



**Human Rights Watch Submission
to the United Nations Committee on the Rights of the Child
Review of Russia
95th Session
December 2023**

We write in advance of the 95th session of the Committee on the Rights of the Child (the “Committee”) and its review of Russia. This submission is an update to our 2022 pre-session submission¹ and focuses on the rights to education, information, and freedom of expression in the context of Russia’s war on Ukraine, as well as the forcible transfer of children. It also covers rights abuses based on sexual orientation and gender identity.

Violations of the Rights to Education and Information (articles 17, 28, and 29)

Attacks on Education

Russia’s full-scale invasion of Ukraine has devastated schools and kindergartens throughout the country. Since February 2022, over 3,790 educational facilities have been damaged or destroyed in Ukraine, according to Ukrainian government figures,² severely interrupting access to education for millions of children. Human Rights Watch has documented the damage and destruction of schools and kindergartens in four Ukrainian regions that occurred during the first months of the fighting.³

Human Rights Watch visited 50 education facilities in the Kyivska, Kharkivska, Chernihivska, and Mykolaivska regions and interviewed almost 90 school officials, representatives of local authorities, and witnesses to military operations. We found most of the damage to educational facilities resulted from aerial attacks, artillery shelling, rocket strikes, and, in some cases, attacks using cluster munitions—causing significant damage to roofs, the collapse of walls, and major

¹ Human Rights Watch, “Russia: Submission to the UN Committee on the Rights of the Child,” December 12, 2022, <https://www.hrw.org/news/2022/12/12/russia-submission-un-committee-rights-child>.

² Ministry of Education and Science of Ukraine, “Interactive Map of Destroyed and Damaged Education Institutions” (webpage) [n.d.], <https://saveschools.in.ua/> (accessed October 10, 2023).

³ Human Rights Watch, “*Tanks on the Playground*”: *Attacks on Schools and Military Use of Schools in Ukraine* (New York: Human Rights Watch, 2023), https://www.hrw.org/report/2023/11/09/tanks-playground/attacks-schools-and-military-use-schools-ukraine#_ftn1.

debris in classrooms. Russian forces also frequently used schools and kindergartens to encamp their soldiers and parked military vehicles and other equipment in schoolyards. In some cases, they used schools as medical facilities or to detain civilians. Russian forces occupying schools almost invariably looted and pillaged them of desktop and laptop computers, televisions, electronic blackboards, other school equipment, and heating systems. Pillaging is a war crime.

Withdrawing Russian forces left behind burned-out and ransacked classrooms, and the school equipment that was not looted was often broken. Russian soldiers vandalized schools by painting graffiti on walls, typically with expressions of hate towards Ukraine and Ukrainians.

Children whose schools were severely damaged or destroyed in attacks often relocated to other schools. In other cases, children are compelled to attend a shortened school day or study in shifts, as a smaller number of functioning schools attempt to accommodate an increased number of students. Many other children participate in distance learning either because they are enrolled in schools that were damaged, reside in areas of active hostilities, or cannot travel to other schools due to distance or lack of access to transportation. Some but not all distance learning entails online classes, which are subject to electricity and internet outages due to the hostilities. Teachers said many families with more than one child lacked an adequate number of computers or devices, which also hindered distance learning.

As of October 2023, 118 states had endorsed the Safe Schools Declaration,⁴ an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict.⁵ Russia has not done so.

Human Rights Watch recommends that the committee ask the Russian government:

- Has Russia carried out any investigations into unlawful attacks by its armed forces and affiliated forces on schools, or attacks that have caused disproportionate damage to schools, during the reporting period?
- Do any Russian laws, policies, or trainings provide for explicit protection for schools and universities from military use during armed conflict?

⁴ Global Coalition to Protect Education from Attack, “Safe Schools Declaration Endorsements” (webpage), 2023, <https://ssd.protectingeducation.org/endorsement/> (accessed November 9, 2023).

⁵ Safe Schools Declaration, May 28, 2015, https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed May 12, 2023).

