. This Federal Law shall enter into force on the day of its official publication.
2. Paragraph 3 of Article 7, paragraph 3 of article 9, paragraphs 3, 4, 6, 7, Article 13, paragraph 3 of Article 15 and paragraph 2 of Article 23 of this Federal Law shall enter into force on 1 July 1999.
3. Article 8 of this Federal Law shall enter into force on 1 January 2000.

Article 25. Harmonization of regulatory legal acts in accordance with this Federal Law

President of the Russian Federation and the Government of the Russian Federation to bring their regulations into compliance with this Federal Law.

President of the Russian Federation
B. Yeltsin

December 29, 2010

№ 436-FZ



THE RUSSIAN FEDERATION
FEDERAL LAW

The protection of children from information harmful to their health and development

Adopted by the State Duma

December 21, 2010

Federation Council approved

December 24, 2010

Chapter 1. General

Article 1. The scope of this Federal Law

1 This federal law regulates the relations connected with the protection of children from information harmful to their health and (or) development, including from the information contained in the information products.

2 This federal law does not apply to the relations in the sphere of:

- 1) Traffic information products containing scientific, technical, statistical information;
- 2) the dissemination of information, to restrict access to the inadmissibility of which is set by the Federal Law of 27 July 2006 N 149-FZ "On Information, Information Technologies and Protection of Information" and other federal laws;
- 3) Traffic information products having significant historical, artistic or other cultural value to society;
- 4) advertising.

Article 2. Basic concepts used in this Federal Law

In this Federal Law the following basic concepts:

- 1) children' s access to information - the ability to obtain and use information freely available children;

APPENDIX

- 2) sign information products - graphic and (or) text designation of information products in accordance with the classification of information products provided by Part 3 of Article 6 hereof;
- 3) spectacular event - a demonstration of information products in a place accessible to children, and in a place where there is a significant number of persons not belonging to the usual family, including through theatrical entertainment, cultural, educational and spectacular entertainment events;
- 4) information security children - the state of protection of children, in which there is no risk associated with causing harm to their health information and (or) physical, mental, spiritual, moral development;
- 5) information products - intended for circulation in the territory of the Russian Federation media products, printed matter, audiovisual products on all types of media, programs for computers (computer programs) and databases, as well as information disseminated through entertainment events through information and telecommunications networks, including the "Internet", and networks of mobile telephone communications;
- 6) information products for children - information products relevant topics, contents and decoration of physical, mental, spiritual and moral development of children;
- 7) information harmful to health and (or) development of children - information (including information contained in products for children), which spread among children is prohibited or restricted in accordance with this Federal Law;
- 8) information of a pornographic nature - the information submitted in the form of naturalistic images or descriptions of sexual organs and (or) sexual intercourse or sexual intercourse with a comparable sexual acts, including such acts committed against the animal;
- 9) the classification of information products - distribution of information products depending on its subject matter, genre, content and artwork by age groups of children in the manner prescribed by this Federal Law;
- 10) places available for children - the public areas, access to that child, and (or) to find the child that are not prohibited, including public places, in which the child has access to media products and (or) information placed in telecommunication networks, information products;
- 11) naturalistic image or description - image or description in any form or by any means a person, animal, human body parts and (or) animal action (or inaction), events,

phenomena and their consequences with the fixation of attention to detail, anatomical details and (or) physiological processes;

12) Turnover of information products - provision and (or) distribution of information products, including its sale (including syndication), rent, lease, distribute, issue of funds public libraries, public display, public performance (including through spectacular events), spread by air or cable broadcasting, information and telecommunications networks, including the "Internet", and networks of mobile telephone communications;

13) expert - a person who meets the requirements of this Federal Law and has been called for examination of information products and giving an expert opinion or the classification of the information products and holding her expertise.

Article 3. Russian legislation to protect children from information harmful to their health and (or) development

Russian legislation to protect children from information harmful to their health and (or) development consists of the Constitution of the Russian Federation, the present Federal Law, other federal laws and adopted in accordance with them other regulations.

Article 4. Powers of the federal executive authorities, state authorities of the Russian Federation in the field of protection of children from information harmful to their health and (or) development

1. The powers of the federal executive body authorized by the Government of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include:

1) Development and implementation of a unified state policy in the sphere of protection of children from information harmful to their health and (or) development;

2) development and implementation of federal target programs to ensure information security of children production of information products for children and turnover information products;

3) establish procedures for the examination of information products provided by this Federal Law;

4) state control (supervision) over observance of the legislation of the Russian Federation to protect children from information harmful to their health and (or)

development.

2. The powers of the organs of state power of subjects of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include the development and implementation of regional information security programs kids production of information products for children and trafficking in information products.

Article 5. Types of information harmful to health and (or) development of children

1. For information harmful to health and (or) development of children include:
 - 1) the information specified in paragraph 2 of this article and banned for distribution among children;

 - 2) Information that is provided by Part 3 of this Article, taking into account the provisions of Articles 7 - 10 of this Federal Law and the distribution of which among children of certain ages limited.

2. For information prohibited for distribution to children, includes information on:
 - 1) encouraging children to commit acts that endanger their lives and (or) health, including to harm their health, suicide;

 - 2) the ability to cause the children desire to use narcotics, psychotropic and (or) intoxicants, tobacco, alcohol and alcohol-containing products, beer and beverages are based on it, to take part in gambling, prostitution, vagrancy or begging;

 - 3) substantiating or justifying the admissibility of violence and (or) exercise cruelty or encouraging acts of violence against people or animals, except as provided for by this Federal Law;

 - 4) denies the family values that promotes unconventional sexual relationships and forming disrespect for parents and (or) other family members;

 - 5) justifying illegal behavior;

 - 6) containing foul language;

 - 7) containing information of a pornographic nature.

8) of minors who have suffered as a result of illegal actions (inaction), including full names, middle name, photo and video of the minor, his parents and other legal representatives, the date of birth of the minor, the audio of his voice, his place of residence or place of temporary residence, place of work or study, and other information directly or indirectly allows the identity of the minor.

3. The information, which spread among children of certain ages is limited, includes information on:

1) is in the form of pictures or descriptions of cruelty, physical and (or) mental violence, crime or other antisocial actions;

2) cause children fear, terror or panic, including representation in the form of images or descriptions dehumanizing form of non-violent death, disease, suicide, accident, disaster or catastrophe and (or) their consequences;

3) provided in the form of pictures or descriptions of sexual relations between men and women;

4) containing swear words and expressions that are not related to swearing.

