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**Alternative report of Anti-Discrimination Centre “Memorial”**

**On the implementation by the Russian Federation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

**The general situation:**

**Lack of protection against sexual abuse of children in Russia**

The Russian Federation has restrictive laws aimed at the protection of children from so-called harmful information. The restrictions concern information about sexuality (including pornography, but also “*propaganda of equality of traditional and non-traditional sexual relations*”), suicide, drugs and violence. However, both the wording of the law on the protection of children from harmful information and the implementation of this law restrict important children rights rather than promote them.

The most known example of such restriction is the ban on giving children any information about LGBTI rights, rendering LGBTI teenagers isolated, oppressed and alienated. The homophobic sense of the legal norm not only leads to repressions of LGBTI activists, artists and youth, but also gave a clear message to the extreme right groups that open homophobia is welcome. As a result appeared neo-fascist movements in Russia called *“Occupy pedofily”* and *“Occupy gerontofily”.*

The idea of *“Occupy pedofily”* was to attract homosexual men, using teenagers and when these men would come to a pre-arranged date, to attack them, humiliate them and beat them up, as if fighting against pedophilia. The same trick was used with *“Occupy gerontofily”*, but then it was specifically directed on underage homosexuals, who were tricked into a situation as if adult men would date them, but instead finding themselves subjected to beating, torture and humiliation at the hands of neo-fascist gangs.

The multiplier effect of these terror actions was given by filming them and posting them on the internet. For many victims of these attacks, especially children, this meant forced outing and troubles at schools, with parents etc. Another group of children whose development has been harmed by the disgusting homophobic actions are the supporters of the attacks, the teenagers used to attract the adult men as living bait. Even though, after two years of such organized violence, the leader of it (Maxim Marcinkiewicz) was arrested, there has never been any state action in support of the victims, not in the form of rehabilitation and not in the form of public recognition of the harm of homophobia to the young people.

On the contrary, those activists and NGO’s who took action in order to support young LGBTI were persecuted themselves, like the journalist Elena Klimova, who created a page in social media called “*Children 404*”, meaning underage LGBTI who are ignored as if they don’t exist, in the same way as the common internet fault error for a non-existing page. On this page in social media, lesbians, homosexuals, transgender and bisexual people under 18 could share their stories and concerns, discuss their problems and support each other as well as get some support from the adult members of the web community. Elena Klimova was many times accused of making “propaganda for non-traditional sexual relations”. She was summoned to court and high penalties were imposed on her. Her project and webpage were banned and forbidden in accordance with the “*law on protection of children from harmful information*”.

Even though organized violence by the Marcinkiewicz group was opposed, similar crimes appear over and over again, still using the state proclaimed idea as an alibi, as if protecting youth from LGBTI. For example, a group of criminals that was acting in 2016, in Saint-Petersburg (second biggest city of Russia) used a special dating app for homosexuals. Men were invited to some flats in the suburbs by other young but not underage men and when coming to meet them, they were attacked by some other people that had been hidden in some closet of the flat, the attackers would accuse the visitors on having the intention to have sex with a minor . The whole incident would be filmed and the victims of the attack were forced to pay a lot of money to prevent publication of the video images on internet.

The real reason for these attacks was to rob the victims but the means were again based on the principle of extortion practices on outing issues and the state supported prejudice against LGBTI. In the atmosphere of an ever growing homophobia in society, the outing for the young gay is really dangerous, threatening their social connections, family relations, career and economic wellbeing. It often leads to depression, self-alienation and suicidal tendencies among LGBTI youth, while all people willing to help them are barred from working with children and teenagers by law. Almost all LGBTI projects and organizations had to put the label 18+ on their websites and refuse people under 18 to visit their cultural events (film festivals, exhibitions, concerts). Psychologists and lawyers who support LGBTI cases are not allowed to work with children either. The only expert on Transgender issues, professor Isaev from Saint Petersburg, was fired from his job at a psychiatric institute and his essential professional expertise to decide who is transgender, was no longer available.

Another harmful effect of the law protecting children from information is the ban on mentioning suicide or any suicide- related issues. In our days, even the most serious media resources, reporting about problems faced by children in prisons, have to use such self-censored phrases “*After I was tortured and raped, I constantly think of …”; “My life is so hard, I think of committing …”* It is obvious that just not mentioning suicide or replacing this word by points or other means doesn’t help at all to oppose the suicidal moods and especially the reasons that lead to them. On the contrary, suicide becomes another problem “404” for young people in Russia and such politics of ‘killing silence ‘just aggravates the problem.

Meanwhile, the real dangerous videos and suicide instructions as well as child pornography are still highly present in the Russian segment of internet and can be easily found by those who use anonymizers or the Tor browser, that are well known and popular among young people in Russia. The efforts of Russian law enforcement agencies are focused on banning internet pages, independent media and social media pages, but are not really effective in opposing organized internet related crimes, as those who create child pornography, suicide instructions and other prohibited things, have always been using hidden tactics on the internet and are hardly affected by the official internet bans at all.

