



February 12, 2014

Honourable Linda Reid
Speaker
Legislative Assembly of British Columbia
Victoria, BC V8V 1X4

Dear Madam Speaker:

I write to you today to add my voice to the call for the raising of the Pride Flag at the British Columbia Legislature to support LGBT Russians. Equal rights for the LGBT community are fundamental human rights and I am proud to stand with my colleagues from across the political spectrum in making this request to you today.

Yours very truly,

A handwritten signature in black ink, which appears to read "S. Anton".

Suzanne Anton QC
Attorney General
Minister of Justice

cc: Spencer Chandra Herbert, MLA
Vancouver-West End

Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now
Attachments: Law-No-135-FZ_ADF-Opinion-final.pdf; Anti-LGBT-Propaganda-to-Minors-Law-Russia.pdf

From: Ives, Andrew JAG:EX
Sent: February-13-14 3:06 PM
To: Minister, JAG JAG:EX
Subject: RE: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Information thanks

From: Minister, JAG JAG:EX
Sent: February-13-14 2:56 PM
To: Ives, Andrew JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 2:53 PM
To: Minister, JAG JAG:EX
Subject: Fwd: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Premier Christy Clark

email: premier@gov.bc.ca

phone: [250 387-1715](tel:2503871715)

Hon. Suzanne Anton

email: jag.minister@gov.bc.ca

phone: [250 387-1866](tel:2503871866)

To: "Hon. Suzanne Anton" <jag.minister@gov.bc.ca>
Cc: linda.reid.mla@leg.bc.ca, premier@gov.bc.

Madam Minister,

Be advised that if a Gay Pride Flag is raised over the Legislature buildings, representing a political symbol for sex activists—a symbol that, in and of itself, facilitates hostility, hatred and contempt for a large majority of British Columbians—that I will file a human rights complaint against your office.

I have every confidence that if this flag were representative of other defined groups, that there would be no consideration of committing this act. As an example, would you fly a flag in support of Jews? Or how about Coptic Christians in Egypt, and the murderous oppression they face as a daily reality?

I am also providing you with a copy of the English translation of the Act that was passed by the Russian Parliament, and a legal analysis. Perhaps the question you should be asking Mr. Chandra-Herbert, and others, is the same question I am asking you: Do you support children being lied to by sex activist propaganda?

As a politician, you know that the mainstream media are lazy, ill-informed, and act like lemmings addicted to polluted bath-water when it comes to issues involving sex activism. Have you, too, been bully-winked by the propaganda, Madam Minister?

I strongly encourage you to review the issue from a fact-based and reasoned perspective. Perhaps your office can provide the gay-dumb members of the media and the House with the facts, and not be party to facilitating propaganda.

Please find attached a legal analysis of the law passed by the Russian Parliament, and English translation of that law.

s.22

<Anti-LGBT-Propaganda-to-Minors-Law-Russia.pdf>

BY: ROGER KISKA, DANIEL LIPSIC AND PAUL COLEMAN
RE: FEDERAL LAW NO. 135-FZ
DATE: 27 AUGUST 2013

Introduction

The aim of this memorandum is to give an overview of the recently enacted Federal Law of June 29, 2013 No. 135-FZ "On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values" (**Law No. 135-FZ**).

The law has spurred much controversy in the Western media and led many homosexual agenda groups to call for a boycott of the Winter Olympic Games to be held in Sochi in 2014. To be clear, media reflections regarding the law have been grossly exaggerated and have provided a distorted view of the aims and scope of the law in question.

Law No. 135-FZ

Polling has indicated that Law No. 135-FZ is incredibly popular in the Russian Federation as a means of protecting family values and the law was passed by a vote in the Duma with one hundred per cent approval. The law is an amendment to an existing larger statutory prohibition of activities aimed at harming children and hurting family life in the Russian Federation. The amendment prohibiting the propagation of any activity aimed at harming the psychological or physical well-being of minors does include, *inter alia*, propaganda promoting alternative sexual life-styles. However the law, as originally drafted (and maintained after the enactment of the much maligned amendment) also prohibits the promotion of any sexual lifestyle harmful to minors, including those involving heterosexual acts. The law forbids, in a similar nature, any act which promotes the use of intoxicating drugs, alcohol, denies family values, promotes gambling, contains strong language or promotes offending language.

Precisely stated, the law does not prohibit:

- homosexual behavior (homosexual sodomy was decriminalized in the Russian Federation in 1993);
- publicly identifying with same-sex attraction;
- holding public debates and/or events on the issue of social status of LGBT groups;
- the formation and functioning of LGBT associations or interest groups;

Furthermore:

- the law is administrative and not criminal (therefore no punishment of imprisonment is allowed under the law);
- it does not permit any interference in the private life of Russian citizens;
- it does not authorize arbitrary detentions or arrests as has been widely publicized;
- the law, as with all other laws in the Russian Federation and the Council of Europe, remains under the supervision of the European Court of Human Rights.

Misreporting by the media

Comparisons made in the media, like those of broadcaster and television presenter Stephen Fry in his open letter to British Prime Minister David Cameron,¹ that because of the enactment of Law No. 135-FZ the Sochi Olympic games must now be compared to those held in Berlin in 1936 under the tyrannical rule of Adolf Hitler lack credibility and are a grave insult to the countless millions who died as a result of Nazi aggression. To be pointedly obvious, Law No. 135-FZ is incomparable to what took place in Nazi Germany. The law has led to no war, no deaths and no internments in concentration camps whereas World War II saw the death of approximately 5.9 million Jews. World War II also resulted in the death of an estimated 30 million Russians (2-3 million of which themselves were prisoners of war); brave men and women who gave their lives to defeat Adolf Hitler and the Nazi forces.

Major media outlets have also grievously breached their journalistic obligations by creating threats in the law which are nowhere present in the statute itself. The Canadian Broadcasting Corporation has recently reported that the security of teams and fans at the upcoming Winter Olympic Games are at risk because of the new law and that among other things, the recently signed law gives authorities the right to detain tourists and foreign nationals suspected of being homosexual or "pro-gay."² CNN, in its reporting, provocatively asks "could Russia arrest gay athletes?"³

The New York Times takes the position that the I.O.C. should have pressured the Russian Federation not to enact the law under the threat of removing the games from Sochi.⁴ The United States CBS Evening News, with a viewership of nearly 6 million people, quoted protestors of the law who claimed they would be arrested for similar protests in the Russian Federation and criticized Russia for the fact that the vast majority of the population supported the law and that no parliamentarians voted against the amendment.⁵

¹ <http://www.stephenfry.com/2013/08/07/an-open-letter-to-david-cameron-and-the-ioc/>.

² See e.g., Ian Munroe, "Should Olympians Fear Russian Anti-Gay laws?", CBC News, July 26, 2013. <http://www.cbc.ca/news/canada/story/2013/07/25/sochi-olympics-gay-laws.html>.

³ Laura Smith-Spark and Phil Black, "Protests, boycott calls as anger grows over Russia anti-gay propaganda laws", CNN, August 4, 2013. <http://edition.cnn.com/2013/08/01/world/europe/russia-gay-rights-controversy>.

⁴ Jere Longman, "Outrage Over an AntiGay Law Does not Spread to Olympic officials", New York Times, August 6, 2013. http://www.nytimes.com/2013/08/07/sports/games-officials-tiptoeing-around-russias-antigay-law.html?_r=0.

⁵ Charlie D'Agata, "Russia's Anti-Gay Laws Spark Backlash Ahead of Olympics", CBC Evening News, August 10, 2013. http://www.cbsnews.com/8301-18563_162-57598002/russias-anti-gay-laws-spark-backlash-ahead-of-olympics/. Even the title of the article is grossly misinformed since protests have arisen over a single law (not laws) and that the law itself was actually an amendment to an existing law which protects minors from any sort of

The irony of these comments is well reflected in a Huffington Post article claiming that athletes and tourists could receive criminal sanctions for protesting the laws in a posting which shows a large protest by proponents of homosexual behavior with rainbow flags walking through the centre of Moscow.⁶ Thus, the story uses a photo showing a protest in the Russian Federation, which is allowed to function peaceably and without fines, in a story about how tourists and Olympians may face criminal sanctions for the same activity that the Russian protesters are clearly pictured to be participating in.

And the trail of misinformation goes all the way to the White House. In a televised appearance on America's number one rated evening talk show, the Tonight Show with Jay Leno, the host posed a question to President Obama about the new law and made the grossly negligent statement that the amendment makes homosexual behavior illegal – likening it to rounding up Jews for the Holocaust. The President, rather than correcting the dangerously erroneous statement, replied that he had no patience for countries like Russia which discriminated against people who identify as homosexuals and likened what is happening in Russia to Africa [where a number of nations have severe prison sentences for homosexual behavior and Uganda is now debating implementing the death penalty for those who practice homosexual behavior].⁷ The moral stance of President Obama is shocking when juxtaposed to his own foreign policy of using American ambassadors abroad to actively sponsor “gay pride” parades.

During the Prague Pride Parade, held on August 17, just 11 days after the Leno appearance, the American ambassador led the parade holding the banner of the American embassy and was followed by staff that carried banners with American flags and a picture of President Obama and John F. Kennedy.⁸ In the parade route were men dressed in leather cod pieces with spikes around their necks and bare buttocks exposed carrying other men on chains.⁹ This same parade, with the American Ambassador at the head, was also historic because it was the first time the parade allowed pedophile proponents to march as well.¹⁰

Free speech hypocrisy

In addition to being misleading and exaggerated, the mass media and foreign government condemnation of the Russian Federation has also been hypocritical. On the same day that the Federal Duma passed the analyzed law, new amendments were adopted that target actions “expressing obvious disrespect to society and committed with the aim of offending the religious feelings of believers.”¹¹ The harsh sentence of up to three years for “offending religious feelings”

corruption including from smoking, gambling, being disrespectful to parents and truancy (therefore being only indirectly related to homosexual propaganda as one of many different forms of influence).

⁶ Curtis M. Wong, “Russia's Anti-Gay Law Will Impact Foreign Tourists, Possible Olympic Athletes”, Huffington Post, July 11, 2013. http://www.huffingtonpost.com/2013/07/11/russia-gay-law-tourists- n_3581217.html.

⁷ <http://www.nbc.com/the-tonight-show/video/president-obama-on-russias-anti-gay-laws/n39715/>. NBC incidentally is the American broadcaster of the Sochi Winter Olympics.

⁸ See: <http://www.youtube.com/watch?v=YWYbeGcEMe4>.

⁹ <http://www.youtube.com/watch?v=k2DX4YVgYkU> From 1:34 (parade participants in leather, chains with nudity).

¹⁰ <http://www.pedofilie-info.cz/historicky-poprve-jsme-se-jako-pedofilove-zucastnili-prague-pride/> Statement of Pedophile group about their marching in the Prague parade for the first time in history.

¹¹ Criminal Code, Article 148. Cited in Human Rights Without Frontiers Int'l Newsletter, 20 August 2013.

goes far beyond any punishment in Law No. 135-FZ, yet almost nothing has been made of this free speech restriction in the media. In fact, similar free speech restrictions exist in every country in Europe and yet complaints are rarely ever raised.¹²

Moreover, countless cases have arisen in the West where freedom has actually been restricted because of *opposition* to homosexual behaviour. As many groups are calling for a boycott of the Winter Olympics, it should be noted that the host of the 2012 Summer Olympics, the United Kingdom, has also seen dozens of cases arise where freedom has been restricted due to religious and traditional beliefs on homosexual behaviour and same-sex relationships. For example, preachers have been arrested and convicted for speaking against homosexual behaviour,¹³ employees have been demoted for supporting traditional marriage¹⁴ and some have even been dismissed for refusing to act against the conscientious beliefs,¹⁵ business owners have been sued and forced to close their businesses for refusing to condone same-sex relationships¹⁶ and access to facilities have been denied because the proposed event supported the traditional view of marriage.¹⁷ In one case, government funding was actually removed because a Christian charity *refused* to promote homosexuality.¹⁸

All of these cases are examples of attacks on freedom, yet there was no outrage, no condemnation, no media backlash, and certainly no calls for an Olympic boycott. It is therefore regrettable that members of the media will often only raise their voice if members of a “popular” group are targeted by free speech restrictions: when the “unpopular” viewpoint that favours traditional marriage is censored in the West and supporters of that viewpoint are vilified,¹⁹ very little is said.