Chapter 2. Classification of information products

Article 6. Implementation of classification of information products

1. Classification of information products provided by their producers and (or) disseminators of their own (including the participation of experts and experts (or) expert organizations that meet the requirements of Article 17 hereof) prior to its turnover in the Russian Federation.

2. In conducting research for classification of information products shall be evaluated:

1) its theme, genre, content and decoration;

2) characteristics of perception of the information in a certain age group of children;

3) the likelihood of the information contained therein injury and (or)

development of children.

3. Classification of information products is carried out in accordance with the requirements of this Federal Law the following categories of information products:

1) information products for children under the age of six years;

2) information products for children under the age of six years;

3) information products for children under the age of twelve years;

4) information products for children under the age of sixteen years;

5) information products, forbidden for children (information products containing the information provided for in Paragraph 2 of Article 5 of this Federal Law).

4. Classification of information products designed and (or) used for training and education of children in educational institutions that provide basic education programs, respectively, basic professional educational programs of initial vocational training, vocational education, educational institutions of additional education of children, in accordance with the present Federal law and the laws of the Russian Federation in the field of education.

5. Film Classification is carried out in accordance with the requirements of this Federal Law and legislation of the Russian Federation on the State Support of Cinematography.

6. Information obtained as a result of the classification of information products, specified by the manufacturer or distributor of the documents accompanying the information products and are the basis for posting on her character information production and its turnover in the Russian Federation.

Article 7. Information products for children under the age of six years

For information products for children under the age of six years may be related information products, containing information that is not harmful to health and (or) development of children (including information products containing justified its genre and (or) episodic plot unnatural preview or description of the physical and (or) mental abuse (excluding sexual abuse) provided the triumph of good over evil and the expression of compassion for the victims of violence and (or) condemnation of violence).

Article 8. Information products for children under the age of six years

To be admitted to circulation of information products for children under the age of six years may be related information products provided for in Article 7 of this Federal Law, as well as information products containing justified its genre and (or) the plot:

- 1) short-term and unnatural image or description of human diseases (except for serious illnesses) and (or) their consequences in the form of not degrading;
- 2) unnatural image or description of the accident, accident, disaster or non-violent death without showing them the consequences that may predispose children fear, terror or panic;
- 3) Do not incite to commit antisocial acts and (or) crimes occasional picture or description of the action and (or) the offenses provided that is not justified and not justified by their admissibility and expressed a negative, judgmental attitudes towards people who commit them.

Article 9. Information products for children under the age of twelve years

To be admitted to circulation of information products for children under the age of twelve years, may be classified information products provided for in Article 8 hereof, as well as information products containing justified its genre and (or) the plot:

- 1) episodic image or description of cruelty and (or) violence (except for sexual violence) without showing naturalistic process of life or mutilation provided that expressed compassion for the victim and (or) negative, judgmental attitude toward cruelty and violence (except violence used in cases to protect the rights of citizens and lawful interests of society or the state);
- 2) image or description does not incite the commission of antisocial acts (including the consumption of alcohol and alcohol products, beer and beverages produced on its basis, participation in gambling, vagrancy or begging), occasional mention (without demonstration) narcotic drugs, psychotropic and (or) intoxicants, tobacco products, provided that is not justified and not justified by the admissibility of antisocial acts, expressed a negative, judgmental attitudes towards them and provides an indication of the risk of consumption of these products, tools, materials, products;
- 3) Do not use interest in sex and not wearing exciting or abusive episodic unnatural

image or description of sexual relations between men and women, except for the pictures or descriptions of sexual assault.

Article 10. Information products for children under the age of sixteen years

To be admitted to circulation of information products for children under the age of sixteen years may be classified information products under Article 9 of this Federal Law, as well as information products containing justified its genre and (or) the plot:

- 1) the image or description of accident, disaster, disaster, disease, death without showing their naturalistic effects that may predispose children fear, terror or panic;
- 2) the image or description of cruelty and (or) violence (except for sexual violence) without showing the naturalistic process of life or mutilation provided that expressed compassion for the victim and (or) negative, judgmental attitude toward cruelty and violence (except violence applied in cases of protecting citizens' rights and lawful interests of society or the state);
- 3) Information on Narcotic Drugs or Psychotropic and (or) an intoxicating substances (without demonstration), about the dangerous consequences of their consumption with a demonstration of such cases, provided that expressed negative or judgmental attitude to the consumption of such drugs or substances and provides an indication of the danger of their consumption;
- 4) some swear words and (or) expression not related to swearing;
- 5) Do not use interest in sex and not wearing offensive image or description of sexual relations between men and women, except for the pictures or descriptions of sexual assault.

Chapter 3. Requirements to turnover information products

Article 11. General requirements for the circulation of information products

1. Turnover of information products containing the information provided for in Paragraph 2 of Article 5 of this Federal Law shall not be permitted, except in cases provided for by this Federal Law.
2. Turnover of information products containing information prohibited for distribution to

children in accordance with paragraph 2 of Article 5 hereof, in places accessible to children shall not be permitted without the use of administrative and organizational measures and technical software and hardware to protect children from the specified information .

3. Requirements for administrative and organizational measures and technical software and hardware to protect children from information harmful to their health and (or) development, established by the authorized government of the Russian Federation, federal executive authority.

4. Turnover of information products containing information prescribed in Article 5 of this Federal Law, unsigned information products are not allowed, except for:

1) textbooks and teaching materials, recommended or permitted for use in the educational process in accordance with the legislation of the Russian Federation in the field of education;

2) TV programs, TV shows, broadcast on the air without an appointment;

3) information products disseminated through radio broadcasts;

4) information products, demonstrated by the events and shows;

5) periodicals specializing in dissemination of socio-political or production of a practical nature.

6) information disseminated by means of information and telecommunications networks, including the "Internet" except online publications;

7) Comments and (or) messages placed at their discretion readers online edition of the online publication in the manner prescribed by the editors of the media.

5. In the presence of parents or other legal representatives of children under the age of six years, allowed circulation of information products referred to in Article 9 of this Federal Law.

6. Before the start of the demonstration by the spectacular event information products, it is assigned a sign of information products. In the case of a demonstration of several types of information products for children of different age groups shall be that specified information products for children older age category. Specified character is placed on posters and other ads on spectacular event, as well as on entrance tickets, invitations and other documents entitling to his visit.