As Russian government admits in the report to CRC UN, the *law on protection of children from harmful information* was introduced by Russia as a model law to the CIS countries and obviously Russia is very much imposing such anti-children rights laws on other states.

The restrictions of freedom of speech and expression take not only the form of banned pages, but more and more often result in real criminal punishment and years of prison for those who did not hide their opinion and their criticism. In May 2016, for example a 19 year old man received a penal sentence for just publishing on his social media page (with an outreach of about 200 friends) a photograph of people bathing in an ice hole, an orthodox church ritual. This man was convicted just for the comment on the photograph in which he expressed shock about people risking health for performing religious ritual. The law article used against him was “*in protection of religious feelings*”.

A major problem is a string of toughening anti-extremist laws. In June 2016, new amendments to these laws were voted and approved by both chambers of Russian parliament, including the change of age of children who can be convicted in these crimes, being lowered to 14 year olds. Such crimes that can bring children of 14 years old to prison include religious missionary activities of not state approved groups in not approved places (e.g. private homes) and not denouncing such activity or other extremism and terrorism related crimes. This means, that when a child hears people talking in some living room about the Jehovah witness religion, Baptist or other non-recognized doctrines and subsequently doesn’t denounce the people who are having these discussion, this child can be sent to prison. Then, there are more crimes that are incriminated to 14 year olds, such as the support of terrorist groups in any form or way (there was a story of a child who was asked by some men in the Northern Caucasus to buy “Snickers” candy bars and was accused of providing support to militant insurgents in this way.)

The penal sentence for a person under 18 means serving in a special colony for minor aged criminals. There are many testimonies that life in these colonies for young prisoners is even worse than life in prisons and camps for adults. The colony authorities use so-called “Aktiv” of collaborating persons among the prisoners against all the others. The human rights and media project mediazona ( https://**zona.media**/ )has collected witness reports and interviews of those in penal colonies for minors. All of them talked about violence and rape as one of the main disciplinary method used by these “activists” against them on the order of the administration representatives and teachers. Some witnessed that every bad mark would mean heavy beating, because teachers hung the list of bad marks on the wall. “and then the “activists” would call you and you just cover your head and get such a kick that blood runs out of your throat”.

The worst punishment for the boys in colonies is sexual abuse and rape, commonly practiced in all Russian prisons as a way to oppress and segregate people. One child witnessed: “We have to do everything demanded by the administration, but there was one very correct boy in my group, who decided to protest and to stand for his rights. He was heavily beaten and raped by “Aktiv”. They just broke his life in this way.“ Sexual abuse and rape in the male communities of prisoners have a special meaning. Those, who were even once abused, are forever cast out. They have to use special dishes, sit at special tables and stand constant abuse and disgrace. The administration de-facto supports this segregation. There is evidence that the cast out and raped boys can never be taken in “Aktiv” or in any other way supported by prison authorities.

A very similar situation takes place in the Russian army, where all boys serve obligatory since 18 and where sexual abuse as a kind of punishment and oppression method is widespread. Under 18 year old boys can be accepted to army structures like military schools, where similar unwritten rules exist and teenagers fall victim of them in the same way as 18 year olds in the regular army. To this regard, the restrictions against children pornography, pedophilia and children sexual exploitation are obviously ineffective, where a big part of the male population of the country had experience with sexual abuse and rape, either by performing it or suffering from it. Compared to the high number of complaints from former prisoners and military, very few cases on the practice of oppressive rape have been brought to court.

Even though Russia has a national ombudsperson and 85 regional ombudspersons, there is very little protection against sexual crimes for particular children. In May 2015, a 17 year old girl was forced to become the second wife of an elderly policeman in Chechnya, as it more and more happens in the Northern Caucasian republics of the Russian Federation. This story became known due to the efforts of progressive journalists and national ombudsman Pavel Astakhov was approached and asked for his opinion on this case. The Children Rights ombudsman declared that he was not against the 57 year old policeman marrying an underage girl against her will and explained as a positive attitude by mentioning that southern women are *“shriveled by the time that they are 27.”*

Other officials responsible for the protection of the rights of the child in Russia are sometimes openly advocating for violation of Children Rights too. Senator Elena Mizulina, who was the head of the Russian delegation to CRC UN in 2014, spoke out against criminalization of child-battering. In June 2016, a legal initiative took place to decriminalize beating except of those hate motivated and battering within a family. However Elena Mizulina rose her voice for decriminalization of domestic violence as well, explaining that this *“would legalize Juvenile Justice … and will allow to criminal cases against parents … the change of law discriminates the family as a social group and opposes our main purpose of state family politics that aims at support for and strengthening of family.”*

When the protection of Child rights as well as the physical and sexual integrity of children, are controlled by people with such position as Pavel Astakhov and Elena Mizulina, there is clearly no way to save children from abuse.