¹² For a list of European laws restricting freedom of speech and a collection of cases that have ensued, see Paul Coleman, *Censored: How European “hate speech” laws are threatening freedom of speech*, Kairos Publications: Vienna, 2012.

¹³ For example, in 2002 Harry Hammond was convicted of a criminal offence for displaying a sign bearing the words “Jesus Gives Peace, Jesus is alive, Stop Immorality, Stop Lesbianism, Jesus is Lord” in his local city centre. See *The Guardian*, 18 January 2012.

¹⁴ For example, in 2011 Adrian Smith, a housing manager in Manchester, was demoted and had his salary reduced by 40% because he stated his views on marriage on his personal Facebook page. See *The Daily Mail*, 23 October 2011.

¹⁵ In 2007 Lillian Ladele was forced to leave her job as a civil registrar because her religious belief on marriage was not accommodated by her employer. See *Ladele v London Borough of Islington* [2009] EWCA Civ 1357.

¹⁶ In 2009 guesthouse owners Peter and Hazelmary Bull were sued £3,600 for refusing to offer double-bedded accommodation to unmarried couples. Their guesthouse now faces closure. Other Christian guesthouses have also been successfully sued. See *Bull and Bull v. Hall and Preddy and Hall* [2012] EWCA Civ 83.

¹⁷ For example, in 2012 several organizations attempted to host a conference on the legal definition of marriage at the Law Society in London. The Law Society cancelled the booking, claiming that the conference breached its diversity policy. The conference was then due to take place at the Queen Elizabeth II Conference Centre, but the Government-run venue also cancelled the booking citing similar reasons. See *The Daily Telegraph*, 11 May 2012.

¹⁸ For example, in 2008 a Christian care home had a £13,000 per year grant removed for refusing to promote homosexual behaviour to its elderly residents. After more than a year of internal appeals – amounting to £21,000 in legal fees – and after the case was made public, the council eventually backed down but did not offer to pay any of the legal fees. See ‘Care home suffers under ‘equality’ laws: How traditional Christian beliefs cost an elderly care home a £13,000 grant,’ *The Christian Institute*, May 2009.

¹⁹ For example, in 2012 Archbishop of York John Sentamu received a number of abusive and threatening emails of a racist nature after stating that marriage must remain between a man and a woman and David Burrowes MP revealed

Similar laws in Europe

It should be noted that the Russian Federation is not the first country to legislate at a national level to ban homosexual propaganda. On 14 July 2009 Lithuania amended its Law on the Protection of Minors from Detrimental Effects of Public Information. The law, planned to come into force on 1 March 2010, defined public information, which might have a detrimental effect on minors. Among other clauses, it stated, that the following information has a detrimental effect on minors: “propagation of homosexual, bisexual and polygamous relationships”, and “information that distorts family relationships and its values”. The law was vetoed by the Lithuanian President mainly on the grounds of vagueness and the lack of clear definitions, but the veto was overridden by a large majority in the national legislature.

However, due to pressure from various international institutions (the European Parliament had adopted a resolution criticizing the enacted law on 17 September 2009), as well as the visits of the Council of Europe’s Commissioner for Human Rights, the law was amended in December 2009, before coming into force. The law no longer explicitly mentions that propagation of homosexual relationships causes detrimental effects to minors and Article 4 of the law has been redrafted in more general terms. It is still considered detrimental to minors to “promote sexual relations” and “express contempt for family values, encourage the concept of entry into marriage and creation of a family other than that stipulated in the Constitution and the Civil Code.” According to Article 38 of the Lithuanian Constitution: “Marriage shall be concluded upon a free mutual consent of a man and a woman”.

Concerning other European countries there are draft laws prohibiting “promotion of homosexuality which could adversely affect the physical and mental health of children” under consideration currently in Ukraine. In Moldova, several municipalities have adopted local ordinances banning “aggressive propaganda of non-traditional sexual orientation”, however most of these have either been annulled by local courts or rescinded by the municipalities themselves.

In the United Kingdom Section 28 of the Local Government Act of 1988 stated that a local authority “shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality” or “promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship”. The law has been repealed in 2003 by the British Parliament, although according to the opinion polls the majority of the public favored keeping Section 28. Of course, a critical difference with the Russian federal law under review has been that the British law restricted Government’s speech (local authorities being governmental units), whereas the latter may aim at private speech as well.

ECHR case law and freedom of speech

While the mainstream media reporting on the law has been inaccurate and at times irresponsible, there have also been legitimate concerns raised that aspects of the law may unduly restrict freedom of speech.

that he has received hate mail and death threats for supporting marriage in parliament. See *BBC News*, 6 February 2012 and *The Daily Telegraph*, 3 February 2013.

Article 10 of the European Convention on Human Rights provides the right to freedom of expression. However, the right is not absolute and any interference with this right can be lawful if it is justified under Article 10 § 2. For the interference in question to be justifiable, it must: (1) be prescribed by law; (2) pursue a legitimate aim; and (3) be necessary in a democratic society. However, any exceptions to the right to freedom of expression must be “construed strictly and the need for any restrictions must be established convincingly.”²⁰ The Court is empowered to give the final ruling on whether a restriction is reconcilable with freedom of expression as protected by Article 10²¹ and any restriction imposed must be proportionate to the legitimate aim pursued.²²

The framework for analyzing Article 10 restrictions seems to be most suitable for commenting on the newly enacted Russian federal law.

First, any restriction placed on expression must have a basis in the domestic law of the State in question.²³ If there is no basis in the domestic law for the restriction, the Court will invariably find a violation of Article 10.²⁴ Secondly, although any restriction must have a basis in domestic law, the Court is also concerned with the “quality” of any given law: if the law in question does not fulfill the “quality” requirements – accessibility, precision, foreseeability and clarity – the Court will find a violation of Article 10. In the seminal case of *Sunday Times v. The United Kingdom*, the Court held:

First, the law must be adequately accessible: the citizen must be able to have an indication that is adequate in the circumstances of the legal rules applicable to a given case. Secondly, a norm cannot be regarded as a ‘law’ unless it is formulated with sufficient precision to enable the citizen to regulate his conduct: he must be able—if need be with appropriate advice—to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁵

Although the Court stated that legal certainty is “highly desirable,” it also recognized many laws are “inevitably couched in terms which, to a greater or lesser extent, are vague and whose interpretation and application are questions of practice”.²⁶ Hence, there is clearly a threshold, and when a domestic law crosses the threshold and lacks the basic qualities that make

²⁰ *Sener v. Turkey*, no. 26680/95, § 39, ECHR 2000-III. See also *Thoma v. Luxembourg*, no. 38432/97, §§ 43, 48, ECHR 2001-II; see also *The Observer and The Guardian v. the United Kingdom*, judgment of 26 November 1991, Series A no. 216, p. 30, § 59.

²¹ *Handyside v. The United Kingdom* (1976) 1 E.H.R.R. 737 § 49.

²² *Id.*

²³ The Court has held that domestic laws can be based on any applicable rules of international law (See *Groppera Radio AG v. Switzerland* (1990) 12 E.H.R.R. 321 §§ 65-68) and common law (*Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 §§ 48-9). Moreover, codes of practice that are derived from legislation have also been considered applicable for the purposes of Article 10 § 2 (see *R v. Advertising Standards Authority Ex p. Matthias Rath* E.M.L.R. 22 § 26.)

²⁴ See, for example, ECHR: *Peev v. Bulgaria*, application no. 64209/01, judgment of 26 July 2007.

²⁵ *Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 § 49.

²⁶ *Id.*

it incompatible with the rule of law, the Court will not consider the restriction “prescribed by law”.

The Court also takes into account the consistency of domestic case-law in the implementation of a legal provision. The existence of contradictory domestic court decisions in the application of domestic laws has led the Court to conclude that a particular interference did not meet the condition of being “prescribed by law,” whereas a uniform and consistent jurisprudence was considered to allow a person to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁷

The definition of “precision” in criminal law was given by the Court in the Greek proselytism case of *Kokinnakis v. Greece*: “The condition is satisfied where the individual can know from the wording of the relevant provision and, if need be, with the assistance of the courts’ interpretation of it, what acts and omissions will make him liable.”²⁸

The Venice Commission in its recent Opinion²⁹ on the Russian draft law (at the material time) raised two issues concerning the quality of the provisions under scrutiny. The vagueness of the terms “propaganda” and “promotion” and inconsistency in judicial enforcement. The former critique is to a large degree unsubstantiated – the terms “propaganda” and “promotion” are not only used in numerous “hate speech” laws to which the Venice Commission never raised any objections, but may also be found in several international treaty documents.³⁰ The bottom line is whether these provisions are given a consistent and precise interpretation by the law enforcement and the judiciary. Thus, if the law is applied inconsistently in the domestic courts, it will be difficult to pass the first prong of the ECHR test. It is therefore of critical importance that the Russian high courts deliver judgments that would ensure a uniform application of the newly enacted federal law if the law is to meet the first criterion laid out by the ECHR.

As for the second prong of the test, the law clearly promotes a legitimate aim as defined and enumerated by Article 10 § 2 of the Convention: that of protecting health and morals and the rights of others (in this case children). The protection of morals is deemed to be a legitimate aim, especially when children or minors are targeted by immoral speech. Beginning with the seminal decision in *Handyside v. the United Kingdom*,³¹ the jurisprudence of the Court granted a much wider margin of appreciation to Member States when restricting harmful speech focused on minors. First, the Court emphasized that “it is not possible to find in the domestic law of the various Contracting States a uniform European conception of morals.”³² Second, the Court

²⁷ See e.g. ECHR, *Goussev and Marek v. Finland*, Judgment of 17 January 2006, §§ 53-57; ECHR, *Markt Intern Verlag GmbH and Klaus Beermann v. Germany*, Judgment of 20 November 1989, §§ 28-30.

²⁸ ECHR, *Kokkinakis v. Greece*, Judgment of 15 May 1993, application no. 14307/88, § 52.

²⁹ European Commission for Democracy through Law, Opinion on the issue of so-called “propaganda of homosexuality” in the light of recent legislation in some Member States of the Council of Europe, 14-15 June 2013.

³⁰ E.g. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 19 (1) of the revised European Social Charter, Article 6 (3) of the European Convention on the Legal Status of Migrant Workers.

³¹ ECHR, Judgment of 7 December 1976, application no. 5493/72.

³² *Id.*, at § 48.

devoted a major part of its reasoning in *Handyside* to the fact that the disputed publication “was aimed above all at children and adolescents aged from twelve to eighteen” including “sentences or paragraphs that young people at a critical stage of their development could have interpreted as an encouragement to indulge in precocious activities harmful for them.”³³

Similarly, in the case of *Otto-Preminger-Institut v. Austria*, the Court held that no violation of Article 10 occurred when a blasphemous film was seized by Austrian authorities noting that it could have been viewed by minors.³⁴ The latest decision emphasizing the protection of minors was *Vejdeland and others v. Sweden*³⁵ – which involved applicants who went to a secondary school and distributed leaflets in or near pupil’s lockers that criticized homosexual behavior. The applicants were prosecuted for “agitation against a national or ethnic group” and were given suspended sentences combined with fines. However, the Court found no breach of Article 10. Apart from commenting on the content of the leaflets, namely that the content of the leaflets contained “serious and prejudicial allegations,”³⁶ the Court emphasized the fact that “the leaflets were left in lockers of young people who were at an impressionable and sensitive age.”³⁷

Furthermore, the ECHR has itself, under Protocol 1, Article 2 of the Convention (right to education), created safeguards to guarantee the rights of parents to protect their children from information and teaching they deem harmful to them. 36 years ago, the Court in *Kjeldsen and others v Denmark* affirmed to parents the right under Protocol 1, Article 2 of the Convention to opt their children out of classes which were objectionably indoctrinating.³⁸ While these opt-outs were denied to the applicants in the *Kjeldsen* case, the guarantee nonetheless became a seminal part of the ECHR case law. In the 2007 case of *Folgero and Others v. Norway* the Grand Chamber upheld the opt-out for parents who wished to prevent their children from attending religious education classes.³⁹ The progeny of *Folgero* has continued to promote the freedom of parents to take their children out of religious education. From *Kjeldsen* to *Folgero* and its progeny, the Court has continued to hold that the right to opt-outs holds equally to all subjects and not just religious education.⁴⁰

Therefore, it is clear that the aims of protecting minors from information which could be harmful to them, precisely what the Russian amendment to Article 5 aims to accomplish, is in line with Convention standards and European jurisprudence.