7. Demonstration by spectacular event information products containing information prescribed in Article 5 of this Federal Law, preceded immediately before the spectacular event audio message on the inadmissibility or restriction on the presence of such a demonstration of children in the appropriate age categories.

8. Rolling audiovisual work certificate should contain information on the category of the information products.

Article 12. Sign information products

1. Category designation information products familiar information products and (or) text warning about limiting the spread of information products among children is carried out in compliance with this Federal Law by the manufacturer, and (or) the distributor as follows:

1) for the category of information products for children under the age of six years - in the form of numbers "0" and "plus" sign;

2) for the category of information products for children under the age of six years - in the form of a figure "6" and "plus" sign and (or) text warnings in the form of the phrase "for children over six years";

3) for the category of information products for children under the age of twelve years - in the form of a figure "12" and "plus" sign and (or) text warnings in the form of the phrase "for children over 12 years";

4) for the category of information products for children under the age of sixteen years - a figure "16" and "plus" sign and (or) text warnings in the form of the phrase "for children over 16 years";

5) for the category of information products, forbidden for children - a figure "18" and "plus" sign and (or) text warnings in the form of the phrase "no children."

2. Manufacturer, distributor information products placed sign information products and (or) text warning on limiting its spread among children before the demonstration of the film at the cinema and video services in the manner established by the Government of the Russian Federation, federal executive authority. Sign size information products shall not be less than five percent of the area of the screen.

3. Sign size information products shall not be less than five percent of the posters or other declaration that appropriate spectacular event, advertisements, film or video screenings, as well as the admission ticket, invitation or other document granting the right to visit this

event.

4. Sign information products placed in the published programs of television and radio programs, lists and catalogs of information products, as well as to such information and products placed in the information and telecommunications networks.

5. Text warning about limiting the spread of information products among children performed in Russian, and in cases stipulated by the Federal Law of June 1, 2005 N 53-FZ "On the state language of the Russian Federation", the state languages of the republics that are part of the Russian Federation, other Languages of the Russian Federation or foreign languages.

Article 13. Additional requirements for the dissemination of information products through television and radio

1. Information products containing the information prescribed in paragraphs 1 - 5 of Part 2 of Article 5 of this Federal Law shall not be disseminated through television and radio with 4:00 to 23 pm local time, with the exception of television and radio programs, television and radio access to watch or listen to that carried out exclusively on a fee basis with the use of technical devices and decoding in compliance with Parts 3 and 4 of this article.

2. Information products containing the information prescribed by paragraphs 4 and 5 of Article 10 of this Federal Law shall not be disseminated through television and radio with 7:00 to 21 pm local time, with the exception of television and radio programs, television and radio programs, access to view or listening which is carried out exclusively on a fee basis with the use of technical devices and decoding in compliance with Parts 3 and 4 of this article.

3. Distribution via television broadcast information products containing information prescribed in Article 5 hereof, accompanied by a demonstration of the product information sign in the corner of the frame in the manner established by the Government of the Russian Federation, federal executive authority in the early broadcast TV programs, TV shows, and for each renewal their translation (after an interruption advertising and (or) other information).

4. Dissemination of information through radio products containing information prescribed in Article 5 hereof, except to the radio broadcast on the air without an appointment, accompanied by the message of limiting the spread of such information products among children in early radio broadcast in the manner established by the Government of the Russian Federation, federal executive authority.

5. When placing announcements or messages through the distribution of broadcasting information products prohibited for children who are not allowed to use the specified fragments of information products containing information harmful to health and (or) development of children.

Article 14. Features of distribution of information through information and telecommunication networks

1. Access to the information disseminated by means of information and telecommunications networks, including the "Internet", in places accessible to children, provided by the person organizing access to the "Internet" in such places (except telecom operators providing these services due to the basis of contracts for the provision of communications services concluded in writing), other persons subject to the application of administrative and organizational measures, technical, software and hardware to protect children from information harmful to their health and (or) development.

2. Site in information and telecommunications network "Internet" is not registered as a mass medium may contain sign information products (including machine-readable form) and (or) text warning on limiting its spread among children, corresponding to one of the categories of information products, specified in Paragraph 3 of Article 6 hereof. Classification of sites provided by their owners on their own in accordance with the requirements hereof.

Article 15. Additional requirements for the turnover of certain information products for children

1. The informational products for children, including information products disseminated through information and telecommunications networks, including the "Internet", and mobile telephone communications networks are not allowed to place ads on the involvement of children in creating information products that are harmful to their health and (or) development.

2. The content and information decoration products for teaching children in preschool educational institutions must comply with the maintenance and decoration of information products for children under the age of six years.

3. Content and decoration prints, printed materials (including notebooks, diaries, book covers, bookmarks for books), audio-visual products, other information products used in the educational process must meet the requirements of Articles 7 - 10 hereof.

Article 16. Additional requirements for the circulation of information products, forbidden for children

1. The first and last page of the newspaper, cover copy printed materials, other printed products prohibited for children, for the propagation of unspecified persons in places accessible to children shall not contain information harmful to health and (or) development of children.
2. Information products prohibited for children in the form of printed matter is allowed to spread in places accessible to children only in sealed packages.
3. Information products prohibited for children are not allowed to spread to children in educational institutions, children's health, spa, fitness and sports organizations, cultural institutions, recreation and rehabilitation of children, or at a distance of less than one hundred meters from the border territories of those organizations .

Chapter 4. Examination information products

Article 17. General requirements for the examination of information products

1. Examination of information products is carried out by the expert, experts, and (or) expert organizations accredited by the Russian Federation authorized federal executive body, on the initiative of public authorities, local government bodies, legal entities and individual entrepreneurs, public associations and citizens on a contractual basis. In case of disagreement with the results of the examination of information products interested person may challenge an expert opinion in court.
2. Authorized by the Government of the Russian Federation, federal executive body carries out the procedure established by the accreditation of experts and expert organizations for conducting the examination of information products, including the issuance of certificates of accreditation, suspension or termination of accreditation certificates issued, keeping a register of accredited experts and expert organizations and monitor the activities of accredited their experts and expert organizations.
3. The information contained in the register of accredited experts and expert organizations that are open and available for consultation by any natural persons and legal persons, except in cases where access to such information is limited in accordance with

federal laws.