**Children at risk of sexual exploitation**

There is very little official data of children victims of sexual exploitation in Russia. In the criminal code of the Russian Federation there is no specific article prohibiting sexual exploitation, but only a general prohibition of exploitation of children, that mentions sexual exploitation as one of its possible forms, among begging, child labour etc. The number of cases against sexual exploitation of minors brought to court is quite low, however social workers engaged in rehabilitation of victims of sexual exploitation know that there are thousands of sexually exploited children in every big city. As one such social worker informed: “*We cannot manage to reach out to all children in big brothels. They all exist with the support of police or Federal Security Service. Even if I could convince some policeman to go there and convince them that we should save the children, kept in such place, they would immediately get a call from their bosses and be ordered not to meddle.”*

The same lack of information and possibility to influent the situation concerns closed institutions for children, such as orphanages for disabled children, mental hospitals for children etc. From some volunteers NGO’s and relatives there are clear signals indicating different forms of exploitation including sexual exploitation. Some cases are known about children from orphanages used for sexual services. Street children and migrant children are two groups that run a high risk of sexual exploitation.

Some children are kept in hellholes, like a girl who was found after discovering a private house in a suburb of Saint Petersburg inhabited by professional beggars, all being handicapped men, exploited in the city’s metro as if they were veterans of the recent wars. This 14 year old migrant girl was forced to satisfy the sexual needs of these men and when she was brought to the rehabilitation centre, the only words she could utter were “*Don’t beat me, I’ll do anything*.”

Children in migration can be in different life situations: some of them come to Russia, because of the working migration of their parents, but others can be trafficked.

Those from the first group are safe when their parents are legally employed in Russia, children go to school and live in a family, however if sometimes parents get deported or expelled from Russia and children remain in the country alone, they are at high risk of falling victim to forced prostitution. There are hundreds of cheap brothels in big cities that exploit mostly girls from Central Asia and whose clients are also often working migrants from the same countries. Undercover investigations were carried out by journalists who understood that some girls from Uzbekistan and Kyrgyzstan in such places were not yet 18.

A serious aggravating factor of the risk for children is a tendency to send young people to emigration as more and more adult members of the families are blacklisted by the Russian Federation for violation of migration rules and the only way to get some family member working in Russia is to send a teenager.

Children from faraway regions, such as Africa or South-Asia are trafficked to Russia with the specific purpose of sexual exploitation. Sometimes, groups of trafficked children are intercepted at the border, but somehow adults accompanying such groups are almost never found and arrested. The shelters for children accept children victims of trafficking and sexual exploitation; among them are commonly children from Cameroon, Nigeria and Vietnam. As an expert on trafficking explained:”*It is more profitable to bring children from far away, as they are more expensive than the adults. Most expensive are virgins and little boys. Sexual exploitation can start virtually from any age even 3 year olds are sometimes used. Most of foreign children in sexual exploitation are 13, 14 and 15 year olds.*”

**Recommendations :**

* The laws restricting freedom of speech and information (such as : protecting children from harmful information, protecting religious feelings, forbidding religious missionary activities of not state approved groups in not approved places) should be revised and all unreasonable restrictions should be cancelled.
* The sexual education including LGBTI rights and the right for physical and sexual integrity for every child, should be introduced to Russian teenagers.
* All forms of violence and abuse of children have to be criminalized and punished, including all forms of domestic violence and battering of children.
* The integrity of children in institutions: orphanages, hospitals, special schools and prisons, should be protected ; civil society activists and volunteers should get engaged in public control of children rights implementation in closed institutions and should have effective means to react on all violations.
* The criminal responsibility age should not be lowered to 14 year olds, but on the contrary, all children under 18 should not be sent to colonies and prisons for crimes, not connected to heavy violence.
* Special attention should be given to the problem of sexual abuse in penal colonies for underage prisoners. The administration of such colonies should face independent monitors investigating every case of sexual abuse of young prisoners and if facts are proven, severe measures should be taken against responsible officials. The regional ombudspersons should be involved in controlling the situation in children prisons and colonies and monitor it on a regular basis.
* Special attention should be given to oppose sexual abuse in the army and special military schools for children.
* The sexual exploitation should be seen as a separate crime and problem. All the brothels and places of sexual exploitation of children should be closed and the prostitution organizers as well as their protectors in law enforcement agencies should be punished.
* The fight against children pornography should focus on the problem of production and distribution of the forbidden issues rather than on closing the web-site and social-media pages.
* Migrant children in vulnerable situation must be supported by the state social care and their use in prostitution should be prevented.
* Children-victims of sexual abuse, exploitation and/or trafficing should get psychological rehabilitation and social care free of charge regardless their citizenship and origin, they must be protected from those who might harm them or exploit them again.
* All children in migration should be guaranteed equal rights with other children; they should get education, medical aid and social care without discrimination.