The third stage of the ECHR analysis is whether the restriction on speech is “necessary in a democratic society.” According to the well-settled jurisprudence of the Court, the adjective “necessary,” within the meaning of Article 10 § 2, implies the existence of a “pressing social

³³ *Id.*, at § 52.

³⁴ ECHR, *Case of Otto-Preminger-Institut v. Austria* (11/1993/406/485), 20 September 1994, Series A vol. 295-A.

³⁵ ECHR, Judgment of 9 February 2012, application no. 1813/07.

³⁶ *Id.*, at § 54.

³⁷ *Id.*, at § 56.

³⁸ ECHR, *Kjeldsen, Busk Madsen and Pederson v. Denmark*, Judgment of 7 December 1976, Application No. 5095/71, 5920/72, 5926/72, § 50ff.

³⁹ ECHR, *Case of Folgero and Others v. Norway*, App. No. 15472/02, judgment of 29 June 2007.

⁴⁰ See e.g. *Id.*, § 84(e).

need.” The Court has emphasized that although freedom of expression may be subject to exceptions, they must be “*narrowly interpreted*” and “*the necessity for any restrictions must be convincingly established*.”⁴¹

The overbreadth of the law in general, meaning all of its provisions (among them the prohibition of propaganda regarding non-traditional sexual relationships with an aim to corrupting minors), does raise concerns from a free speech perspective. If the law is applied in such a way that is disproportionate or disconnected to the legitimate aim pursued, the Court will likely find a violation of Article 10 for failing to pass the proportionality test. However, as the Court does not review domestic legislation *in abstracto* but always applies the Convention to the individual facts of a particular case, whether the newly enacted law as applied would survive the Court’s proportionality test is dependent upon the case-law of the Russian courts following a domestic judicial challenge. Given that the law was only passed in June 2013, it will be some time before the Court has the opportunity to analyse the law.

Conclusion

The media reporting on Law No. 135-FZ has clearly been inaccurate and at times it has bordered on hysterical. The news stories have served to provide a warped view of the aims and scope of the law in question – which has always been to prohibit the propagation of any activity aimed at harming the psychological or physical well-being of minors. The Russian Federation, in an attempt to protect its children and family values, has every democratic right to legislate in this area. Nevertheless, it must also be recognized that aspects of the law in general, not merely the reference to “nontraditional sexual relations,” may unduly restrict freedom of speech. Given the overbreadth of aspects of the law, these concerns should be considered legitimate.

⁴¹ See e.g. ECHR, *Observer and Guardian v. the United Kingdom*. Judgment of 26 November 1991, application no. 13585/88.

RUSSIAN FEDERATION

FEDERAL LAW

On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values

Adopted by State Duma

June 11, 2013

Article 1

To insert the words "promoting non-traditional sexual relationships" after the word "values" into Clause 4 Section 2 Article 5 of Federal Law of December 29, 2010 No. 436-FZ On Protection of Children from Information Harmful to their Health and Development (Legislation Bulletin of the Russian Federation, 2011, No. 1, Article 48; 2013, No. 14, Article 1658)

Article 2

To insert the words "from information promoting non-traditional sexual relationships," after the words "pornographic nature" into Clause 1 Article 14 of Federal Law dated July 24, 1998 No. 124-FZ On Basic Guarantees of the Rights of the Child in the Russian Federation (Legislation Bulletin of the Russian Federation, 1998, No. 31, Article 3802; 2008, No. 30, Article 3616; 2009, No. 23, Article 2773; 2011, No. 30, Article 4600)

Article 3

Insert into the Code of the Russian Federation On Administrative Offences (Legislation Bulletin of the Russian Federation, 2002, No. 1, Article 1; No. 30, Article 3029; No. 44, Article 4295; 2003, No. 27, Articles 2700, 2708, 2717; No. 46, Article 4434; No. 50, Articles 4847, 4855; 2004, No. 31, Article 3229; No. 34, Articles 3529, 3533; No. 44, Article 4266; 2005, No. 1, Articles 9, 13, 40, 45; No. 10, Article 763; No. 13, Articles 1075, 1077; No. 19, Article 1752; No. 27, Articles 2719, 2721; No. 30, Articles 3104, 3131; No. 50, Article 5247; No. 52, Article 5574; 2006, No. 1, Articles 4, 10; No. 2, Article 172; No. 6, Article 636; No. 10, Article 1067; No. 12, Article 1234; No. 17, Article 1776; No. 18, Article 1907; No. 19, Article 2066; No. 23, Article 2380; No. 31, Articles 3420, 3438, 3452; No. 45, Article 4641; No. 50, Articles 5279, 5281; No. 52, Article 5498; 2007, No. 1, Articles 21, 29; No. 16, Article 1825; No. 26, Article 3089; No. 30, Article 3755; No. 31, Articles 4007, 4008; No. 41, Article 4845; No. 43, Article 5084; No. 46, Article 5553; 2008, No. 18, Article 1941; No. 20, Articles 2251, 2259; No. 29, Article 3418; No. 30, Article 3604; No. 49, Article 5745; No. 52, Articles 6235, 6236; 2009, No. 7, Article 777; No. 23, Article 2759; No. 26, Articles 3120, 3122; No. 29, Articles 3597, 3642; No. 30, Article 3739; No. 48, Articles 5711, 5724; No. 52,

Article 6412; 2010, No. 1, Article 1; No. 19, Article 2291; No. 21, Article 2525; No. 23, Article 2790; No. 27, Article 3416; No. 30, Articles 4002, 4006, 4007; No. 31, Articles 4158, 4164, 4193, 4195, 4206, 4207, 4208; No. 41, Article 5192; No. 49, Article 6409; 2011, No. 1, Articles 10, 23, 29, 54; No. 7, Article 901; No. 15, Article 2039; No. 17, Article 2310; No. 19, Articles 2714, 2715; No. 23, Article 3260; No. 27, Article 3873; No. 29, Articles 4290, 4298; No. 30, Articles 4573, 4585, 4590, 4598, 4600, 4601, 4605; No. 46, Article 6406; No. 47, Article 6602; No. 48, Article 6728; No. 49, Articles 7025, 7061; No. 50, Articles 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, No. 6, Article 621; No. 10, Article 1166; No. 19, Articles 2278, 2281; No. 24, Articles 3069, 3082; No. 29, Article 3996; No. 31, Articles 4320, 4330; No. 41, Article 5523; No. 47, Articles 6402, 6403, 6404, 6405; No. 49, Article 6757; No. 53, Articles 7577, 7602, 7640; 2013, No. 8, Article 720; No. 14, Articles 1651, 1658, 1666; No. 19, Articles 2323, 2325) the following amendments:

1) in first Paragraph Section 1 Article 3.5 the words "by Articles 5.38, 20.2" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 20.2", the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16";

2) in Chapter 6:

a) in Section 1 Article 6.17:

in the first Paragraph, to change the words "by Article 6.20" by the words "by Articles 6.20, 6.21";

in the second Paragraph, the words "and (or) administrative" shall be changed by the words "or administrative";

b) add Article 6.21 as follows:

'Article 6.21. **Promotion (propaganda) of non-traditional sexual relationships among minors**

1. Promotion of non-traditional sexual relationships among minors expressed in the dissemination of information aimed at forming of non-traditional sexual orientation, attractiveness of non-traditional sexual relationships, distorted interpretation of social equivalency of traditional and non-traditional sexual relationships or touting of information on non-traditional sexual relationships that attracts interest to such relationships in minors, if these actions do not contain criminal offence,-

is subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from forty thousand to fifty thousand roubles; on legal entities, from eight hundred thousand to one million roubles or administrative suspension of activities for a period to ninety days.

2. Actions stipulated by Section 1 hereof done using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from one hundred thousand to two hundred thousand roubles; on legal entities, one million roubles or administrative suspension of activities for a period to ninety days.

3. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person, if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from four thousand to five thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation.

4. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from fifty thousand to one hundred thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation";

3) in Section 1 Article 23.1 numbers "6.18 - 6.20" shall be changed by the numbers "6.18 - 6.21";

4) in Section 2 Article 28.3:

a) Clause 1 after numbers "6.20," insert numbers "6.21,";

b) Clause 58 after numbers "6.13," insert numbers "6.21,".

Article 4

In second Paragraph Clause 1 Article 1 of the Federal Law of May 7, 2013 No. 96-FZ On Amendments to the Code of the Russian Federation on Administrative Offences (Legislation Bulletin of the Russian Federation, 2013, No. 19, Article 2323), the words "by Articles 5.38, 7.13, 7.14, 7.14², Section 2 Article 7.15" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 7.13, 7.14, 7.14², Section 2 Article 7.15", the words "stipulated by Section 2¹ Article 14.16" shall be changed by the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16".

Article 5

This Federal Law comes into force from the date of its official publication.

President of the Russian Federation

V. Putin

Adopted by State Duma on December 21, 2010

Approved by Federation Council on December 24, 2010

Chapter 1. General provisions

Article 1. Jurisdiction of this Federal Law

1. This Federal Law shall regulate relationships connected to the protection of children from information harmful to their health and (or) development, including from such information that can be found in informational product.

2. This Federal Law shall be applied to the relationships in the field of:

- 1) circulation of information product containing scientific, technical and statistical information;
- 2) dissemination of information, inadmissibility of access restriction to which is established by the Federal Law of July 27, 2006 No. 149-FZ On Information, Information Technologies and Information Protection and other federal laws;
- 3) circulation of information products having significant historical, artistic or other cultural value for the society;
- 4) advertisements.

Article 2. Basic concepts used in this Federal Law

The following basic concepts are used in this Federal Law:

- 1) access of children to information is the possibility of receipt and usage of freely disseminated information by children;
- 2) mark of information product is graphical and (or) textual symbol in accordance with classification on information product stipulated by Section 3 Article 6 hereof;
- 3) entertainment is demonstration of information product in the place available to children and the place, where considerable number of people is present that do not belong to usual family ambience, including by means of performance of theatrical and spectacular, cultural and educational and entertaining activities;

- 4) informational safety of children is safe condition of children, upon which there is no risk connected to information harm infliction to their health and (or) physical, psychic, moral and ethical development;
- 5) information product is intended for circulation of product of mass media, printed product, audiovisual product in any form, programs for computers (computer programs) and databases as well as information disseminated by means of entertaining activities and information placed in informational and telecommunication networks (including Internet) and networks of mobile telephone communications in the Russian Federation;
- 6) information product for children is information product complying with physical, psychic, moral and ethic development of children by theme, content and artistic design;
- 7) information harmful to health and (or) development of children is information (including contained in information product for children), dissemination of which is forbidden or limited in accordance herewith among children;
- 8) information of pornographic nature is information represented in the form of naturalistic images or description of human genitals and (or) sexual relationships or act of sexual nature comparable to sexual relationships, including such act done in regard to an animal;
- 9) classification of information product is information product distribution depending on its theme, genre, content and artistic design under age category of children in accordance with the procedure established hereby;
- 10) places accessible for children are public places, access of child to which and (or) staying of child where is not forbidden, including public places, where child has access to product of mass media and (or) placed in information and telecommunication networks of information product;
- 11) naturalistic image or description is an image or description in any form and using any means of human, animal, separate parts of human body and (or) animal, activity (inactivity), events, phenomena, their consequences focusing attention on details, anatomical specialties and (or) physiological processes;
- 12) circulation of information product is representation and (or) dissemination of information product, including its selling (including subscription), lease, hiring, distribution, output from public library funds, public showing, public performance (including using broadcasting or cable casting, entertainment events), placing in informational and telecommunication networks (including Internet) and networks of mobile telephone communications;

13) expert is a person that meets the requirements hereof and is involved to carry out expert examination of information product and expert opinion presentation or classification of information product and carrying out of its expert examination.