4. Authorized by the Government of the Russian Federation, federal executive authority puts in information and telecommunications network "Internet" on its official website the following information from the register of accredited experts and expert organizations:

1) full and (if available) the abbreviated name, legal form of legal entity, the address of its location, the address locations of the expert activities (for accredited expert organizations);

2) name and (if available) patronymic of the individual entrepreneur, the address locations of the expert activities (for accredited experts, individual entrepreneurs);

3) name and (if available) patronymic of the individual, the name and legal form of expert organizations and places of activity of the expert (for accredited experts who are employees of expert organizations);

4) the number and date of issue of certificate of accreditation;

5) the number and date of the order (order official) authorized by the Government of the Russian Federation, federal executive body for accreditation expert or expert organization;

6) the type of information products, which may carry out the examination accredited expert or expert organization accredited;

7) information on the suspension or termination of accreditation certificate issued.

5. As an expert, the expert for examination of information products can serve persons who have higher education and professional with specialized knowledge, including in the field of pedagogy, psychology, physiology age, child psychiatry, except those:

1) have or had convictions for serious and very serious crimes against persons, crimes against sexual inviolability and sexual freedom, against the family and minors, intentional crimes against public health and public morality;

2) are producers, disseminators of information products, passed the examination, or their representatives.

6. The order of examination of information products is established by the Government of

the Russian Federation, federal executive authorities in compliance with this Federal Law.

7. Examination of information products can be carried out by two or more experts from one specialty (commission examination) or different specialties (comprehensive examination).
8. Term examination of information products can not exceed thirty days from the date of conclusion of the assessment.
9. Payment for services of experts, expert organizations and compensation incurred in connection with the examination of information products shall be charged to the customer's expertise.

Article 18. Expert opinion

1. Upon completion of the examination of information products is given an expert opinion.
2. In the expert report shall include:
 - 1) The date, time and place of examination information products;
 - 2) information about the expert organizations and experts (surname, first name, education, profession, professional experience, the presence of a scientific degree, academic rank, position, place of work);
 - 3) questions posed to the expert, the experts;
 - 4) research objects and materials submitted for examination information products;
 - 5) the content and results of studies showing techniques;
 - 6) motivated answers to the expert, the experts questions;
 - 7) conclusions about the presence or absence of information products information harmful to health and (or) development of children of compliance or non-compliance of certain categories of information products information products, compliance or non-compliance of the sign information products information products.

3. Expert opinion commission examination signed by all the experts who participated in the said examination if their views on the issues raised are the same. In case of disagreement, each expert gives a separate expert opinion on the issues which caused controversy. Each expert who participated in conducting a comprehensive examination, signs part of the expert opinion, containing a description of its research and is responsible for it.
4. Expert opinion made in triplicate to transfer expertise to the customer information products for destinations within two business days of signing the expert opinion authorized by the Government of the Russian Federation, the federal body of executive power and storage from an expert or expert organization for five years.
5. Information for examination of information products and its results placed authorized by the Government of the Russian Federation, federal executive authorities in information and telecommunications network "Internet" on their official website within two business days of receipt of the expert opinion.
6. Re-examination of a particular information products allowed in accordance with the procedural law, when a court considers disputes connected with the results of the examination of information products.

Article 19. Legal consequences of examination information products

Not later than fifteen days from receipt of the expert opinion the federal executive body authorized by the Government of the Russian Federation, decides:

- 1) of the failure of information products to the requirements hereof and ordering the elimination of the violation, if in the expert opinion conclude that there is in this information product information harmful to health and (or) development of children, or a sign of lack of information products certain categories of information products;
- 2) compliance information products to the requirements hereof and the refusal of making referred to in paragraph 1 of this part of the regulations.

Chapter 5. Control (supervision) in the protection of children from information harmful to their health and (or) development

Article 20. State control (supervision) over observance of the legislation of the Russian Federation to protect children from information harmful to their health and (or) development

1. State control (supervision) over observance of the legislation of the Russian Federation to protect children from information harmful to their health and (or) development by the federal executive body authorized by the Government of the Russian Federation.
2. State control (supervision) over observance of the legislation of the Russian Federation to protect children from information harmful to their health and (or) development shall be based on the requirements of the Federal Law of December 26, 2008 N 294-FZ "On protection of legal entities and individual entrepreneurs the exercise of state control (supervision) and municipal control. "

Article 21. Social control in protecting children from information harmful to their health and (or) development

1. Registered in accordance with federal law associations and other non-profit organizations in accordance with their charters, as well as citizens have the right to exercise in accordance with the legislation of the Russian Federation, public control over compliance with the requirements of this Federal Law.
2. In the exercise of social control associations and other non-profit organizations, citizens have the right to monitor the turnover of information products and children's access to information, including through the creation of "hotlines"

Chapter 6. Responsibility for offenses in the field of protection of children from information harmful to their health and (or) development

Article 22. Responsibility for offenses in the field of protection of children from information harmful to their health and (or) development

Violation of the legislation of the Russian Federation to protect 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. Method of entry into force of this Federal Law

1. This Federal Law shall enter into force on 1 September 2012.
2. The provisions of Paragraph 1 of Article 12 of this Federal Law shall not apply to printed materials released into circulation before the coming into force of this Federal Law.

President
Russian Federation
Dmitry Medvedev

July 28, 2012

№ 139-FZ



THE RUSSIAN FEDERATION

FEDERAL LAW

On Amending the Federal Law "On Protection of children from information harmful to their health and development" and Certain Legislative Acts of the Russian Federation

Adopted by the State Duma

July 11, 2012

Federation Council approved

July 18, 2012

Article 1

Add to Federal Law of 29 December 2010 № 436-FZ "On the protection of children from information harmful to their health and development" (Collected Legislation of the Russian Federation, 2011, N 1, p. 48) as follows:

1) in Article 2:

a) In paragraph 5, the words "and the information posted in the information and telecommunications networks (including network" Internet ") networks and mobile radio communications" with the words "by information and telecommunication networks, including network" Internet ", and mobile telephone communications networks";

b) in paragraph 12, the words "public display, public performance (including by broadcasting or cable, entertainment events), accommodation in information and telecommunications networks (including network" Internet ") networks and mobile radio communications" with the words "public display, public performance (including through events and shows), spread by air or cable broadcasting, information and

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telecommunications networks, including network" Internet ", and mobile telephone communications networks";

2) in paragraph 4 of Part 1 of Article 4 of the word "supervision and control" shall be replaced by the words "control (supervision)";