Human Rights Watch recommends that the Committee call on the Russian government to:

- Immediately cease all unlawful attacks, including deliberate, indiscriminate, and disproportionate attacks on civilians and civilian objects.
- Cease the use of unguided rockets, cluster munitions, and other explosive weapons with wide-area effects in populated areas.
- Recognize that schools not being used for military purposes are civilian objects that may not be targets of attack.
- Take appropriate disciplinary and legal action against military personnel, regardless of rank, responsible for unlawful attacks, including as a matter of command responsibility.
- Take concrete measures to deter the military use of schools by armed forces and Russia-controlled armed groups, as encouraged in UN Security Council Resolution 2225 (2015).
- Take all feasible precautions to avoid the loss of civilian lives and damage to civilian objects, including schools, in the conduct of military operations.
- Take all feasible precautions to protect civilians and civilian objects, including schools, under their forces' control from the effects of attacks.
- Endorse the Safe Schools Declaration.

Disinformation in Russia and Russian-occupied territories

Following Russia's full-scale invasion of Ukraine, Russian authorities and their proxies, in violation of international law on an occupying state's obligations, worked to replace the Ukrainian education system in occupied Ukrainian territories with the Russian education system, teaching the Russian curriculum, in the Russian language. It is estimated that one million school-aged Ukrainian children lived in Russian-occupied territories by spring 2023.⁶ Occupying authorities in these areas retaliated against Ukrainian teachers who refused to work under the Russian system. They pressured parents who did not want their children to study in the Russian language and under the Russian curriculum and threatened parents whose children study online in the Ukrainian school system with fines, detention, and deprivation of child custody.⁷

⁶ ZMINA, "Delay-action Weapon: How Russia Uses Education Against Ukrainian Children," conference, April 7, 2023, <https://zmina.ua/en/event-en/delay-action-weapon-how-russia-uses-education-against-ukrainian-children/> (accessed November 21, 2023).

⁷ See for example Zhanna Bezpiatchuk and Sofia Bettiza, "Ukraine war: Tortured for refusing to teach in Russian," *BBC*, October 1, 2022, <https://www.bbc.com/news/world-europe-63037713> (accessed November 21, 2023); Shaun Walker and Pjotr Sauer, "'No way I could work for the Russians': the Ukrainian teachers resisting occupation," *Guardian*, September 18, 2022, <https://www.theguardian.com/world/2022/sep/18/ukrainian-teachers-resist-russian-takeover-schools> (accessed November 21, 2023). See also ZMINA, "Delay-action Weapon: How Russia Uses Education Against Ukrainian Children"; Human Rights Watch interviews, Kyiv, November and December 2022.

The Russian curriculum justifies the invasion, falsely portrays Ukraine as a “neo-Nazi state,” and strictly limits instruction in the Ukrainian language, violating Ukrainian children’s right to an education that develops respect for the child’s “own cultural identity, language and values,” as well as the “national values” of the child’s country and country of origin.⁸

Distortions in the Russian curriculum also violate Russian children’s right to education and information, denying them access to unbiased information and materials from a diversity of national and international sources.

In 2023, the Russian education ministry launched a new history textbook⁹ for grade 11 students. Human Rights Watch examined the textbook closely and found that it contains blatant falsehoods, distortions, and anti-Ukrainian propaganda.¹⁰ Its final chapter addresses the invasion of Ukraine, calling it a “Special Military Operation,” and includes sections with titles such as “Ukrainian neo-Nazism,” “The return of Crimea [to Russia],” and “Ukraine, a neo-Nazi state.”¹¹ It argues that in 2014, “Ukrainian nationalists with direct support of the West” staged “a bloody military coup” to overthrow the government and then launched a violent crackdown on the citizens opposed to the new regime and Russian speakers in general, which led to the war in the east of the country and the emergence of so-called Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR), whose “independence” Russia recognized in 2020 before incorporating them in 2022. The authors of the textbook falsely claim that Russian forces do their utmost to protect civilians and do not under any circumstances attack “residential areas” while Ukrainian forces routinely use “their own citizens... as a human shield.”

