

**To the UN Committee on the Rights of the Child**

Secretariat  
NGO Group for the Convention on the Rights of the Child  
1, rue de Varembé  
CH-1202 Geneva  
Switzerland



Dear Madams/ Sirs,

As stipulated in Article 45(a) of the Convention on the Rights of the Child, the 'Russian LGBT Network', a Russian non-governmental organization, acting in the interests of children, submit for consideration by the UN Committee on the Rights of the Child our Alternative report – Commentary to the fourth and fifth periodic reports by the Russian Federation CRC/C/RUS/4-5, which had been submitted to the Committee in 2012. The present alternative report, however, presents more than just commentaries to the state report that was prepared more than two years ago. Following the logic and structure of the third state report, the present alternative report attempts to provide an overview of the current situation in Russia, taking into account recent events and legislative initiatives.

In compliance with the recommendations offered in the Guide for Non-Governmental Organizations Reporting to the Committee on the Rights of the Child, we confirm that the present alternative report can be distributed and made accessible both electronically and in paper copies; the members of the Committee may refer to the source of the information during their discussions with the government of the Russian Federation. The alternative report for 2013 will be published on the official website of the Russian LGBT Network; we will work to inform the general public about the report and its content. We would also like to inform the Committee that a representative of the organization, the author of this report, would be willing to participate in the Working Meeting with the members of the Committee if they considered this to be helpful to the Committee's work. As recommended by the Committee, we tried to make the report as brief as possible and focused exclusively on issues related to LGBT children.

On behalf of the interregional social movement Russian LGBT Network:

Maria Kozlovskaya

87 Ligovsky prospect, office 509

St Petersburg, Russia, 191 040

Tel./Fax: (7-812)454-64-52

E-mail: maria.k@lgbtnet.ru

**NGO Alternative Report 2013**  
**for the United Nations Committee on the Rights of the Child**  
**Commentary to the Fourth and Fifth Periodic Report**  
**by the Russian Federation CRC/C/RUS/4-5**

**Prepared by the Interregional Social Movement ‘Russian LGBT Network’**

Commentary on Paragraph 20

The legislators of the Russian Federation have increased penalties for the crime of ‘sexual intercourse, sodomy and lesbianism’ with a person under the age of 16. Unfortunately, criminal liability connected with this crime is applied in a discriminatory manner. The harshest penalty for sexual intercourse with a person under 16 is a 4-year term of imprisonment. However, in cases where the assailant is of the same sex as the victim, the crime is punishable by a maximum of 6 years of imprisonment. The fact that an assailant and victim are members of the opposite sex should not be considered as a mitigating circumstance in cases of sexual violence against children. In our view, the perpetrators of these crimes must face equally harsh penalties, regardless of whether or not their victim was of the same or opposite sex.

The provision stipulating the penalty for sexual intercourse, sodomy, and lesbianism with a person under 16 years old is supplemented by a note stating that ‘a first-time offender [...] can be released from penalty by the court if it is established that this person and the crime committed by them are no longer socially dangerous due to marriage between the offender and the offended party.’<sup>i</sup> Given that same-sex marriage is not legal in the Russian Federation, the note in question distinguishes between homosexual and heterosexual relationships and provides release from criminal liability exclusively in cases where the offender and the victim are of the opposite sex.

Commentary on Paragraphs 66-88

Since 2006, regional laws banning the so-called ‘propaganda of homosexuality among minors’ have been adopted in 10 regions of Russia: Ryazan region (2006), Arkhangelsk region (2011), Kostroma region (2012), St Petersburg (2012), Novosibirsk region (2012), Samara region (2012), Krasnodar krai (2012), Republic of Bashkortostan (2012), Magadan region (2012), and Kaliningrad region (2012). These regional laws introduce amendments to regional laws “On fundamental guaranties of the rights of the child” or “On protection of morals of children”, suggesting that homosexuality is harmful to minors and something from which they must be protected. ‘

Judicial decisions in constitutional challenges to the laws enacted in the Ryazan region (issued by the Constitutional Court of the Russian Federation) state the official position of the Russian Federation with respect to homosexuality and deems homosexual propaganda as ‘information that might be harmful for moral, spiritual, and physical development, including forming a distorted perception of traditional and non-traditional marital relationships as of equal social value.’<sup>ii</sup>.