3) Article 6:

a) in paragraph 1 the words "Part 4 - 5, 8" shall be deleted;

b) in the first paragraph of Part 3 of the words "(except for the information products provided by Part 5 of this article)" shall be deleted;

c) in paragraph 5 the words "and subject to the procedure established by Federal Law of August 22, 1996 N 126-FZ" On State Support of Cinematography of the Russian Federation "shall be replaced by the words" and the legislation of the Russian Federation on the State Support of Cinematography ";

d) in part 6, the words "in compliance with the relevant technical regulations" shall be deleted;

4) in Article 11:

a) Part 4 supplement paragraphs 6 and 7 as follows:

"6) the information disseminated by information and telecommunication networks, including network" Internet "except for online publications;

7) Comments and (or) messages placed at their discretion readers online edition of the online publication in the manner prescribed by the editors of the media. ";

b) in Part 8 of the words "in the certificate of registration as a media of television and radio programs, periodic publication for children" shall be deleted;

5) in Article 12:

a) Part 1 is worded as follows:

"1. Designation categories of information products familiar information products and (or) text warning about limiting the spread of information products among children is carried out in compliance with this Federal Law by the manufacturer, and (or) the

distributor as follows:

- 1) for the category of information products for children under the age of six years - in the form of "0" and "plus";
- 2) for the category of information products for children under the age of six years - as a "6" and "plus" sign and (or) text warnings in the form of the phrase "for children over six years";
- 3) for the category of information products for children under the age of twelve years - in the form of a figure "12" and "plus" sign and (or) text warnings in the form of the phrase "for children over 12 years";
- 4) for the category of information products for children under the age of sixteen years - a figure "16" and "plus" sign and (or) text warnings in the form of the phrase "for children over 16 years";
- 5) for the category of information products, forbidden for children - a figure "18" and "plus" sign and (or) text warnings in the form of the phrase "prohibited for children." ";

b) Part 2 shall read as follows:

"2. Manufacturer, distributor of information products placed sign information products and (or) text warning on limiting its spread among children before the demonstration of the film at the cinema and video services in the manner established by the Government of the Russian Federation, federal executive authority. Character size information products shall be not less than five percent of the area of the screen. ";

c) add Part 5 as follows:

"5. Text warning about limiting the spread of information products among children performed in Russian, and in cases stipulated by the Federal Law of June 1, 2005 N 53-FZ "On the state language of the Russian Federation", the state languages of the republics that are part of the Russian Federation and other languages of the Russian Federation or foreign languages. ";

6) in Article 13:

a) Part 3 shall read as follows:

"3. Distribution by broadcasting information products containing information prescribed in Article 5 hereof, accompanied by a demonstration of the product information sign in the corner of the frame in the manner established by the Government of the Russian Federation, federal executive authority in the early broadcast TV programs, TV shows, as well as each renewal of their broadcast (after interruption advertising and (or) other information). ";

b) Part 4 shall read as follows:

"4. Distribution by broadcasting information products containing information prescribed in Article 5 of this Federal Law, except for the radio broadcast on the air without an appointment, accompanied by the message of limiting the spread of such information products among children at the beginning of the radio broadcast in the manner established by the Government Russian federal executive authority. ";

c) Part 5, after the words "when using" the words "or announcements";

7) Article 14 shall read as follows:

"Article 14. Features dissemination through information and telecommunication networks

1. Access to the information disseminated by means of information and telecommunications networks, including network "Internet", in places accessible to children, provided by the person organizing access to the "Internet" in such places (except telecom operators providing these services due to the basis of contracts for the provision of communications services concluded in writing), other persons subject to the application of administrative and organizational measures, technical, software and hardware to protect children from information harmful to their health and (or) development.

2. Site in information and telecommunications network "Internet" is not registered as a mass medium may contain sign information products (including machine-readable form) and (or) text warning on limiting its spread among children, corresponding to one of the categories of information products, specified in Paragraph 3 of Article 6 hereof. Classification of sites provided by their owners on their own in accordance with the requirements of this Federal Law. ";

8) Part 1 of Article 15 shall read as follows:

"1. The informational products for children, including information products disseminated by information and telecommunication networks, including network "Internet", and mobile telephone communications networks are not allowed to place ads on the involvement of children in creating information products, harming their health and (or) development. ";

9) Article 17 shall read as follows:

"Article 17. General requirements for the examination of information products

1. Examination of information products is carried out by the expert, experts, and (or) expert organizations accredited by the Russian Federation authorized federal executive body, on the initiative of public authorities, local government bodies, legal entities and

individual entrepreneurs, public associations and citizens on a contractual basis. In case of disagreement with the results of the examination of information products interested person may challenge an expert opinion in court.

2. Authorized by the Government of the Russian Federation, federal executive body carries out the procedure established by the accreditation of experts and expert organizations for conducting the examination of information products, including the issuance of certificates of accreditation, suspension or termination of accreditation certificates issued, keeping a register of accredited experts and expert organizations and monitor the activities of accredited their experts and expert organizations.

3. The information contained in the register of accredited experts and expert organizations that are open and available for consultation by any natural persons and legal persons, except in cases where access to such information is limited in accordance with federal laws.

4. Authorized by the Government of the Russian Federation, federal executive authority puts in information and telecommunications network "Internet" on its official website the following information from the register of accredited experts and expert organizations:

- 1) full and (if available) the abbreviated name, legal form of legal entity, the address of its location, the address locations of the expert activities (for accredited expert organizations);
- 2) name and (if available) patronymic of the individual entrepreneur, the address locations of the expert activities (for accredited experts, individual entrepreneurs);
- 3) name and (if available) patronymic of the individual, the name and legal form of expert organizations and places of activity of the expert (for accredited experts who are employees of expert organizations);
- 4) the number and date of issue of certificate of accreditation;
- 5) the number and date of the order (order official) authorized by the Government of the Russian Federation, federal executive body for accreditation expert or expert organization;
- 6) the type of information products, which may carry out the examination accredited expert or expert organization accredited;
- 7) information on the suspension or termination of accreditation certificate issued.

5. As an expert, the expert for examination of information products can serve persons who have higher education and professional with specialized knowledge, including in the field of pedagogy, psychology, physiology age, child psychiatry, except those:

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1) have or had convictions for serious and very serious crimes against persons, crimes against sexual inviolability and sexual freedom, against the family and minors, intentional crimes against public health and public morality;

2) are producers, disseminators of information products, passed the examination, or their representatives.

6. The order of examination of information products is established by the Government of the Russian Federation, federal executive authorities in compliance with this Federal Law.

7. Examination of information products can be carried out by two or more experts from one specialty (commission examination) or different specialties (comprehensive examination).