Occupation authorities use this textbook in classes in Russian-occupied areas of Ukraine, which in 2022 also received other textbooks taught in Russia. They also confiscated and destroyed Ukrainian school materials. For example, Human Rights Watch obtained copies of two documents, which state that in Balakliya district of Ukraine’s Kharkiv region, while under Russian occupation in 2022, a special commission of school employees working with the occupying authorities had inventoried and seized Ukrainian textbooks and other materials from several local schools.

⁸ Convention on the Rights of the Child, art. 29 (1)(c).

⁹ Katia Patin, “The Kremlin Revises a Textbook to Dictate Future Understanding of Russian History,” *Coda*, August 14, 2023, <https://www.codastory.com/rewriting-history/kremlin-textbook-ukraine/> (accessed November 22, 2023).

¹⁰ Елена Мухаметшина, “Старшеклассникам с сентября 2023 года будут объяснять, почему началась военная операция,” *Vedomosti*, July 19, 2023, <https://www.vedomosti.ru/society/articles/2023/07/19/985928-starsheklassnikam-budut-obyasnyat-pochemu-nachalas-voennaya-operatsiya> (accessed November 22, 2023).

¹¹ *Ibid.*

Ukrainian children under occupation and Ukrainian children who were deported and now study in Russia also received military training in schools. They receive indoctrination with extensive propaganda, as do Russian children, including during military training classes and the so-called “lessons about things that matter,” which were introduced by the Russian education ministry following the full-scale invasion of Ukraine, with the aim of boosting students’ “patriotism.”¹²

According to media reports, school children across Russia, including deported Ukrainian children, have been engaged in making camouflage nets for military vehicles and equipment as well as candles and clothes for soldiers fighting in Ukraine during shop class or as part of quasi-voluntary extra-curricular activities.¹³

In occupied territories, for instance in Mariupol, Vladimir Putin’s portraits, his “patriotic” quotes, and portraits of Russian “heroes of the Special Military Operation” have been exhibited in schools, where Ukrainian children are required to sing Russia’s national anthem.¹⁴

De facto authorities in Ukraine’s occupied territories have subjected some children who spoke Ukrainian in schools to ill-treatment. For example, a teacher from Melitopol who remains in contact with the family of a former student, under 18, told Human Rights Watch, “They put a bag on [his] head for speaking Ukrainian and dumped him thirty kilometers outside the city.”¹⁵

¹² See Amanda Bailly, “Ukrainian Women Brave War and Borders to Save their Kids,” *Long Road Magazine*, June 13, 2023, <https://www.longroadmag.com/ukrainian-women-brave-war-and-borders-to-save-their-kids/> (accessed November 22, 2023); Kaveh Khoshnood et al., “Russia’s Systematic Program for the Re-education and Adoption of Ukraine’s Children” (New Haven: Humanitarian Research Lab at Yale School of Public Health, 2023), <https://hub.conflictobservatory.org/portal/sharing/rest/content/items/97f919ccfe524d31a241b53ca44076b8/data> (accessed November 22, 2023). See also Bill Van Esveld, “Russia Instructs Teachers to Spread Disinformation About Ukraine,” Human Rights Watch dispatch, March 4, 2022, <https://www.hrw.org/news/2022/03/04/russia-instructs-teachers-spread-disinformation-about-ukraine> (accessed November 22, 2023).

¹³ “«Собери носилки на фронт»,» *Вёрстка*, January 30, 2023, <https://verstka.media/rossiyane-delayut-snaryazhenie-svoimi-rukami> (accessed November 22, 2023); “Буржуйки, носилки и “кисеты победы”. Дети и подростки работают для фронта,” *Север Реалии*, February 1, 2023, <https://www.severreal.org/a/32249452.html> (accessed November 22, 2023).

