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**STATEMENT BY MR. ANDREY KELIN,
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,
AT THE 939th MEETING OF THE OSCE PERMANENT COUNCIL**

31 January 2013

**Regarding the draft law on amendments to the
Code of Administrative Offences of the Russian Federation**

Mr. Chairperson,

We take note of our colleagues' interest in the law-making process in our country. First of all, I should like to point out that in Russia this question is by no means regarded as an attempt to restrict the rights of the gay community, which is what our colleagues who have spoken focus on, but as a major element in the protection of children and their rights – a priority in the State policy of Russia. One of its important objectives is to protect children against factors that have a negative impact on their physical, intellectual, mental and moral development. In recent years this issue has received attention at both the national and international levels. In particular, in 2009 the Interparliamentary Assembly of the Commonwealth of Independent States adopted a model law on protecting children against information that is harmful to their health and development.

As we have already informed you, as a follow-up to this, a number of constituent entities of the Russian Federation have adopted laws which provide for administrative liability for the promotion of homosexuality among minors. The traditional cultural and moral values prevailing in Russian society, considerations of health and public morality, and the inadmissibility of discrimination through the promotion of the rights and interests of one social group without due consideration for the rights and interests of others were taken into account in the process.

In its decision of 15 August 2012, the Russian Supreme Court ruled that children must be allowed to develop freely and to that end, *inter alia*, restrictions should be in place regarding interference in their private life. Propaganda and the active promotion of homosexuality and information on the subject, the content of which may have a negative effect on the formation of a child's identity, including its sexual self-identification, may be deemed to be such interference. Having said that, there is no restriction on a child's right to obtain information, including information on homosexuality, if this comes about through the child's own requirements and is age-appropriate.

I might mention that the idea behind the draft law under discussion in the State Duma enjoys broad support among the Russian population. At its first reading, 388 deputies voted in favour of its adoption, while one abstained and one voted against it. According to sociologists, around 90 per cent of the Russian citizens questioned supported the draft law.

As in the case of other draft laws, it will be fine-tuned, taking into account, among other things, amendments that may be submitted to the State Duma before 25 May. This is the normal process, which is the prerogative of the legislative authorities in OSCE countries. In our view, any attempts at external interference are inappropriate to say the least and inconsistent with the practice observed in inter-State relations.

I should like to remind you that the Russian Constitution and existing laws do not permit discrimination on any grounds in the exercise of civil, political, social, economic and cultural human rights. This is entirely in keeping with our international commitments, including those under the Convention for the Protection of Human Rights and Fundamental Freedoms. Once again, I will underscore that what is involved in the draft law mentioned by our colleagues is not discrimination against sexual minorities, but restriction of propaganda and the aggressive promotion by one population group of its way of life and norms of behaviour to children. We shall continue to rely on traditional cultural and moral values, which prevail not only in Russian society but also in the societies of other OSCE participating States.

I should also like to point out that there is no mention of the concepts of “sexual orientation” or “gender identity” in universal international agreements or in the OSCE commitments. The calls on Russia to implement certain commitments in this area are therefore unfounded.

Mr. Chairperson,

Strengthening the system to protect the rights of children is our shared objective. We call on our colleagues to step up their efforts to ensure children’s rights. Despite its relevance, undeservedly little attention is paid to this topic by the OSCE.

Unfortunately, in the OSCE area, violence against children and violations of their sexual integrity frequently go unpunished. Adopted children are especially vulnerable, and this is something we have spoken about in the Permanent Council on several occasions. Corporal punishment is legal in the United States of America and Slovenia, children aged ten or over can face criminal proceedings in the United Kingdom, and minors can be sentenced to life imprisonment in the United States, in some cases without the right to clemency. Racial and ethnic discrimination, just like segregation in schools, remains a scourge of contemporary Europe and the United States.

Given this situation, it would be appropriate to step up the discussion on the protection of children’s rights and devote one of the Organization’s events this year to this topic or its individual aspects. Russia reaffirms its willingness to share with interested countries its positive experience and existing practices as regards the protection of children’s rights.

In conclusion, we should like to confirm our openness to dialogue with the OSCE participating States on human rights issues. We also expect the same approach from our

European colleagues, who for reasons that we do not entirely understand avoid discussions about problems in this sphere in their own countries.

All in all, this, in our view, is characteristic of the fact that we and our Western colleagues see the same question as if through a different lens, but nevertheless far-reaching conclusions and inferences that have no factual basis are drawn. Notably, in the statement by the distinguished representative of the United States I heard that this legislative initiative restricts the freedom of all Russians. This is exactly the kind of unfounded statement that I am talking about.

I am sure that there are laws to protect children against such dangers in other countries as well. And there is nothing unusual in us introducing similar norms.

Thank you for your attention.