Article 3. Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development

Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development consist of the Constitution of the Russian Federation, this Federal Law, other federal laws and other regulatory acts adopted in accordance therewith.

Article 4. Power of federal executive authority, government bodies of the constituent units of the Russian Federation in the field of protection of children from information harmful to their health and (or) development

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

- 1) development and implementation of unified state policy in the field of protection of children from information harmful to their health and (or) development;
- 2) development and implementation of federal special-purpose programs of children information security, information product production for children and circulation of information product;
- 3) establishment of a procedure of information product expert examination performance provided hereby;
- 4) state monitoring and control for the compliance of the legislation of the Russian Federation on protection of children from information harmful to their health and (or) development.

2. The power of government authorities of the subjects of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include development and implementation of regional programs of children information security provision, information product production for children and circulation of information product.

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

1. Information harmful to health and (or) development of children includes:

- 1) information stipulated by Section 2 of this article and forbidden for dissemination among children;

2) information stipulated by Section 3 of this article with the account of provisions 7 - 10 hereof and dissemination of which is limited among children of defined age categories.

2. Information forbidden to be disseminated among children includes information:

- 1) inducing children do acts harmful for their life and (or) health, including causing harm for their health, suicide;
- 2) able to create children' desire to use narcotics, psychotropic and (or) intoxicating drugs, tobacco products, alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in prostitution, vagabondage and beggary;
- 3) justifying or defending acceptability of violence and (or) cruelty or inducing to perform violent acts concerning people or animals, except for cases stipulated hereby;
- 4) denying family values and forming disrespect to parents and (or) other family members;
- 5) justifying offending behavior;
- 6) containing strong language;
- 7) containing information of pornographic nature.

3. Information, dissemination of which is limited among children of defined age category, includes information:

- 1) represented in the form of image and description of cruelty, physical and (or) psychic abuse, crime or other antisocial action;
- 2) inciting children' fear, horror or panic, including represented in the form of image or description of non-violent death, disease, suicide, casualty, accident, disaster humiliating human dignity and (or) their consequences;
- 3) represented in the form of image or description of sexual relationships between male and female;
- 4) containing strong words and expressions that do not belong to strong language.

Chapter 2. Classification of information product

Article 6. Classification performance of information product

1. Classification of information product is performed by its producers and (or) distributors independently (including involving expert, experts and (or) expert organizations meeting requirements of Sections 4 and 5, 8 Article 17 hereof) till the beginning of its circulation in the Russian Federation.

2. Upon research conduct for the purpose of classification of information product, the following matters are subject to examination:

- 1) theme, genre, content and artistic design thereof;
- 2) features of information perception contained in it by children of defined age category;
- 3) possibility of information contained in it inflicting harm for health and (or) development of children.

3. Classification of information product (except for information product stipulated by Section 5 of this Article) is performed in accordance with requirements hereof under the following categories of information product:

- 1) information product for children under six years old;
- 2) information product for children who has reached the age of six years old;
- 3) information product for children who has reached the age of twelve years old;
- 4) information product for children who has reached the age of sixteen years old;
- 5) information product forbidden for children (information product containing information stipulated by Section 2 Article 5 hereof).

4. Classification of information product intended and (or) used for training and education in educational institutions correspondingly implementing basic general educational programs, basic vocational general educational programs of elementary vocational education, secondary vocational education, in educational institutions of additional education for children is performed in accordance herewith and legislation of the Russian Federation in the field of education.

5. Classification of films is performed in accordance with requirements hereof and with the account of the procedure established by the Federal Law of August 22, 1996 No. 126-FZ On State Support for Cinematography of the Russian Federation.

6. Information received as a result of classification of information product is pointed out producers or distributors in accompanying documents on informational product and is the basis

for placing on it meeting requirements of relevant technical regulations of the mark of information product and for its circulation in the Russian Federation.

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

Information product for children under the age of six years old may include information product containing information not harmful for health and (or) development of children (including information product containing episodic non-naturalistic images or descriptions of physical and (or) psychic abuse justifying its genre and (or) content (except for sexual abuse) upon the condition of triumph of good over evil and showing compassion to victim of abuse and (or) condemnation of abuse).

Article 8. Information product for children who has reached six years of age

Information product allowable for circulation intended for children who has reached six years old may include information product stipulated by Article 7 hereof as well as information product containing justified by its genre and (or) content:

- 1) short-time and non-naturalistic images or description of human disease (except for serious diseases) and (or) their consequences in the form not humiliating human dignity;
- 2) non-naturalistic image or description of casualty, accident, disaster or non-violent death without demonstration of their consequences that may incite children's fear, horror and panic;
- 3) episodic images or descriptions of these activities and (or) crimes not inducing to conduct of antisocial actions and (or) crimes as long as their admissibility is not justified and defended and negative and disapproving attitude is expressed concerning persons committing them.

Article 9. Information product for children who has reached twelve years of age

Information product allowable for circulation intended for children who has reached twelve years old may include information product stipulated by Article 8 hereof as well as information product containing justified by its genre and (or) content:

- 1) episodic images or descriptions of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration of homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);
- 2) images or descriptions not inducing to conduct antisocial actions (including to use alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in vagabondage or beggary), episodic mentioning (without

demonstration) of narcotics, psychotropic and (or) intoxicating drugs, tobacco products as long as admissibility of antisocial actions is not justified and defended, negative and disapproving attitude is expressed concerning them and hazard statement to use the mentioned product, articles, substances, articles is pointed;

3) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Article 10. Information product for children who has reached sixteen years of age

Information product allowable for circulation intended for children who has reached sixteen years old may include information product stipulated by Article 9 hereof as well as information product containing justified by its genre and (or) content:

1) image or description of casualty, accident, disaster, disease, death without naturalistic demonstration of their consequences that may incite children' fear, horror or panic;

2) image or description of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);

3) information on narcotics or psychotropic and (or) intoxicating drugs (without their demonstration), on hazardous consequences of their use with demonstration of such cases as long as negative, disapproving attitude to the use of such articles or substances is shown and hazard statement to use them;

4) separate strong words and (or) expressions that do not belong to strong language;

5) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Chapter 3. Requirements to the circulation of information product

Article 11. General requirements to the circulation of information product

1. Circulation of information product containing information stipulated by Section 2 Article 5 hereof is not allowed, except for cases provided hereby.

2. Circulation of information product containing information to be disseminated among children in accordance with Section 2 Article 5 hereof in places accessible for children is not allowed without employment of administrative and organizational measures, technical and soft hardware of children's protection from mentioned information.

3. Requirements to administrative and organizational measures technical and soft hardware of children's protection from information harmful for their health and (or) development are established by federal executive authority authorized by the Government of the Russian Federation.

4. Circulation of information product containing information product stipulated by Article 5 hereof is not allowed without mark of information product, except for:

- 1) textbooks and teaching guides recommended or permitted to be used in educational process in accordance with the legislation of the Russian Federation in education field;
- 2) television programs, television shows aired without prior record;
- 3) information product disseminated by means of radiobroadcast;
- 4) information product demonstrated by means of entertainment events;
- 5) printed periodical publications specialized on dissemination of information of socio-political or production and practical nature.

5. In the presence of parents or other legal representatives of children who has reached six years old circulation of information product stipulated by Article 9 hereof is permitted.

6. Before the beginning of demonstration of information product by entertainment events, mark of information product is given to it. Upon demonstration of several kinds of information product for children of different age categories, the mentioned mark should be correspondent to information product for children of elder age category. Mentioned mark is placed on billposters and other announcements on performance of entertainment events as well as on admission tickets, invitations and other documents giving right of its admission.

7. Demonstration by means of entertainment event of information product containing information stipulated by Article 5 hereof is preceded immediately before the beginning of entertainment event by sound announcement on inadmissibility or limitation of presence of children of corresponding age category on such demonstration.

8. In distribution certificate of audiovisual work, registration certificate shall include information on a category of this information product as means of mass media TV and radio program, printed periodical publication for children.

Article 12. Mark of information product

1. Category of information product is defined in accordance with requirements of Articles 6 - 10 hereof and is designated by mark of information product placed with the compliance of requirements of this Article and requirements of corresponding technical regulations by its producers or distributors.

2. Producer, distributor of information product places mark of information product and (or) textual warning on limitation of its dissemination before the beginning of broadcasting of TV program, TV show, demonstration of film upon cinema and video facilities in accordance with the procedure established by the federal executive authority authorized by the Government of the Russian Federation. Mark of information product is displayed in the corner of the picture, except for demonstration of the film performed in the cinema hall. The size of the mark of information product shall make no less than five percent of screen area.

3. The size of the mark of the information product shall make no more than five percent of billposter or other announcement area on the performance of corresponding entertainment event, announcement on film and video show as well as admission ticket, invitation or other document giving right to attend such event.

4. Mark of information product is placed in published programs of TV and radio programs, lists and catalogues of information product placed in information and telecommunication networks.

Article 13. Additional requirements to dissemination of information product by means of TV and radio broadcasting

1. Information product containing information stipulated by Clauses 1 - 5 Section 2 Article 5 hereof is not subjected to dissemination by means of TV and radio broadcasting from 4 a.m. till 11 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

2. Information product containing information stipulated by Clauses 4 and 5 Article 10 hereof is not subjected to be disseminated by TV and radio broadcasting from 7 a.m. till 9 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed

exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

3. Dissemination of information product by TV broadcasting is accompanied by message on limitation of its dissemination in the beginning of demonstration (including by means of "roller titles" does not exceed five percent of the screen area).

4. Dissemination of information product by means of radio broadcasting is accompanied by message on limitation of its dissemination in the beginning of broadcasting of information product and after each broadcast interruption.

5. Upon placement of message on limitation of its dissemination by means of TV and radio broadcast of information product forbidden for children, use of fragments of mentioned information product containing information harmful for health and (or) development of children is not permitted.

Article 14. Additional requirements to dissemination of information product by means of information and telecommunication networks

Children's access to information disseminated by means of information and telecommunication networks (including Internet) is provided by service providers rendering telematic communications services in public access points provided that specified service providers use technical, protection software hardware for children from information harmful for their health and (or) development.

Article 15. Additional requirements to the circulation of separate kinds of information product for children

1. It is not permitted to place messages to attract children to participate in creation of information product harmful for their health and (or) development in information product for children, including information product placed in information and telecommunication networks (including Internet) and mobile communication network.

2. Content and artistic design of information product intended to teach children in pre-school educational institutions shall conform to content and artistic design of information product for children under the age of six years old.

3. Content and artistic design of printed press, print media materials (including exercise books, school diaries, covers for books, markers for books), audiovisual products, other information product used in educational process shall conform to the requirements of Articles 7 - 10 hereof.

Article 16. Additional requirements to the circulation of information product forbidden for children

1. Front and back pages of a newspaper, cover page of printed product copy, other print media materials forbidden for shall not contain information harmful for health and (or) development of children upon dissemination for indefinite scope of persons in places accessible for children.
2. Information product forbidden for children is permitted to be disseminated in the form of printed product in places accessible for children only in sealed packages.
3. Information product forbidden for children is not permitted to be disseminated in educational institutions, nursery healthcare, health resort, physical educational institutions, cultural organizations intended for children, recreation and sanitation organizations for children or at a distance of less than one hundred meters from the borders of mentioned organization territories.

Chapter 4. Expert examination of information product

Article 17. General provisions to expert examination of information product

1. Expert examination of information product is performed for the purpose of information security of children by the decision of federal executive authority authorized by the Government of the Russian Federation, an expert, experts and (or) expert organizations.
2. Legal entities, individual entrepreneurs, public associations, other non-profit organizations, citizens have the right to apply to federal executive authority authorized by the Government of the Russian Federation to conduct expert examination of information product, which makes decision to refer the mentioned application to an expert, experts and (or) expert organizations within a period of up to ten days.
3. Expert examination of information product is performed by an expert, experts and (or) expert organizations accredited by federal executive authority authorized by the Government of the Russian Federation in accordance with the established procedure.
4. An expert, experts and (or) expert organizations are defined by federal executive authority authorized by the Government of the Russian Federation on the basis of random sampling technique with the account of a kind of information product subjected to expert examination.
5. Federal executive authority authorized by the Government of the Russian Federation issues accreditation certificates, suspends or terminates effect of issued accreditation certificates, keeps a register of accredited experts and expert organizations.