¹⁴ See for example Оксана Музыченко, “Тетради с Путиным и комиксы об убийцах: как детей в Мариуполе травят российской пропагандой (фото),” *TCH*, August 30, 2023, <https://tsn.ua/ru/ato/tetradi-s-putinym-i-komiksy-ob-ubiycah-kak-detey-v-mariupole-travyat-rossiyskoj-propagandoy-foto-2400406.html> (accessed November 22, 2023); and Богдан Скврон, “Школу в окупированном Мариуполе цинично “украшили” цитатами Путина: фото,” *TCH*, August 17, 2023, <https://tsn.ua/ru/ukrayina/shkolu-v-okkupirovanom-mariupole-cinichno-ukrasili-citatami-putina-foto-2392612.html> (accessed November 22, 2023).

¹⁵ Human Rights Watch videocall interview with Hanna Bout, teacher of Melitopol Professional Agricultural Lyceum, Kyiv, December 14, 2022.

Human Rights Watch recommends that the committee ask the Russian government:

- How many Ukrainian children are currently enrolled in schools in Russia’s internationally recognized territory?
- How many children are enrolled in schools in Russian-occupied territories of Ukraine (namely, Crimea and parts of Donetska, Luhanska, Zaporizka and Khersonska regions)?
- What steps is the government taking or planning to take to ensure Ukrainian children in Russia and in Russian-occupied territories receive an education that develops respect for the child’s “own cultural identity, language and values,” as well as the “national values” of the child’s country and country of origin?
- What steps is the government taking or planning to take to ensure that all children in Russian schools receive access to unbiased information and materials from a diversity of national and international sources?

Human Rights Watch recommends that the committee call on the Russian government:

- Immediately stop all attempts to Russify the education system and to carry out political indoctrination in occupied territories of Ukraine or with regards to Ukrainian children in Russia.
- Ensure that, as part of the school curriculum, all children in Russian schools receive access to unbiased information and materials from a diversity of national and international sources.
- Facilitate the education of children in occupied territories of Ukraine, fully in line with Ukrainian curricula and Ukrainian law, and ensure that the education process is free of any religious or political propaganda designed to wean children from their natural milieu.
- Ensure that education staff in occupied territories of Ukraine can exercise their duties and students can follow Ukrainian curriculum without harassment and interference by occupying authorities.
- Investigate all incidents of harassment, intimidation, and ill-treatment of Ukrainian education workers, students, and parents of students, and hold perpetrators to account.

Forcible Transfer of Children (articles 8, 9, 10, 11, 17, 23, 27, 29, and 38)

In March 2023, Human Rights Watch documented the forcible transfer and deportation of children and the war’s devastating impact on children in Ukrainian residential institutions.¹⁶ By that time and based on Ukrainian government data, 100 institutions that had housed more than 32,000 children before 2022 were in regions under partial or total Russian occupation and which Russia

¹⁶ Human Rights Watch, “*We Must Provide a Family, Not Rebuild Orphanages*”: *The Consequences of Russia’s Invasion of Ukraine for Children in Ukrainian Residential Institutions* (New York: Human Rights Watch, 2023), <https://www.hrw.org/report/2023/03/13/we-must-provide-family-not-rebuild-orphanages/consequences-russias-invasion#6418>.

stated, falsely, that it had annexed in September 2022.¹⁷ Other reports, based on open-source information, have identified 6,000 Ukrainian children deported to Russian camps and other facilities, and more than 2,440 Ukrainian children deported to Belarus.¹⁸

Many children in residential institutions had to shelter for weeks from bombardments in basements without electricity or running water, including children with disabilities.¹⁹ A group of children from an institution in Mariupol did not speak for four days after they were evacuated to Lviv, in March 2022, apparently due to trauma, one volunteer said. Staff at another institution coached older children to carry younger children to the basement when air-raid sirens sounded.

Statements by Russian authorities, Ukrainian activists and lawyers, and news reports indicate that at least several thousand children from residential institutions have been forcibly transferred to other occupied territories or deported to Russia.²⁰

Russia's parliament changed laws in May 2022 to enable authorities to facilitate giving Russian nationality to Ukrainian children,²¹ enabling their guardianship and adoption by Russian families

¹⁷ Human Rights Watch based this assessment on an interactive map published online in 2019 by the Ministry of Social Policy's "Deinstitutionalization" website; in late 2022, the map was removed from the website, possibly due to security concerns related to the conflict, <https://www.msp.gov.ua/timeline/Deinstitutionalizaciya.html> (accessed August 7, 2023). See also Yulia Gorbunova, "Fictitious Annexation Follows Voting at Gunpoint," Human Rights Watch dispatch, September 30, 2022, <https://www.hrw.org/news/2022/09/30/fictitious-annexation-follows-voting-gunpoint>.