8. Term examination of information products can not exceed thirty days from the date of conclusion of the assessment.

9. Payment for services of experts, expert organizations and compensation incurred in connection with the examination of information products shall be charged to the customer's expertise. ";

10) in Article 18:

a) Part 4 shall read as follows:

"4. Expert judgment made in triplicate to transfer expertise to the customer information products for destinations within two business days of signing the expert opinion authorized by the Government of the Russian Federation, the federal body of executive power and storage from an expert or expert organization for five years . ";

b) add Part 5 as follows:

"5. Information for examination of information products and its results placed authorized by the Government of the Russian Federation, federal executive authorities in information and telecommunications network" Internet "on their official website within two business days of receipt of the expert opinion.";

c) by adding part 6 as follows:

"6. Repeated examination specific information products allowed in accordance with the procedural law, when a court considers disputes connected with the results of the examination of information products.";

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11) in the title of Chapter 5 of the word "supervision and control" shall be replaced by the words "control (supervision)";

12) in Article 20:

a) name, the word "supervision and control" shall be replaced by the words "control (supervision)";

b) in paragraph 1 the word "supervision and control" shall be replaced by the words "control (supervision)," the word "true" to replace the word "done";

c) in paragraph 2 the words "supervision and control" shall be replaced by the words "control (supervision)," the word "true" to replace the word "done";

13) Part 2 of Article 21 shall read as follows:

"2. When public control associations and other non-profit organizations, citizens have the right to monitor the circulation of information products and children's access to information, including through the creation of" hot lines. "".

Article 2

Article 46 of the Federal Law of July 7, 2003 N 126-FZ "On communication" (Collected Legislation of the Russian Federation, 2003, N 28, Art. 2895, 2007, N 7, Art. 835, 2010, N 7, Art. 705; N 31, Art. 4190) Section 5 as follows:

"5. Communications operator providing services to provide access to information and telecommunications network" Internet ", obliged to limit and renewed access to information disseminated by means of information and telecommunications network" Internet "in the manner prescribed by the Federal Law of July 27, 2006 N 149-FZ "On Information, Information Technologies and Protection of Information" .".

Article 3

Add to Federal Law of 27 July 2006 N 149-FZ "On Information, Information Technologies and Protection of Information" (Collected Legislation of the Russian Federation, 2006, N 31, Art. 3448, 2010, N 31, Art. 4196, 2011, N 15, Art. 2038; N 30, Art. 4600) as follows:

1) Article 2 supplement paragraphs 13 - 18, as follows:

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"13) in the network's" Internet "- a set of programs for electronic computers and other information contained in the information system, which is accessible through the network" Internet "domain name and (or) on the network addresses, allowing the identification of sites in the network "Internet";

14) page site on the "internet" (hereinafter - the webpage) - part of the site on the "Internet", which is accessed by a pointer consisting of a domain name and symbols defined owner of the site on the "Internet";

15) Domain Name - designation symbols designed to address online sites "Internet" in order to ensure access to information contained in the network "Internet";

16) network address - an identifier in the data network, which determines the provision of telematic services subscriber terminal or other means of communication included in the information system;

17) the owner of the site on the "Internet" - a person, alone and in its sole discretion determines how to use the site in the "Internet", including the procedure for placing information on this site;

18) hosting provider - a person providing services to provide computing power to organize information in the information system, constantly connected to the network "Internet". ";

2) to add Article 151 to read as follows:

"Article 15 1. Uniform register domain names, indexes pages sites on the" Internet "and the network address for the identification of sites of the" Internet ", containing information the dissemination of which is prohibited in the Russian Federation

1. In order to limit access to sites in the network "Internet", containing the information the dissemination of which is prohibited in the Russian Federation, creating a unified automated information system "Single domain name registry, indexes pages sites on the" Internet "and the network address for the identification of sites in the network "Internet", containing information the dissemination of which is prohibited in the Russian Federation "(hereinafter - the Register).

2. The register includes:

1) domain names and (or) Indices pages sites on the "internet" containing information which distribution is prohibited in the Russian Federation;

2) network addresses, enabling the identification of sites in the network "internet" containing information dissemination in the Russian Federation is prohibited.

3. Creation, formation and maintenance of the registry to perform authorized by the Government of the Russian Federation the federal executive authority in the manner

prescribed by the Government of the Russian Federation.

4. The federal executive body exercising functions of control and supervision in the field of mass media, mass communications, information technology and communications, and in accordance with the criteria defined by the Government of the Russian Federation, can attract to the formation and maintenance of the registry operator Registry - organization, registered in the Russian Federation.

5. Reasons for inclusion in the register the information specified in paragraph 2 of this article are:

1) decisions authorized by the Government of the Russian Federation, federal executive bodies, taken in accordance with their competence in the procedure established by the Government of the Russian Federation with respect to distributed through a network of "Internet":

a) materials with pornographic images of minors and (or) announcements involving minors as performers to participate in entertainment pornographic;

b) information about the means, methods of design, manufacture and use of narcotic drugs, psychotropic substances and their precursors, field acquisition tools such substances and their precursors, the ways and places of cultivation of narcotic plants;

c) information on how to commit suicide, as well as calls to commit suicide;

2) came into force, the court's decision on the recognition of information disseminated via the "Internet" information dissemination in the Russian Federation is prohibited.

6. The decision to include the registry of domain names, indexes pages of sites in the network "Internet" and the network address for the identification of sites of the "Internet", containing information the dissemination of which is prohibited in the Russian Federation, may be appealed by the owner of the site on the "Internet" hosting provider, network operator, providing services to provide access to information and telecommunications network "Internet", the court within three months from the date of such decision.

7. Within days of the receipt of the notification the registry operator for the inclusion of a domain name and (or) the index page of the site in the network "Internet" in the register hosting provider must inform the owner of the site served by them in the network "Internet" and inform him of the need for the immediate removal web page containing information dissemination in the Russian Federation is prohibited.

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8. Within days of receipt of notification hosting provider for the inclusion of a domain name and (or) the index page of the site in the network "Internet" in the register owner of the site on the "Internet" is obliged to remove the web page containing the information the dissemination of which is prohibited in the Russian Federation . In case of refusal or omission of the owner site in the "Internet" hosting provider is obliged to restrict access to this site in the network "Internet" during the day.

9. Unless the hosting provider, and (or) the owner of the site on the "Internet" measures specified in paragraphs 7 and 8 of this Article, the network address, which identifies the site on the "Internet", containing the information the dissemination of which is prohibited in the Russian Federation, is included the registry.