6. Expert examination of information product may be performed by two or more experts of certain specialty (single-discipline expert panel) or different specialties (multi-discipline expert panel).

7. Persons who have received higher vocational education, possess special knowledge, including in the field of pedagogic, developmental psychology, developmental physiology, child psychiatry are involved in the capacity of an expert, experts to perform expert examination of information product, except for persons:

1) who have or had a criminal record for commitment of serious or extremely serious crimes against a person, crimes against sexual integrity and sexual freedom of a person, against family and minors, intentional crimes against health of population and public morality;

2) who are the producer, distributor of information product transferred on expert examination or their representatives.

8. The period of expert examination of information products cannot exceed ninety days from the date of receiving an application for its performance.

9. The expenses connected to expert examination of information products are reimbursed in accordance with the procedure established by federal executive authority authorized by the Government of the Russian Federation.

Article 18. Expert opinion

1. Upon completion of expert examination of information products, expert opinion is given.

2. Expert opinion includes:

1) date, time and place of expert examination performance of information product;

2) information about the expert organization and the expert (surname, first name, patronymic, education, specialty, specialty professional experience, availability of a scientific degree, academic title, job position, place of work);

3) Issues raised before the expert, experts;

4) analysis subjects and materials submitted for expert examination of information products;

5) content and results of analysis mentioning methods;

6) substantiated responses on issues raised before an expert, experts;

7) conclusions on the presence or absence of information harmful for health and (or) development of children in the product information or on the compliance or non-compliance information product with certain categories of information products, on the compliance or non-compliance of information product with mark of information product.

3. Expert opinion of single-discipline expert panel is signed by all the experts involved in the performance of mentioned expert examination if their opinions on the issues raised coincide. In the event of a dispute, each expert provides a separate expert opinion on the issues that caused the discrepancy. Each expert who participated in the performance of single-discipline expert panel signs a part of the expert opinion that describes analysis conducted by them and is responsible therefor.

4. Within five days after signing of the expert opinion, it is sent to the federal executive authority authorized by the Government of the Russian Federation.

Article 19. The legal consequences of expert examination of information

Not later than fifteen days after receipt of the expert opinion, the federal executive authority authorized by the Government of the Russian Federation makes a decision:

1) on non-compliance of information product with requirements hereof and the imposition of injunction to remove the revealed violations if the expert opinion contains conclusion on the presence of information harmful for health and (or) development of children in information product or of non-compliance of mark information products of certain category with information product;

2) on compliance of information product with requirements hereof and on refusal to impose the injunction mentioned in Clause 1 of this Section.

Chapter 5. Supervision and control in protection of children from information harmful for their health and (or) development

Article 20. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful for their health and (or) development

1. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed by federal executive authority authorized by the Government of the Russian Federation.

2. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed taking into account the requirements of the Federal Law of December 26, 2008 No. 294-FZ On the Protection of the Rights of Legal Entities and Individual Entrepreneurs During Exercising the State Control (Supervision) and Municipal Control.

Article 21. Public control in protection of children from information harmful for their health and (or) development

1. Public associations and other non-profit organizations registered in accordance with the procedure established by federal law in accordance with their charters as well as citizens have the rights to perform public control over the compliance of requirements hereof in accordance with the legislation of the Russian Federation.

2. Upon the performance of public control, public associations and other non-profit organizations, citizens have the right to:

1) perform monitoring of information product circulation and access of children to information, including by creating "hot lines";

2) apply to federal executive authority authorized by the Government of the Russian Federation, to perform expert examination of information products in accordance with the requirements hereof.

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

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

Violation of the legislation of the Russian Federation on protection of 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. Procedure of coming into effect of this Federal Law

1. This Federal Law comes into effect from September 01, 2012.

2. Provisions of Section 1 Article 12 hereof is not applied to printed products, released into circulation before coming into force of this Federal Law.

D. Medvedev, the President of the Russian Federation

From: Minister, JAG JAG:EX
Sent: Thursday, February 13, 2014 1:53 PM
To: Nelson, Greg LASS:EX; King, Kim J M JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag
Attachments: Law-No-135-FZ_ADF-Opinion-final.pdf; Anti-LGBT-Propaganda-to-Minors-Law-Russia.pdf

From: Minister, JAG JAG:EX
Sent: Thursday, February 13, 2014 1:41 PM
To: King, Kim J M JAG:EX
Subject: FW: Human Rights Complaint Gay Pride Flag

From: Ives, Andrew JAG:EX
Sent: February-13-14 1:40 PM
To: Minister, JAG JAG:EX
Subject: RE: Human Rights Complaint Gay Pride Flag

Information thanks

From: Minister, JAG JAG:EX
Sent: February-13-14 1:19 PM
To: Ives, Andrew JAG:EX
Subject: FW: Human Rights Complaint Gay Pride Flag

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 1:23 PM
To: OfficeofthePremier, Office PREM:EX
Cc: Minister, JAG JAG:EX; Reid.MLA, Linda LASS:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag

Madam Minister,

Be advised that if a Gay Pride Flag is raised over the Legislature buildings, representing a political symbol for sex activists—a symbol that, in and of itself, facilitates hostility, hatred and contempt for a large majority of British Columbians—that I will file a human rights complaint against your office.

I have every confidence that if this flag were representative of other defined groups, that there would be no consideration of committing this act. As an example, would you fly a flag in support of Jews? Or how about Coptic Christians in Egypt, and the murderous oppression they face as a daily reality?

I am also providing you with a copy of the English translation of the Act that was passed by the Russian Parliament, and a legal analysis. Perhaps the question you should be asking Mr. Chandra-Herbert, and others, is the same question I am asking you: Do you support children being lied to by sex activist propaganda?

As a politician, you know that the mainstream media are lazy, ill-informed, and act like lemmings addicted to polluted bath-water when it comes to issues involving sex activism. Have you, too, been bully-winked by the propaganda, Madam Minister?

I strongly encourage you to review the issue from a fact-based and reasoned perspective. Perhaps your office can provide the gay-dumb members of the media and the House with the facts, and not be party to facilitating propaganda.

Please find attached a legal analysis of the law passed by the Russian Parliament, and English translation of that law.

s.22



BY: ROGER KISKA, DANIEL LIPSIC AND PAUL COLEMAN
RE: FEDERAL LAW NO. 135-FZ
DATE: 27 AUGUST 2013

Introduction

The aim of this memorandum is to give an overview of the recently enacted Federal Law of June 29, 2013 No. 135-FZ "On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values" (**Law No. 135-FZ**).

The law has spurred much controversy in the Western media and led many homosexual agenda groups to call for a boycott of the Winter Olympic Games to be held in Sochi in 2014. To be clear, media reflections regarding the law have been grossly exaggerated and have provided a distorted view of the aims and scope of the law in question.

Law No. 135-FZ

Polling has indicated that Law No. 135-FZ is incredibly popular in the Russian Federation as a means of protecting family values and the law was passed by a vote in the Duma with one hundred per cent approval. The law is an amendment to an existing larger statutory prohibition of activities aimed at harming children and hurting family life in the Russian Federation. The amendment prohibiting the propagation of any activity aimed at harming the psychological or physical well-being of minors does include, *inter alia*, propaganda promoting alternative sexual life-styles. However the law, as originally drafted (and maintained after the enactment of the much maligned amendment) also prohibits the promotion of any sexual lifestyle harmful to minors, including those involving heterosexual acts. The law forbids, in a similar nature, any act which promotes the use of intoxicating drugs, alcohol, denies family values, promotes gambling, contains strong language or promotes offending language.

Precisely stated, the law does not prohibit:

- homosexual behavior (homosexual sodomy was decriminalized in the Russian Federation in 1993);
- publicly identifying with same-sex attraction;
- holding public debates and/or events on the issue of social status of LGBT groups;
- the formation and functioning of LGBT associations or interest groups;

Furthermore:

- the law is administrative and not criminal (therefore no punishment of imprisonment is allowed under the law);
- it does not permit any interference in the private life of Russian citizens;
- it does not authorize arbitrary detentions or arrests as has been widely publicized;
- the law, as with all other laws in the Russian Federation and the Council of Europe, remains under the supervision of the European Court of Human Rights.

Misreporting by the media

Comparisons made in the media, like those of broadcaster and television presenter Stephen Fry in his open letter to British Prime Minister David Cameron,¹ that because of the enactment of Law No. 135-FZ the Sochi Olympic games must now be compared to those held in Berlin in 1936 under the tyrannical rule of Adolf Hitler lack credibility and are a grave insult to the countless millions who died as a result of Nazi aggression. To be pointedly obvious, Law No. 135-FZ is incomparable to what took place in Nazi Germany. The law has led to no war, no deaths and no internments in concentration camps whereas World War II saw the death of approximately 5.9 million Jews. World War II also resulted in the death of an estimated 30 million Russians (2-3 million of which themselves were prisoners of war); brave men and women who gave their lives to defeat Adolf Hitler and the Nazi forces.

Major media outlets have also grievously breached their journalistic obligations by creating threats in the law which are nowhere present in the statute itself. The Canadian Broadcasting Corporation has recently reported that the security of teams and fans at the upcoming Winter Olympic Games are at risk because of the new law and that among other things, the recently signed law gives authorities the right to detain tourists and foreign nationals suspected of being homosexual or "pro-gay."² CNN, in its reporting, provocatively asks "could Russia arrest gay athletes?"³

The New York Times takes the position that the I.O.C. should have pressured the Russian Federation not to enact the law under the threat of removing the games from Sochi.⁴ The United States CBS Evening News, with a viewership of nearly 6 million people, quoted protestors of the law who claimed they would be arrested for similar protests in the Russian Federation and criticized Russia for the fact that the vast majority of the population supported the law and that no parliamentarians voted against the amendment.⁵

¹ <http://www.stephenfry.com/2013/08/07/an-open-letter-to-david-cameron-and-the-ioc/>.

² See e.g., Ian Munroe, "Should Olympians Fear Russian Anti-Gay laws?", CBC News, July 26, 2013. <http://www.cbc.ca/news/canada/story/2013/07/25/sochi-olympics-gay-laws.html>.

³ Laura Smith-Spark and Phil Black, "Protests, boycott calls as anger grows over Russia anti-gay propaganda laws". CNN, August 4, 2013. <http://edition.cnn.com/2013/08/01/world/europe/russia-gay-rights-controversy>.

⁴ Jere Longman, "Outrage Over an AntiGay Law Does not Spread to Olympic officials", New York Times, August 6, 2013. http://www.nytimes.com/2013/08/07/sports/games-officials-tiptoeing-around-russias-antigay-law.html?_r=0.

⁵ Charlie D'Agata, "Russia's Anti-Gay Laws Spark Backlash Ahead of Olympics", CBC Evening News, August 10, 2013. http://www.cbsnews.com/8301-18563_162-57598002/russias-anti-gay-laws-spark-backlash-ahead-of-olympics/. Even the title of the article is grossly misinformed since protests have arisen over a single law (not laws) and that the law itself was actually an amendment to an existing law which protects minors from any sort of

The irony of these comments is well reflected in a Huffington Post article claiming that athletes and tourists could receive criminal sanctions for protesting the laws in a posting which shows a large protest by proponents of homosexual behavior with rainbow flags walking through the centre of Moscow.⁶ Thus, the story uses a photo showing a protest in the Russian Federation, which is allowed to function peaceably and without fines, in a story about how tourists and Olympians may face criminal sanctions for the same activity that the Russian protesters are clearly pictured to be participating in.

And the trail of misinformation goes all the way to the White House. In a televised appearance on America's number one rated evening talk show, the Tonight Show with Jay Leno, the host posed a question to President Obama about the new law and made the grossly negligent statement that the amendment makes homosexual behavior illegal – likening it to rounding up Jews for the Holocaust. The President, rather than correcting the dangerously erroneous statement, replied that he had no patience for countries like Russia which discriminated against people who identify as homosexuals and likened what is happening in Russia to Africa [where a number of nations have severe prison sentences for homosexual behavior and Uganda is now debating implementing the death penalty for those who practice homosexual behavior].⁷ The moral stance of President Obama is shocking when juxtaposed to his own foreign policy of using American ambassadors abroad to actively sponsor “gay pride” parades.