¹⁸ Yale School of Public Health, Conflict Observatory Hub, "Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children," February 14, 2023, <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/children-camps-1> (accessed December 11, 2023); *Ibid.*, "Belarus's Collaboration with Russia in the Systematic Deportation of Ukraine's Children," November 16, 2023, <https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/belarus-children-deportation> (accessed December 10, 2023).

¹⁹ Yulia Gorbunova, "Under Shelling in Kharkiv," Human Rights Watch dispatch, March 7, 2022, <https://www.hrw.org/news/2022/03/07/under-shelling-kharkiv>.

²⁰ See for example the Kremlin, "Meeting with Commissioner for Children's Rights Maria Lvova-Belova," March 9, 2022, <http://en.kremlin.ru/events/president/news/67949> (accessed July 3, 2023); Organization for Security and Co-operation in Europe (OSCE), Office for Democratic Institutions and Human Rights, ODIHR.GAL/36/22/Corr.1, July 14, 2022, p. 95; and Sam Mednick, "Ukrainians hid orphaned children from Russian deportation," *Associated Press*, December 5, 2022, <https://apnews.com/article/russia-ukraine-health-europe-orphans-f283aa4d22fdab59a43a16caobe54baf> (accessed July 3, 2023).

²¹ "Путин подписал указ об упрощенном приеме в гражданство РФ детей-сирот из Донбасса и Украины," *Interfax*, May 30, 2022, <https://www.interfax.ru/russia/843711> (accessed July 3, 2023). The Russian-government-affiliated news agency RIA-Novosti published the legal text on its Telegram channel on May 30, 2022, https://t.me/rian_ru/165351.

in Russia.²² Russian officials have said that hundreds of Ukrainian children have been adopted.²³ International standards prohibit inter-country adoption during armed conflicts.

On March 17, 2023, the International Criminal Court issued arrest warrants for President Putin and Russia's children's rights commissioner, Maria Lvova-Belova, for the war crimes of unlawful transfer and deportation of children.²⁴

In May 2023, more details came to light through the findings of an investigation by an expert appointed under the Organization for Security and Co-Operation in Europe (OSCE). Although the report acknowledges uncertainty regarding exact numbers, it concluded that forcibly deported Ukrainian children had been subjected to “numerous and overlapping violations”²⁵ of their rights: they were placed in an unfamiliar environment far removed from Ukrainian language, culture, customs, and religion, and many were exposed to military training and “to pro-Russian information campaigns often amounting to targeted reeducation.”²⁶

Human Rights Watch recommends that the Committee ask the Russian government:

- Since February 24, 2022, how many Ukrainian children have Russian and occupation authorities brought to Russia, and how many to Belarus, without the full legal consent from their parents or guardians? Of these, how many have received Russian citizenship? How many have been adopted in Russia since then?

Human Rights Watch recommends that the Committee call on the Russian government to:

- Publish the number and whereabouts of all children and staff transferred from Ukrainian institutions to Russia or Russian-occupied territories or to Belarus, and facilitate their contact with their families, Ukrainian child protection agencies, and international humanitarian agencies, as well as their return to Ukraine.

²² Anastasiia Shvets, Elizaveta Tilna, and Sarah El Deeb, “How Moscow grabs Ukrainian kids and makes them Russians,” *AP*, March 17, 2023, <https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6> (accessed November 20, 2023).

²³ Ксения Набаткина, “«Они боятся громких звуков, переживают за свое будущее»: Уполномоченный по правам ребенка Мария Львова-Белова — о новых семьях для детей из зоны СВО и важности объятий в процессе воспитания,” *Izvestia*, December 19, 2022, <https://iz.ru/1441845/kseniia-nabatkina/oni-boiatsia-gromkikh-zvukov-perezhivaiut-za-svoe-budushchee> (accessed July 3, 2023).