10. Within days after the roster of network addresses, allowing identification of a site on the "internet" containing information which distribution is prohibited in the Russian Federation, a communications operator providing services to provide access to information and telecommunications network "Internet" is obliged to restrict access to such a site in the network "Internet".

11. The federal executive body exercising functions of control and supervision in the field of mass media, mass communications, information technology and communications, or attracted to them in accordance with Part 4 of this Article shall preclude the registry operator of the registry domain name pointer page site in the "Internet "or a network address, which identifies the site on the" Internet ", at the request of the owner of the site on the" Internet ", hosting provider or operator, a service provider to provide access to information and telecommunications network" Internet ", not later than within three days after such treatment measures to remove the information, the distribution of which is prohibited in the Russian Federation, or on the basis of an enforceable court decision to cancel the decision authorized by the Government of the Russian Federation, federal executive authority for inclusion in the register a domain name, the index page of the site network "Internet" or network addresses, allowing identification of a site on the "Internet".

12. Order of interaction with the registry operator and hosting provider how to obtain access to information contained in the registry service provider providing services to provide access to information and telecommunications network "Internet", established by the authorized government of the Russian Federation, federal executive authority. "

Article 4

1. This Federal Law shall enter into force on the day of its official publication, except for Articles 2 and 3 hereof.
2. Articles 2 and 3 of this Federal Law shall enter into force on 1 November 2012.

President of the Russian Federation
Putin

April 5, 2013

№ 50-FZ



THE RUSSIAN FEDERATION
FEDERAL LAW

On Amendments to Certain Legislative Acts of the Russian Federation with regard to limiting the spread of information about minors, victims of illegal actions (inaction)

Adopted by the State Duma

March 22, 2013

Federation Council approved

March 27, 2013

Article 1

Add to Law of the Russian Federation of December 27, 1991 № 2124-I «On mass media» (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, 1992, N 7, Art. 300, Laws of the Russian Federation, 1995, N 30, Art. 2870, 2000, N 26, Art. 2737; N 32, Art. 3333, 2002, N 30, Art. 3029, 2005, N 30, Art. 3104, 2006, N 31, Art. 3452; N 43, Art. 4412, 2007, N 31, Art. 4008, 2011, N 29, Art. 4291; N 30, Art. 4600) as follows:

1) Article 4 supplement the sixth part as follows:

"It is forbidden to spread in the media, as well as information and telecommunications networks of information about minors who have suffered as a result of illegal actions (inaction), including name, surname, patronymic, photos and video of the minor, his parents and other legal representatives, date birth of such minor, the audio of his voice, his place of residence or temporary residence, place of work or study, and other information directly or indirectly allows the identity of the minor, except as provided in paragraphs 1-3 of the fourth paragraph of Article 41 of this Law. ";

2) in Article 41:

a) the fourth part in the following wording:

"Editors may not disclose in distributed reports and materials information specified in

part six of Article 4 of this Act, except in cases where the dissemination of such information shall in order to protect the rights and legitimate interests of the minor affected by the illegal actions (inaction). In these cases, such information may be distributed to the media, as well as information and telecommunications networks:

- 1) with the consent of a minor who has attained the age of fourteen and affected by illegal actions (inaction), and his legal representative;
- 2) with the consent of the legal representative of a minor who has not attained the age of fourteen and affected by illegal actions (inaction);
- 3) without the consent of a minor who has attained the age of fourteen, and suffered as a result of illegal actions (inaction), and (or) the legal representative of the minor, if the agreement is not possible to get it, or if the legal representative of the minor is suspected or accused of committing these illegal acts. " ;

b) add the fifth part as follows:

"Distribution in the media, as well as information and telecommunications networks specified in the sixth part of Article 4 hereof information as it pertains to the minor victim of crimes against sexual inviolability and sexual freedom allowed in paragraphs 1 - 3 of the fourth part of this Article cases, only to investigate crimes, identify the persons involved in the commission of a crime, minors Tracing the extent necessary to achieve these goals, and in compliance with the requirements of Articles 161 and 241 of the Criminal Procedure Code of the Russian Federation. ";

3) Paragraph 6 of Section 57, after the words "materials or fragments thereof, common to other mass media" the words "(except in the case of sharing information specified in part six of Article 4 of this Act)."

Article 2

Add to the Russian Federation Code of Administrative Offences (Collected Legislation of the Russian Federation, 2002, N 1, p. 1; 2007, N 26, Art. 3089; N 31, Art. 4008, 2010, N 1, p. 1; 2011 N 30, Art. 4600, 2013, N 8, Art. 720) as follows:

1) in the first paragraph of Part 1 of Article 6.17 the words "except as provided by paragraph 2 of Article 13.21 of this Code" with the words "except as specified in paragraph 3 of Article 13.15 and Part 2 of Article 13.21 of this Code";

2) Article 13.15 by adding part 3 as follows:

"3. Illegal distribution of information about minors who have suffered as a result of illegal actions (inaction), or violation of the requirements stipulated by federal law to

disseminate such information, if such actions (inaction) do not contain a criminal offense, -punishable by an administrative fine on citizens in the amount of three thousand to five thousand rubles for officials - from thirty thousand to fifty thousand rubles for legal entities - from four hundred thousand to one million rubles with confiscation of the subject of an administrative offense. ";

3) The first paragraph of paragraph 2 of Article 13.21, after the words "harmful to their health and (or) development," the words "except as provided by paragraph 3 of Article 13.15 of this Code."

Article 3

Paragraph 1 of Part 5 of Article 15 [1] Federal Law of July 27, 2006 № 149-FZ "On Information, Information Technologies and Protection of Information" (Collected Legislation of the Russian Federation, 2006, N 31, Art. 3448, 2012, N 31 , Art. 4328) add subparagraph "d" as follows:

"G) information about the minors who have suffered as a result of illegal actions (inaction), the distribution of which is prohibited by federal law;"

Article 4

Part 2 of Article 5 of the Federal Law of 29 December 2010 № 436-FZ "On the protection of children from information harmful to their health and development" (Collected Legislation of the Russian Federation, 2011, N 1, p. 48) supplemented with paragraph 8 as follows:

"8) of minors who have suffered as a result of illegal actions (inaction), including name, surname, patronymic, photos and video of the minor, his parents and other legal representatives, the date of birth of the minor, the audio of his voice, his place of residence or place of temporary residence, place of work or study, and other information directly or indirectly allows the identity of the minor. "

President of the Russian Federation
Putin

Current (January 13, 2014)

Administrative Code



THE RUSSIAN FEDERATION

CODE OF ADMINISTRATIVE OFFENSES

Chapter 6.