During the Prague Pride Parade, held on August 17, just 11 days after the Leno appearance, the American ambassador led the parade holding the banner of the American embassy and was followed by staff that carried banners with American flags and a picture of President Obama and John F. Kennedy.⁸ In the parade route were men dressed in leather cod pieces with spikes around their necks and bare buttocks exposed carrying other men on chains.⁹ This same parade, with the American Ambassador at the head, was also historic because it was the first time the parade allowed pedophile proponents to march as well.¹⁰

Free speech hypocrisy

In addition to being misleading and exaggerated, the mass media and foreign government condemnation of the Russian Federation has also been hypocritical. On the same day that the Federal Duma passed the analyzed law, new amendments were adopted that target actions “expressing obvious disrespect to society and committed with the aim of offending the religious feelings of believers.”¹¹ The harsh sentence of up to three years for “offending religious feelings”

corruption including from smoking, gambling, being disrespectful to parents and truancy (therefore being only indirectly related to homosexual propaganda as one of many different forms of influence).

⁶ Curtis M. Wong, “Russia's Anti-Gay Law Will Impact Foreign Tourists, Possible Olympic Athletes”, Huffington Post, July 11, 2013. http://www.huffingtonpost.com/2013/07/11/russia-gay-law-tourists- n_3581217.html.

⁷ <http://www.nbc.com/the-tonight-show/video/president-obama-on-russias-anti-gay-laws/n39715/>. NBC incidentally is the American broadcaster of the Sochi Winter Olympics.

⁸ See: <http://www.youtube.com/watch?v=YWYbeGcEMe4>.

⁹ <http://www.youtube.com/watch?v=k2DX4YVgYkU> From 1:34 (parade participants in leather, chains with nudity).

¹⁰ <http://www.pedofilie-info.cz/historicky-poprve-jsme-se-jako-pedofilove-zucastnili-prague-pride/> Statement of Pedophile group about their marching in the Prague parade for the first time in history.

¹¹ Criminal Code, Article 148. Cited in Human Rights Without Frontiers Int'l Newsletter, 20 August 2013.

goes far beyond any punishment in Law No. 135-FZ, yet almost nothing has been made of this free speech restriction in the media. In fact, similar free speech restrictions exist in every country in Europe and yet complaints are rarely ever raised.¹²

Moreover, countless cases have arisen in the West where freedom has actually been restricted because of *opposition* to homosexual behaviour. As many groups are calling for a boycott of the Winter Olympics, it should be noted that the host of the 2012 Summer Olympics, the United Kingdom, has also seen dozens of cases arise where freedom has been restricted due to religious and traditional beliefs on homosexual behaviour and same-sex relationships. For example, preachers have been arrested and convicted for speaking against homosexual behaviour,¹³ employees have been demoted for supporting traditional marriage¹⁴ and some have even been dismissed for refusing to act against the conscientious beliefs,¹⁵ business owners have been sued and forced to close their businesses for refusing to condone same-sex relationships¹⁶ and access to facilities have been denied because the proposed event supported the traditional view of marriage.¹⁷ In one case, government funding was actually removed because a Christian charity *refused* to promote homosexuality.¹⁸

All of these cases are examples of attacks on freedom, yet there was no outrage, no condemnation, no media backlash, and certainly no calls for an Olympic boycott. It is therefore regrettable that members of the media will often only raise their voice if members of a “popular” group are targeted by free speech restrictions: when the “unpopular” viewpoint that favours traditional marriage is censored in the West and supporters of that viewpoint are vilified,¹⁹ very little is said.

¹² For a list of European laws restricting freedom of speech and a collection of cases that have ensued, see Paul Coleman, *Censored: How European “hate speech” laws are threatening freedom of speech*, Kairos Publications: Vienna, 2012.

¹³ For example, in 2002 Harry Hammond was convicted of a criminal offence for displaying a sign bearing the words “Jesus Gives Peace, Jesus is alive, Stop Immorality, Stop Lesbianism, Jesus is Lord” in his local city centre. See *The Guardian*, 18 January 2012.

¹⁴ For example, in 2011 Adrian Smith, a housing manager in Manchester, was demoted and had his salary reduced by 40% because he stated his views on marriage on his personal *Facebook* page. See *The Daily Mail*, 23 October 2011.

¹⁵ In 2007 Lillian Ladele was forced to leave her job as a civil registrar because her religious belief on marriage was not accommodated by her employer. See *Ladele v London Borough of Islington* [2009] EWCA Civ 1357.

¹⁶ In 2009 guesthouse owners Peter and Hazelmary Bull were sued £3,600 for refusing to offer double-bedded accommodation to unmarried couples. Their guesthouse now faces closure. Other Christian guesthouses have also been successfully sued. See *Bull and Bull v. Hall and Preddy and Hall* [2012] EWCA Civ 83.

¹⁷ For example, in 2012 several organizations attempted to host a conference on the legal definition of marriage at the Law Society in London. The Law Society cancelled the booking, claiming that the conference breached its diversity policy. The conference was then due to take place at the Queen Elizabeth II Conference Centre, but the Government-run venue also cancelled the booking citing similar reasons. See *The Daily Telegraph*, 11 May 2012.

¹⁸ For example, in 2008 a Christian care home had a £13,000 per year grant removed for refusing to promote homosexual behaviour to its elderly residents. After more than a year of internal appeals – amounting to £21,000 in legal fees – and after the case was made public, the council eventually backed down but did not offer to pay any of the legal fees. See ‘Care home suffers under ‘equality’ laws: How traditional Christian beliefs cost an elderly care home a £13,000 grant,’ *The Christian Institute*, May 2009.

¹⁹ For example, in 2012 Archbishop of York John Sentamu received a number of abusive and threatening emails of a racist nature after stating that marriage must remain between a man and a woman and David Burrowes MP revealed

Similar laws in Europe

It should be noted that the Russian Federation is not the first country to legislate at a national level to ban homosexual propaganda. On 14 July 2009 Lithuania amended its Law on the Protection of Minors from Detrimental Effects of Public Information. The law, planned to come into force on 1 March 2010, defined public information, which might have a detrimental effect on minors. Among other clauses, it stated, that the following information has a detrimental effect on minors: “propagation of homosexual, bisexual and polygamous relationships”, and “information that distorts family relationships and its values”. The law was vetoed by the Lithuanian President mainly on the grounds of vagueness and the lack of clear definitions, but the veto was overridden by a large majority in the national legislature.

However, due to pressure from various international institutions (the European Parliament had adopted a resolution criticizing the enacted law on 17 September 2009), as well as the visits of the Council of Europe’s Commissioner for Human Rights, the law was amended in December 2009, before coming into force. The law no longer explicitly mentions that propagation of homosexual relationships causes detrimental effects to minors and Article 4 of the law has been redrafted in more general terms. It is still considered detrimental to minors to “promote sexual relations” and “express contempt for family values, encourage the concept of entry into marriage and creation of a family other than that stipulated in the Constitution and the Civil Code.” According to Article 38 of the Lithuanian Constitution: “Marriage shall be concluded upon a free mutual consent of a man and a woman”.

Concerning other European countries there are draft laws prohibiting “promotion of homosexuality which could adversely affect the physical and mental health of children” under consideration currently in Ukraine. In Moldova, several municipalities have adopted local ordinances banning “aggressive propaganda of non-traditional sexual orientation”, however most of these have either been annulled by local courts or rescinded by the municipalities themselves.

In the United Kingdom Section 28 of the Local Government Act of 1988 stated that a local authority “shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality” or “promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship”. The law has been repealed in 2003 by the British Parliament, although according to the opinion polls the majority of the public favored keeping Section 28. Of course, a critical difference with the Russian federal law under review has been that the British law restricted Government’s speech (local authorities being governmental units), whereas the latter may aim at private speech as well.

ECHR case law and freedom of speech

While the mainstream media reporting on the law has been inaccurate and at times irresponsible, there have also been legitimate concerns raised that aspects of the law may unduly restrict freedom of speech.

that he has received hate mail and death threats for supporting marriage in parliament. See *BBC News*, 6 February 2012 and *The Daily Telegraph*, 3 February 2013.

Article 10 of the European Convention on Human Rights provides the right to freedom of expression. However, the right is not absolute and any interference with this right can be lawful if it is justified under Article 10 § 2. For the interference in question to be justifiable, it must: (1) be prescribed by law; (2) pursue a legitimate aim; and (3) be necessary in a democratic society. However, any exceptions to the right to freedom of expression must be “construed strictly and the need for any restrictions must be established convincingly.”²⁰ The Court is empowered to give the final ruling on whether a restriction is reconcilable with freedom of expression as protected by Article 10²¹ and any restriction imposed must be proportionate to the legitimate aim pursued.²²

The framework for analyzing Article 10 restrictions seems to be most suitable for commenting on the newly enacted Russian federal law.

First, any restriction placed on expression must have a basis in the domestic law of the State in question.²³ If there is no basis in the domestic law for the restriction, the Court will invariably find a violation of Article 10.²⁴ Secondly, although any restriction must have a basis in domestic law, the Court is also concerned with the “quality” of any given law: if the law in question does not fulfill the “quality” requirements – accessibility, precision, foreseeability and clarity – the Court will find a violation of Article 10. In the seminal case of *Sunday Times v. The United Kingdom*, the Court held:

First, the law must be adequately accessible: the citizen must be able to have an indication that is adequate in the circumstances of the legal rules applicable to a given case. Secondly, a norm cannot be regarded as a ‘law’ unless it is formulated with sufficient precision to enable the citizen to regulate his conduct: he must be able—if need be with appropriate advice—to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁵

Although the Court stated that legal certainty is “highly desirable,” it also recognized many laws are “inevitably couched in terms which, to a greater or lesser extent, are vague and whose interpretation and application are questions of practice”.²⁶ Hence, there is clearly a threshold, and when a domestic law crosses the threshold and lacks the basic qualities that make

²⁰ *Şener v. Turkey*, no. 26680/95, § 39, ECHR 2000-III. See also *Thoma v. Luxembourg*, no. 38432/97, §§ 43, 48, ECHR 2001-II; see also *The Observer and The Guardian v. the United Kingdom*, judgment of 26 November 1991, Series A no. 216, p. 30, § 59.

²¹ *Handyside v. The United Kingdom* (1976) 1 E.H.R.R. 737 § 49.

²² *Id.*

²³ The Court has held that domestic laws can be based on any applicable rules of international law (See *Groppera Radio AG v. Switzerland* (1990) 12 E.H.R.R. 321 §§ 65-68) and common law (*Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 §§ 48-9). Moreover, codes of practice that are derived from legislation have also been considered applicable for the purposes of Article 10 § 2 (see *R v. Advertising Standards Authority Ex p. Matthias Rath* E.M.L.R. 22 § 26.)

²⁴ See, for example, ECHR: *Peev v. Bulgaria*, application no. 64209/01, judgment of 26 July 2007.

²⁵ *Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 § 49.

²⁶ *Id.*

it incompatible with the rule of law, the Court will not consider the restriction “prescribed by law”.

The Court also takes into account the consistency of domestic case-law in the implementation of a legal provision. The existence of contradictory domestic court decisions in the application of domestic laws has led the Court to conclude that a particular interference did not meet the condition of being “prescribed by law,” whereas a uniform and consistent jurisprudence was considered to allow a person to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁷

The definition of “precision” in criminal law was given by the Court in the Greek proselytism case of *Kokinnakis v. Greece*: “The condition is satisfied where the individual can know from the wording of the relevant provision and, if need be, with the assistance of the courts’ interpretation of it, what acts and omissions will make him liable.”²⁸

The Venice Commission in its recent Opinion²⁹ on the Russian draft law (at the material time) raised two issues concerning the quality of the provisions under scrutiny. The vagueness of the terms “propaganda” and “promotion” and inconsistency in judicial enforcement. The former critique is to a large degree unsubstantiated – the terms “propaganda” and “promotion” are not only used in numerous “hate speech” laws to which the Venice Commission never raised any objections, but may also be found in several international treaty documents.³⁰ The bottom line is whether these provisions are given a consistent and precise interpretation by the law enforcement and the judiciary. Thus, if the law is applied inconsistently in the domestic courts, it will be difficult to pass the first prong of the ECHR test. It is therefore of critical importance that the Russian high courts deliver judgments that would ensure a uniform application of the newly enacted federal law if the law is to meet the first criterion laid out by the ECHR.