²⁴ International Criminal Court, “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova,” March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and#:~:text=Today%2C%2017%20March%202023%2C%20Pre,Ms%20Maria%20Alekseyevna%20Lvova%2DBelova> (accessed July 3, 2023).

²⁵ OSCE, Office for Democratic Institutions and Human Rights, ODIHR.GAL/37/23/Rev.1/Corr.1*, May 4, 2023, <https://www.osce.org/files/f/documents/7/7/542751.pdf> (accessed July 3, 2023).

²⁶ *Ibid.*, p. 76.

- Repeal any legislation that limits the ability of Ukrainian families, guardians, or authorities to obtain the return of transferred Ukrainian children, including the legislation that allows for granting Russian citizenship to and adoption of Ukrainian children.
- Ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

Violations of Children’s Right to Freedom of Expression (articles 13, 16, and 37)

Authorities have retaliated against Russian children expressing their opinion for criticizing Russia’s full-scale invasion of Ukraine.

In November 2023, a school principal reported two students to the police for publishing a video in which they discussed Russia’s war in Ukraine. The police charged them with an administrative offense of “discrediting” the military,²⁷ while the school amended its rules to prohibit discrediting the military, public officials, and teachers.²⁸

In October 2022, a police officer came to a school in Moscow and interrogated a 10-year-old girl about her pro-Ukraine social media avatar and a poll she ran in a school chat asking students what they thought about Russia’s war in Ukraine.²⁹ After her mother arrived, the police escorted them to a police station for another interrogation, followed by a “house inspection” where the police accessed their mobile phone and laptop looking for messages and social media publications “discrediting” the military. A juvenile affairs commission found the mother guilty of failing to fulfill parental duties, an administrative offence, and of “projecting her political opinions onto her daughter and failing to censor her social media activities.” They handed down a warning to the mother and put the family on record for further control.³⁰ A Moscow court rejected the mother’s claim against what she argued was an illegal house search. The family left Russia for fear of further retaliation.

²⁷ Andrei Repin and Aleksandra Vikulova, “Nizhny Novgorod students to be prosecuted for discrediting the Russian army” (“Нижегородских лицеистов будут судить за дискредитацию российской армии”), *Kommersant*, November 17, 2023, <https://www.kommersant.ru/doc/6348838> (accessed November 23, 2023).

²⁸ Andrei Repin, “A Mass Ban on Criticism of the Russian army will not be introduced in Nizhny Novgorod schools,” *Kommersant*, November 21, 2023, <https://www.kommersant.ru/doc/6351031> (accessed December 14, 2023).

²⁹ Alla Konstantinova, “Taught a lesson. Why the family of a five-grader from Moscow who skipped ‘Talks about what is important’ received a police record after the principal snitched” (“Преподали урок. За что семью пятиклассницы из Москвы, пропускавшей «Разговоры о важном», поставили на учет в полиции после доноса директора”), *Mediazona*, January 16, 2023, <https://zona.media/article/2023/01/16/lesson> (accessed November 23, 2023).

³⁰ Anna Evdanova and Aleksandr Tvoropysh, “‘An utterly disgraceful story’: Lawyer Nikolay Bobrinsky on political persecution of a ten-year-old girl” (“‘Совсем позорная история’: Юрист Николай Бобринский — о политическом преследовании десятилетней девочки”), *Advokatskaya Ulitsa*, January 31, 2023, <https://advstreet.ru/interview/sovsem-pozornaya-istoriya/> (accessed November 23, 2023).