Administrative offenses against the health, sanitary and epidemiological welfare of the population & public morals

Contents of this Chapter of the Administrative Code:

Note: The full text of the Articles of the Administrative Code that were altered by № 135-FZ are included below. The complete text of the Articles 6.1 - 6.19 (listed below) can be read at: <http://www.zakonrf.info/koap/gl6/>

Article 6.1.

Hiding the source of HIV infection, sexually transmitted disease and contacts, creating the risk of infection

Article 6.2.

Illegal practice in private medical practice, private pharmaceutical activity or folk medicine (healing)

Article 6.3.

Violation of the legislation in the field of sanitary and epidemiological welfare of the population

Article 6.4.

Violation of sanitary and epidemiological requirements for use of premises and public spaces, buildings and transport

Article 6.5.

Violation of sanitary and epidemiological requirements for drinking water

Article 6.6.

Violation of sanitary-epidemiological requirements to cater for the population

Article 6.7.

Violation of sanitary and epidemiological requirements for recreation and health of children, their education and training

Article 6.8.

Illicit trafficking in narcotic drugs, psychotropic substances or their analogues and illegal acquisition, storage, transportation of plants containing narcotic drugs or psychotropic substances, or parts thereof containing narcotic drugs or psychotropic substances

Article 6.9.

Consumption of narcotic drugs or psychotropic substances without a prescription

Article 6.10.

Involving a minor in consumption of beer and drinks made on its basis, alcohol or intoxicants

Article 6.11.

Prostitution

Article 6.12.

Obtaining income from prostitution, if this income is associated with the occupation of another person's prostitution

Article 6.13.

Promotion of narcotic drugs, psychotropic substances and their precursors, plants containing narcotic drugs or psychotropic substances or their precursors, and their parts, containing narcotic drugs or psychotropic substances or their precursors

Article 6.14.

Abolished

Article 6.15.

Violation of rules turnover tools or equipment used for the manufacture of narcotic drugs or psychotropic substances

Article 6.16.

Violation of rules trafficking in narcotic drugs, psychotropic substances and their precursors or storage, registration, sale, transportation, purchase, use, import, export or destruction of plants containing narcotic drugs or psychotropic substances or their precursors, and their parts, containing narcotic drugs or psychotropic substances or their precursors

Article 6.16.1.

Illegal acquisition, storage, transportation, manufacture, sale or transfer of precursors of narcotic drugs or psychotropic substances, as well as the illegal acquisition, storage, transportation, sale or transfer of plants containing precursors of narcotic drugs or psychotropic substances, or parts thereof, containing precursors of narcotic drugs or psychotropic substances

Article 6.17.

Violation of the legislation of the Russian Federation to protect children from information harmful to their health and (or) development

Article 6.18.

Violation of the law on physical culture and sport requirements on prevention of doping in sport and combat

Article 6.19.

Creating conditions for a legal entity trafficking and (or) the exploitation of children

Article 6.20.

Fabrication entity materials or objects with pornographic images of minors and trafficking of such materials or objects

Article 6.21.

Propaganda unconventional sexual relations among minors

Article 6.23.

Involving a minor in the process of tobacco consumption

Article 6.24.

Violation of the federal law banning tobacco smoking in selected areas, indoors and objects

Article 6.25.

Failure to sign smoking ban, a dedicated and special places for smoking tobacco or dereliction of duty to monitor compliance with the legislation in the sphere of protection of public health from exposure to environmental tobacco smoke and the consequences of tobacco consumption

Article 6.20 Manufacturing entity materials or objects with pornographic images of minors and trafficking of such materials or objects

Manufacture, acquisition, storage, transportation, distribution, public demonstration or entity advertising materials or objects with pornographic images of minors

- Shall entail the imposition of an administrative fine on legal entities in the amount of one million to five million rubles with confiscation of materials or objects with pornographic images of minors and equipment used for the manufacture of materials or objects, or administrative suspension of activity for a period of up to ninety days, with confiscation of materials or objects with pornographic images of minors and equipment used for the manufacture of such materials or objects.

1. For an administrative offense under this Article, the legal person shall be liable if the offense is committed on behalf of or for the benefit of the legal person by a person performing managerial functions in the organization.

2. In this article, a person performing managerial functions in the organization, means a person who performs the functions of the sole executive body member of the board of directors or other collegial executive body and face permanently, temporarily or by special authority exercising management or administrative functions in this organization.

Article 6.21 Promotion of Non-Traditional Sexual Relations Among Minors

1. Propaganda of non-traditional sexual relationships among minors, expressed in the dissemination of information aimed at forming non-traditional sexual attitudes among minors, attractiveness of non-traditional sexual relationships, distorted image of social equality of traditional and non-traditional sexual relationships, or the forced imposition of information of non-traditional sexual relationships, which can attract interest to such relationships, if these actions do not make up a criminal offence,
 - shall entail the imposition of an administrative fine in the amount of 4,000 to 5,000 rubles for citizens; in the amount of 40,000 to 50,000 rubles for officials; and in the amount of 800,000 to 1,000,000 rubles for legal entities, which can in the latter case be replaced by suspension of activity for up to 90 days.
2. Actions provided for by paragraph 1 of this Article, committed with the use of the mass media and(or) information and telecommunication networks (including Internet), if these actions do not make up a criminal offense,
 - shall entail the imposition of an administrative fine on citizens in the amount of 50,000 to 100,000 rubles; for officials - from 100,000 to 200,000 rubles; for legal entities – 1,000,000 rubles or administrative suspension of activity for up to 90 days.
3. Actions provided for by paragraph 1 of this Article, committed by a foreign national or a stateless person, if these actions do not make up a criminal offense,
 - shall be punishable by a fine of 4,000 to 5,000 rubles followed by administrative expulsion from the Russian Federation or administrative arrest for up to 15 days followed by expulsion from the Russian Federation.
4. Actions provided for by paragraph 1 of this Article, committed by a foreign national or a stateless person with the use of the media and(or) information and telecommunication networks (including Internet) if these actions do not make up a criminal offense,
 - shall be punishable by a fine of 50,000 to 100,000 rubles followed by administrative expulsion from the Russian Federation or administrative arrest for up to 15 days followed by administrative expulsion from the Russian Federation.