As for the second prong of the test, the law clearly promotes a legitimate aim as defined and enumerated by Article 10 § 2 of the Convention: that of protecting health and morals and the rights of others (in this case children). The protection of morals is deemed to be a legitimate aim, especially when children or minors are targeted by immoral speech. Beginning with the seminal decision in *Handyside v. the United Kingdom*,³¹ the jurisprudence of the Court granted a much wider margin of appreciation to Member States when restricting harmful speech focused on minors. First, the Court emphasized that “it is not possible to find in the domestic law of the various Contracting States a uniform European conception of morals.”³² Second, the Court

²⁷ See e.g. ECHR, *Goussev and Marek v. Finland*, Judgment of 17 January 2006, §§ 53-57; ECHR, *Markt Intern Verlag GmbH and Klaus Beermann v. Germany*, Judgment of 20 November 1989, §§ 28-30.

²⁸ ECHR, *Kokkinakis v. Greece*, Judgment of 15 May 1993, application no. 14307/88, § 52.

²⁹ European Commission for Democracy through Law, Opinion on the issue of so-called “propaganda of homosexuality” in the light of recent legislation in some Member States of the Council of Europe, 14-15 June 2013.

³⁰ E.g. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 19 (1) of the revised European Social Charter, Article 6 (3) of the European Convention on the Legal Status of Migrant Workers.

³¹ ECHR, Judgment of 7 December 1976, application no. 5493/72.

³² *Id.*, at § 48.

devoted a major part of its reasoning in *Handyside* to the fact that the disputed publication “was aimed above all at children and adolescents aged from twelve to eighteen” including “sentences or paragraphs that young people at a critical stage of their development could have interpreted as an encouragement to indulge in precocious activities harmful for them.”³³

Similarly, in the case of *Otto-Preminger-Institut v. Austria*, the Court held that no violation of Article 10 occurred when a blasphemous film was seized by Austrian authorities noting that it could have been viewed by minors.³⁴ The latest decision emphasizing the protection of minors was *Vejdeland and others v. Sweden*³⁵ – which involved applicants who went to a secondary school and distributed leaflets in or near pupil’s lockers that criticized homosexual behavior. The applicants were prosecuted for “agitation against a national or ethnic group” and were given suspended sentences combined with fines. However, the Court found no breach of Article 10. Apart from commenting on the content of the leaflets, namely that the content of the leaflets contained “serious and prejudicial allegations,”³⁶ the Court emphasized the fact that “the leaflets were left in lockers of young people who were at an impressionable and sensitive age.”³⁷

Furthermore, the ECHR has itself, under Protocol 1, Article 2 of the Convention (right to education), created safeguards to guarantee the rights of parents to protect their children from information and teaching they deem harmful to them. 36 years ago, the Court in *Kjeldsen and others v Denmark* affirmed to parents the right under Protocol 1, Article 2 of the Convention to opt their children out of classes which were objectionably indoctrinating.³⁸ While these opt-outs were denied to the applicants in the *Kjeldsen* case, the guarantee nonetheless became a seminal part of the ECHR case law. In the 2007 case of *Folgero and Others v. Norway* the Grand Chamber upheld the opt-out for parents who wished to prevent their children from attending religious education classes.³⁹ The progeny of *Folgero* has continued to promote the freedom of parents to take their children out of religious education. From *Kjeldsen* to *Folgero* and its progeny, the Court has continued to hold that the right to opt-outs holds equally to all subjects and not just religious education.⁴⁰

Therefore, it is clear that the aims of protecting minors from information which could be harmful to them, precisely what the Russian amendment to Article 5 aims to accomplish, is in line with Convention standards and European jurisprudence.

The third stage of the ECHR analysis is whether the restriction on speech is “necessary in a democratic society.” According to the well-settled jurisprudence of the Court, the adjective “necessary,” within the meaning of Article 10 § 2, implies the existence of a “pressing social

³³ *Id.*, at § 52.

³⁴ ECHR, *Case of Otto-Preminger-Institut v. Austria* (11/1993/406/485), 20 September 1994, Series A vol. 295-A.

³⁵ ECHR, Judgment of 9 February 2012, application no. 1813/07.

³⁶ *Id.*, at § 54.

³⁷ *Id.*, at § 56.

³⁸ ECHR, *Kjeldsen, Busk Madsen and Pederson v. Denmark*, Judgment of 7 December 1976, Application No. 5095/71, 5920/72, 5926/72, § 50ff.

³⁹ ECHR, *Case of Folgero and Others v. Norway*, App. No. 15472/02, judgment of 29 June 2007.

⁴⁰ See e.g. *Id.*, § 84(e).

need.” The Court has emphasized that although freedom of expression may be subject to exceptions, they must be “*narrowly interpreted*” and “*the necessity for any restrictions must be convincingly established.*”⁴¹

The overbreadth of the law in general, meaning all of its provisions (among them the prohibition of propaganda regarding non-traditional sexual relationships with an aim to corrupting minors), does raise concerns from a free speech perspective. If the law is applied in such a way that is disproportionate or disconnected to the legitimate aim pursued, the Court will likely find a violation of Article 10 for failing to pass the proportionality test. However, as the Court does not review domestic legislation *in abstracto* but always applies the Convention to the individual facts of a particular case, whether the newly enacted law as applied would survive the Court’s proportionality test is dependent upon the case-law of the Russian courts following a domestic judicial challenge. Given that the law was only passed in June 2013, it will be some time before the Court has the opportunity to analyse the law.

Conclusion

The media reporting on Law No. 135-FZ has clearly been inaccurate and at times it has bordered on hysterical. The news stories have served to provide a warped view of the aims and scope of the law in question – which has always been to prohibit the propagation of any activity aimed at harming the psychological or physical well-being of minors. The Russian Federation, in an attempt to protect its children and family values, has every democratic right to legislate in this area. Nevertheless, it must also be recognized that aspects of the law in general, not merely the reference to “nontraditional sexual relations,” may unduly restrict freedom of speech. Given the overbreadth of aspects of the law, these concerns should be considered legitimate.

⁴¹ See e.g. ECHR, *Observer and Guardian v. the United Kingdom*. Judgment of 26 November 1991, application no. 13585/88.

RUSSIAN FEDERATION

FEDERAL LAW

On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values

Adopted by State Duma

June 11, 2013

Article 1

To insert the words "promoting non-traditional sexual relationships" after the word "values" into Clause 4 Section 2 Article 5 of Federal Law of December 29, 2010 No. 436-FZ On Protection of Children from Information Harmful to their Health and Development (Legislation Bulletin of the Russian Federation, 2011, No. 1, Article 48; 2013, No. 14, Article 1658)

Article 2

To insert the words "from information promoting non-traditional sexual relationships," after the words "pornographic nature" into Clause 1 Article 14 of Federal Law dated July 24, 1998 No. 124-FZ On Basic Guarantees of the Rights of the Child in the Russian Federation (Legislation Bulletin of the Russian Federation, 1998, No. 31, Article 3802; 2008, No. 30, Article 3616; 2009, No. 23, Article 2773; 2011, No. 30, Article 4600)

Article 3

Insert into the Code of the Russian Federation On Administrative Offences (Legislation Bulletin of the Russian Federation, 2002, No. 1, Article 1; No. 30, Article 3029; No. 44, Article 4295; 2003, No. 27, Articles 2700, 2708, 2717; No. 46, Article 4434; No. 50, Articles 4847, 4855; 2004, No. 31, Article 3229; No. 34, Articles 3529, 3533; No. 44, Article 4266; 2005, No. 1, Articles 9, 13, 40, 45; No. 10, Article 763; No. 13, Articles 1075, 1077; No. 19, Article 1752; No. 27, Articles 2719, 2721; No. 30, Articles 3104, 3131; No. 50, Article 5247; No. 52, Article 5574; 2006, No. 1, Articles 4, 10; No. 2, Article 172; No. 6, Article 636; No. 10, Article 1067; No. 12, Article 1234; No. 17, Article 1776; No. 18, Article 1907; No. 19, Article 2066; No. 23, Article 2380; No. 31, Articles 3420, 3438, 3452; No. 45, Article 4641; No. 50, Articles 5279, 5281; No. 52, Article 5498; 2007, No. 1, Articles 21, 29; No. 16, Article 1825; No. 26, Article 3089; No. 30, Article 3755; No. 31, Articles 4007, 4008; No. 41, Article 4845; No. 43, Article 5084; No. 46, Article 5553; 2008, No. 18, Article 1941; No. 20, Articles 2251, 2259; No. 29, Article 3418; No. 30, Article 3604; No. 49, Article 5745; No. 52, Articles 6235, 6236; 2009, No. 7, Article 777; No. 23, Article 2759; No. 26, Articles 3120, 3122; No. 29, Articles 3597, 3642; No. 30, Article 3739; No. 48, Articles 5711, 5724; No. 52,

Article 6412; 2010, No. 1, Article 1; No. 19, Article 2291; No. 21, Article 2525; No. 23, Article 2790; No. 27, Article 3416; No. 30, Articles 4002, 4006, 4007; No. 31, Articles 4158, 4164, 4193, 4195, 4206, 4207, 4208; No. 41, Article 5192; No. 49, Article 6409; 2011, No. 1, Articles 10, 23, 29, 54; No. 7, Article 901; No. 15, Article 2039; No. 17, Article 2310; No. 19, Articles 2714, 2715; No. 23, Article 3260; No. 27, Article 3873; No. 29, Articles 4290, 4298; No. 30, Articles 4573, 4585, 4590, 4598, 4600, 4601, 4605; No. 46, Article 6406; No. 47, Article 6602; No. 48, Article 6728; No. 49, Articles 7025, 7061; No. 50, Articles 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, No. 6, Article 621; No. 10, Article 1166; No. 19, Articles 2278, 2281; No. 24, Articles 3069, 3082; No. 29, Article 3996; No. 31, Articles 4320, 4330; No. 41, Article 5523; No. 47, Articles 6402, 6403, 6404, 6405; No. 49, Article 6757; No. 53, Articles 7577, 7602, 7640; 2013, No. 8, Article 720; No. 14, Articles 1651, 1658, 1666; No. 19, Articles 2323, 2325) the following amendments:

1) in first Paragraph Section 1 Article 3.5 the words "by Articles 5.38, 20.2" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 20.2", the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16";

2) in Chapter 6:

a) in Section 1 Article 6.17:

in the first Paragraph, to change the words "by Article 6.20" by the words "by Articles 6.20, 6.21";

in the second Paragraph, the words "and (or) administrative" shall be changed by the words "or administrative";

b) add Article 6.21 as follows:

'Article 6.21. **Promotion (propaganda) of non-traditional sexual relationships among minors**

1. Promotion of non-traditional sexual relationships among minors expressed in the dissemination of information aimed at forming of non-traditional sexual orientation, attractiveness of non-traditional sexual relationships, distorted interpretation of social equivalency of traditional and non-traditional sexual relationships or touting of information on non-traditional sexual relationships that attracts interest to such relationships in minors, if these actions do not contain criminal offence,-

is subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from forty thousand to fifty thousand roubles; on legal entities, from eight hundred thousand to one million roubles or administrative suspension of activities for a period to ninety days.

2. Actions stipulated by Section 1 hereof done using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from one hundred thousand to two hundred thousand roubles; on legal entities, one million roubles or administrative suspension of activities for a period to ninety days.

3. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person, if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from four thousand to five thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation.

4. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from fifty thousand to one hundred thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation";

3) in Section 1 Article 23.1 numbers "6.18 - 6.20" shall be changed by the numbers "6.18 - 6.21";

4) in Section 2 Article 28.3:

a) Clause 1 after numbers "6.20," insert numbers "6.21,";

b) Clause 58 after numbers "6.13," insert numbers "6.21,".