In April 2022, a 13-year-old girl drew an anti-war painting in an arts class. The principal of the school, in Tula, called the police, who escorted her and her father to a police station.³¹ The police then charged him with an administrative offense of “discrediting” the military in his social media comments. The next day, the Federal Security Service (FSB) detained the girl in school and interrogated her. In December, law enforcement searched their home.³² In March, they arrested the father and charged him with a criminal offence of repeatedly “discrediting” the military. A court put him under house arrest, while his daughter was placed, incommunicado, in a foster home for over a month, until her estranged mother stepped in and took her.³³

Human Rights Watch recommends that the committee ask the Russian government:

- How many children were detained and how many children were sanctioned for expressing their opinion during the period 2017-2022?
- How many parents were sanctioned over their children expressing critical opinions of the Russian government or authorities, including criticism of Russia’s invasion of or actions in Ukraine?
- What steps has the government taken to ensure children’s enjoyment of the right to freedom of expression?

Human Rights Watch recommends that the committee call on the Russian government to:

- Ensure that children can express their opinion freely without risk of retaliation.
- Investigate all instances where children and/or their parents were sanctioned over criticizing the authorities.

³¹ “‘Said they will take her away from me and send me to prison.’ Student’s father charged after she drew an antiwar picture” (“Говорили, ее у меня отнимут, а меня посадят.” На отца школьницы завели уголовное дело после того, как она нарисовала антивоенную картинку”), *OVD-Info*, February 27, 2023, <https://ovd.info/articles/2023/02/27/govorili-ee-u-menya-otnimut-menya-posadyat-na-otca-shkolnicy-zaveli-ugolovnoe> (accessed November 23, 2023).

³² Alla Konstantinova, “Jail lesson. How a Tula region student’s anti-war drawing led to a criminal case against her father.” (“Урок СИЗО. Как антивоенный рисунок школьницы из Тульской области обернулся уголовным делом против ее отца”), *Mediazona*, March 2, 2023, <https://zona.media/article/2023/03/02/masha> (accessed November 23, 2023).

³³ “Sixth-grader Masha Moskaleva who drew an anti-war picture was placed in a foster home (and her father under house arrest). We learned what is happening with the family now” (“Шестиклассница Маша Москалева, нарисовавшая антивоенный рисунок, попала в приют (а ее отец — под домашний арест). Мы узнали, что сейчас происходит с семьей”), *Meduza*, March 24, 2023, <https://meduza.io/feature/2023/03/24/shestiklassnitsa-masha-moskaleva-narisovavshaya-antivoennyi-risunok-popala-v-priyut-a-ee-otets-pod-domashniy-arrest-my-uznali-chto-seychas-proishodit-s-semey> (accessed November 23, 2023).

Children’s Rights Abuses Based on Sexual Orientation and Gender Identity (articles 2, 13, 16, 24, and 28)

In July 2023, the Russian parliament adopted a new law allowing surgeries on intersex children to be carried out without their consent and banning transgender people from accessing gender affirming health services, including elective surgeries.³⁴

The law infringes on the rights of both intersex children and transgender people. In particular, children born with variations in their sex characteristics—also known as intersex children—would continue to be subjected to medically unnecessary, nonconsensual surgeries to “normalize” their healthy bodies. This practice is not only discriminatory but also violates the rights to health, physical integrity, and privacy.³⁵

In December 2022, the Duma extended the scope³⁶ of Russia’s harmful “gay propaganda” law of 2013, which forbids the public portrayal of “non-traditional sexual relations.”³⁷ Previously focused on children, the prohibited exposure under the new version now applies to any age group. In addition, some regions have their own regional “gay propaganda” laws.

Lesbian, gay, bisexual and transgender (LGBT) youth in Russia have long faced threats, bullying, abuse including within their own families, as well as discrimination. Human Rights Watch has found that the “gay propaganda” legislation increased social hostility and led to an uptick in violence. The law has also had a stifling effect on access to sexuality education and support services.³⁸

The “gay propaganda” legislation has been used to shut down websites that provide valuable information and services to teens across Russia and to bar LGBT support groups from working with youth. Its passage coincided with increased, often-gruesome vigilante, homophobic violence against LGBT people in Russia—frequently carried out in the name of protecting children and “traditional values.” Individual mental health professionals have curtailed what they say and what

³⁴ Kyle Knight, “Russia Moves to Ban Trans Health Care,” Human Rights Watch dispatch, June 2, 2023, <https://www.hrw.org/news/2023/06/02/russia-moves-ban-trans-health-care>.

³⁵ For an overview of international legal standards regarding intersex children, see Human Rights Watch, *“I Want to Be Like Nature Made Me”: Medically Unnecessary Surgeries on Intersex Children in the US* (New York: Human Rights Watch, 2017), pp. 132-45, <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>.

³⁶ “Russia: Expanded ‘Gay Propaganda’ Ban Progresses Toward Law,” Human Rights Watch news release, November 25, 2022, <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>.

³⁷ Federal Law of June 29, 2013, No. 135-FZ.

³⁸ Human Rights Watch, *No Support: Russia’s “Gay Propaganda” Law Imperils LGBT Youth* (New York: Human Rights Watch, 2018), <https://www.hrw.org/report/2018/12/12/no-support/russias-gay-propaganda-law-imperils-lgbt-youth>.

support they give to students. This discriminatory legislation has also been extensively used by the government to stifle LGBT events and harass children for participating in cultural events.³⁹ It has also been used to curtail art seen to be teaching tolerance and LGBT-themed posts on social media.⁴⁰

By enshrining discrimination in national law, Russia’s “gay propaganda” laws violates Russia’s international human rights obligations. International bodies—including this committee as well as the European Court of Human Rights and the UN Human Rights Committee—have rightly expressed increasing concerns about these laws and called for their repeal.⁴¹

Human Rights Watch recommends that the Committee ask the Russian government:

- What steps is Russia taking to provide access to age-appropriate, comprehensive, and inclusive health-related education and information?
- What steps is Russia taking to gather data about homophobic and transphobic crimes, make such data publicly available, and hold accountable those responsible for such crimes?

Human Rights Watch recommends that the Committee call on the Russian government to:

- Repeal discriminatory laws against LGBT people, including the “gay propaganda” law (Federal Law No. 135-FZ), and instruct regional legislatures where regional “gay propaganda” laws remain in force to repeal these laws.
- Introduce legislation to protect the rights of all LGBT people, including children, such as legislation to explicitly proscribe discrimination against them in public services and to make sexual orientation and gender identity protected categories against discrimination in relevant provisions of Russia’s criminal and civil laws.
- Include information about sexual orientation and gender identity in the national curriculum based on guidelines set forth by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Population Fund (UNFPA), and

³⁹ “Russia: Anti-LGBT Law a Tool for Discrimination,” Human Rights Watch news release, June 29, 2014, <https://www.hrw.org/news/2014/06/29/russia-anti-lgbt-law-tool-discrimination>; Anna Pushkarskaya, “‘Ничего себе мы погуляли’: В Санкт-Петербурге 20 подростков задержали за радужный флаг” [“Wow, what an outing”: In St. Petersburg, 20 teens detained for a rainbow flag], *BBC*, March 21, 2021, <https://www.bbc.com/russian/56477471> (accessed August 4, 2023).

⁴⁰ “Russia: Expanded ‘Gay Propaganda’ Ban Progresses Toward Law,” Human Rights Watch news release.

⁴¹ See, for example, Committee on the Rights of the Child, Concluding Observations: Russian Federation, U.N. Doc. CRC/C/RUS/CO/4-5 (February 25, 2014), paras. 24-25; Bayev v. Russia, App. No. 67667/09 (Eur. Ct. H.R. June 20, 2017); Human Rights Committee, Concluding Observations: Russian Federation, U.N. Doc. CCPR/C/RUS/Co/8 (December 1, 2022), paras. 12, 13(c); Human Rights Committee, Views, Nepomnyashchiy v. Russian Federation, Communication No. 2318/2013, U.N. Doc. CCPR/C/123/D/2318/2013 (August 23, 2018), paras. 7.9, 8-9; Committee on the Elimination of Discrimination Against Women, Concluding Observations: Russian Federation, U.N. Doc. CEDAW/C/RUS/CO/9 (November 30, 2021), paras. 46-47.

issue a non-discrimination policy inclusive of sexual orientation and gender identity for all mental health providers.

- Monitor the response of law enforcement officials to crimes against LGBT people including children, with the goal of continuously improving it.