Article 4

In second Paragraph Clause 1 Article 1 of the Federal Law of May 7, 2013 No. 96-FZ On Amendments to the Code of the Russian Federation on Administrative Offences (Legislation Bulletin of the Russian Federation, 2013, No. 19, Article 2323), the words "by Articles 5.38, 7.13, 7.14, 7.14², Section 2 Article 7.15" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 7.13, 7.14, 7.14², Section 2 Article 7.15", the words "stipulated by Section 2¹ Article 14.16" shall be changed by the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16".

Article 5

This Federal Law comes into force from the date of its official publication.

President of the Russian Federation

V. Putin

Adopted by State Duma on December 21, 2010

Approved by Federation Council on December 24, 2010

Chapter 1. General provisions

Article 1. Jurisdiction of this Federal Law

1. This Federal Law shall regulate relationships connected to the protection of children from information harmful to their health and (or) development, including from such information that can be found in informational product.

2. This Federal Law shall be applied to the relationships in the field of:

1) circulation of information product containing scientific, technical and statistical information;

2) dissemination of information, inadmissibility of access restriction to which is established by the Federal Law of July 27, 2006 No. 149-FZ On Information, Information Technologies and Information Protection and other federal laws;

3) circulation of information products having significant historical, artistic or other cultural value for the society;

4) advertisements.

Article 2. Basic concepts used in this Federal Law

The following basic concepts are used in this Federal Law:

1) access of children to information is the possibility of receipt and usage of freely disseminated information by children;

2) mark of information product is graphical and (or) textual symbol in accordance with classification on information product stipulated by Section 3 Article 6 hereof;

3) entertainment is demonstration of information product in the place available to children and the place, where considerable number of people is present that do not belong to usual family ambiance, including by means of performance of theatrical and spectacular, cultural and educational and entertaining activities;

4) informational safety of children is safe condition of children, upon which there is no risk connected to information harm infliction to their health and (or) physical, psychic, moral and ethical development;

5) information product is intended for circulation of product of mass media, printed product, audiovisual product in any form, programs for computers (computer programs) and databases as well as information disseminated by means of entertaining activities and information placed in informational and telecommunication networks (including Internet) and networks of mobile telephone communications in the Russian Federation;

6) information product for children is information product complying with physical, psychic, moral and ethic development of children by theme, content and artistic design;

7) information harmful to health and (or) development of children is information (including contained in information product for children), dissemination of which is forbidden or limited in accordance herewith among children;

8) information of pornographic nature is information represented in the form of naturalistic images or description of human genitals and (or) sexual relationships or act of sexual nature comparable to sexual relationships, including such act done in regard to an animal;

9) classification of information product is information product distribution depending on its theme, genre, content and artistic design under age category of children in accordance with the procedure established hereby;

10) places accessible for children are public places, access of child to which and (or) staying of child where is not forbidden, including public places, where child has access to product of mass media and (or) placed in information and telecommunication networks of information product;

11) naturalistic image or description is an image or description in any form and using any means of human, animal, separate parts of human body and (or) animal, activity (inactivity), events, phenomena, their consequences focusing attention on details, anatomical specialties and (or) physiological processes;

12) circulation of information product is representation and (or) dissemination of information product, including its selling (including subscription), lease, hiring, distribution, output from public library funds, public showing, public performance (including using broadcasting or cable casting, entertainment events), placing in informational and telecommunication networks (including Internet) and networks of mobile telephone communications;

13) expert is a person that meets the requirements hereof and is involved to carry out expert examination of information product and expert opinion presentation or classification of information product and carrying out of its expert examination.

Article 3. Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development

Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development consist of the Constitution of the Russian Federation, this Federal Law, other federal laws and other regulatory acts adopted in accordance therewith.

Article 4. Power of federal executive authority, government bodies of the constituent units of the Russian Federation in the field of protection of children from information harmful to their health and (or) development

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

- 1) development and implementation of unified state policy in the field of protection of children from information harmful to their health and (or) development;
- 2) development and implementation of federal special-purpose programs of children information security, information product production for children and circulation of information product;
- 3) establishment of a procedure of information product expert examination performance provided hereby;
- 4) state monitoring and control for the compliance of the legislation of the Russian Federation on protection of children from information harmful to their health and (or) development.

2. The power of government authorities of the subjects of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include development and implementation of regional programs of children information security provision, information product production for children and circulation of information product.

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

1. Information harmful to health and (or) development of children includes:

- 1) information stipulated by Section 2 of this article and forbidden for dissemination among children;

2) information stipulated by Section 3 of this article with the account of provisions 7 - 10 hereof and dissemination of which is limited among children of defined age categories.

2. Information forbidden to be disseminated among children includes information:

- 1) inducing children do acts harmful for their life and (or) health, including causing harm for their health, suicide;
- 2) able to create children' desire to use narcotics, psychotropic and (or) intoxicating drugs, tobacco products, alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in prostitution, vagabondage and beggary;
- 3) justifying or defending acceptability of violence and (or) cruelty or inducing to perform violent acts concerning people or animals, except for cases stipulated hereby;
- 4) denying family values and forming disrespect to parents and (or) other family members;
- 5) justifying offending behavior;
- 6) containing strong language;
- 7) containing information of pornographic nature.

3. Information, dissemination of which is limited among children of defined age category, includes information:

- 1) represented in the form of image and description of cruelty, physical and (or) psychic abuse, crime or other antisocial action;
- 2) inciting children' fear, horror or panic, including represented in the form of image or description of non-violent death, disease, suicide, casualty, accident, disaster humiliating human dignity and (or) their consequences;
- 3) represented in the form of image or description of sexual relationships between male and female;
- 4) containing strong words and expressions that do not belong to strong language.

Chapter 2. Classification of information product

Article 6. Classification performance of information product

1. Classification of information product is performed by its producers and (or) distributors independently (including involving expert, experts and (or) expert organizations meeting requirements of Sections 4 and 5, 8 Article 17 hereof) till the beginning of its circulation in the Russian Federation.

2. Upon research conduct for the purpose of classification of information product, the following matters are subject to examination:

- 1) theme, genre, content and artistic design thereof;
- 2) features of information perception contained in it by children of defined age category;
- 3) possibility of information contained in it inflicting harm for health and (or) development of children.

3. Classification of information product (except for information product stipulated by Section 5 of this Article) is performed in accordance with requirements hereof under the following categories of information product:

- 1) information product for children under six years old;
- 2) information product for children who has reached the age of six years old;
- 3) information product for children who has reached the age of twelve years old;
- 4) information product for children who has reached the age of sixteen years old;
- 5) information product forbidden for children (information product containing information stipulated by Section 2 Article 5 hereof).

4. Classification of information product intended and (or) used for training and education in educational institutions correspondingly implementing basic general educational programs, basic vocational general educational programs of elementary vocational education, secondary vocational education, in educational institutions of additional education for children is performed in accordance herewith and legislation of the Russian Federation in the field of education.

5. Classification of films is performed in accordance with requirements hereof and with the account of the procedure established by the Federal Law of August 22, 1996 No. 126-FZ On State Support for Cinematography of the Russian Federation.

6. Information received as a result of classification of information product is pointed out producers or distributors in accompanying documents on informational product and is the basis

for placing on it meeting requirements of relevant technical regulations of the mark of information product and for its circulation in the Russian Federation.

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

Information product for children under the age of six years old may include information product containing information not harmful for health and (or) development of children (including information product containing episodic non-naturalistic images or descriptions of physical and (or) psychic abuse justifying its genre and (or) content (except for sexual abuse) upon the condition of triumph of good over evil and showing compassion to victim of abuse and (or) condemnation of abuse).

Article 8. Information product for children who has reached six years of age

Information product allowable for circulation intended for children who has reached six years old may include information product stipulated by Article 7 hereof as well as information product containing justified by its genre and (or) content:

- 1) short-time and non-naturalistic images or description of human disease (except for serious diseases) and (or) their consequences in the form not humiliating human dignity;
- 2) non-naturalistic image or description of casualty, accident, disaster or non-violent death without demonstration of their consequences that may incite children' fear, horror and panic;
- 3) episodic images or descriptions of these activities and (or) crimes not inducing to conduct of antisocial actions and (or) crimes as long as their admissibility is not justified and defended and negative and disapproving attitude is expressed concerning persons committing them.

Article 9. Information product for children who has reached twelve years of age

Information product allowable for circulation intended for children who has reached twelve years old may include information product stipulated by Article 8 hereof as well as information product containing justified by its genre and (or) content:

- 1) episodic images or descriptions of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration of homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);
- 2) images or descriptions not inducing to conduct antisocial actions (including to use alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in vagabondage or beggary), episodic mentioning (without

demonstration) of narcotics, psychotropic and (or) intoxicating drugs, tobacco products as long as admissibility of antisocial actions is not justified and defended, negative and disapproving attitude is expressed concerning them and hazard statement to use the mentioned product, articles, substances, articles is pointed;

3) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Article 10. Information product for children who has reached sixteen years of age

Information product allowable for circulation intended for children who has reached sixteen years old may include information product stipulated by Article 9 hereof as well as information product containing justified by its genre and (or) content:

1) image or description of casualty, accident, disaster, disease, death without naturalistic demonstration of their consequences that may incite children's fear, horror or panic;

2) image or description of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);

3) information on narcotics or psychotropic and (or) intoxicating drugs (without their demonstration), on hazardous consequences of their use with demonstration of such cases as long as negative, disapproving attitude to the use of such articles or substances is shown and hazard statement to use them;

4) separate strong words and (or) expressions that do not belong to strong language;

5) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Chapter 3. Requirements to the circulation of information product

Article 11. General requirements to the circulation of information product

1. Circulation of information product containing information stipulated by Section 2 Article 5 hereof is not allowed, except for cases provided hereby.

2. Circulation of information product containing information to be disseminated among children in accordance with Section 2 Article 5 hereof in places accessible for children is not allowed without employment of administrative and organizational measures, technical and soft hardware of children's protection from mentioned information.

3. Requirements to administrative and organizational measures technical and soft hardware of children's protection from information harmful for their health and (or) development are established by federal executive authority authorized by the Government of the Russian Federation.

4. Circulation of information product containing information product stipulated by Article 5 hereof is not allowed without mark of information product, except for:

- 1) textbooks and teaching guides recommended or permitted to be used in educational process in accordance with the legislation of the Russian Federation in education field;
- 2) television programs, television shows aired without prior record;
- 3) information product disseminated by means of radiobroadcast;
- 4) information product demonstrated by means of entertainment events;
- 5) printed periodical publications specialized on dissemination of information of socio-political or production and practical nature.

5. In the presence of parents or other legal representatives of children who has reached six years old circulation of information product stipulated by Article 9 hereof is permitted.

6. Before the beginning of demonstration of information product by entertainment events, mark of information product is given to it. Upon demonstration of several kinds of information product for children of different age categories, the mentioned mark should be correspondent to information product for children of elder age category. Mentioned mark is placed on billposters and other announcements on performance of entertainment events as well as on admission tickets, invitations and other documents giving right of its admission.

7. Demonstration by means of entertainment event of information product containing information stipulated by Article 5 hereof is preceded immediately before the beginning of entertainment event by sound announcement on inadmissibility or limitation of presence of children of corresponding age category on such demonstration.

8. In distribution certificate of audiovisual work, registration certificate shall include information on a category of this information product as means of mass media TV and radio program, printed periodical publication for children.

Article 12. Mark of information product

1. Category of information product is defined in accordance with requirements of Articles 6 - 10 hereof and is designated by mark of information product placed with the compliance of requirements of this Article and requirements of corresponding technical regulations by its producers or distributors.

2. Producer, distributor of information product places mark of information product and (or) textual warning on limitation of its dissemination before the beginning of broadcasting of TV program, TV show, demonstration of film upon cinema and video facilities in accordance with the procedure established by the federal executive authority authorized by the Government of the Russian Federation. Mark of information product is displayed in the corner of the picture, except for demonstration of the film performed in the cinema hall. The size of the mark of information product shall make no less than five percent of screen area.

3. The size of the mark of the information product shall make no more than five percent of billposter or other announcement area on the performance of corresponding entertainment event, announcement on film and video show as well as admission ticket, invitation or other document giving right to attend such event.

4. Mark of information product is placed in published programs of TV and radio programs, lists and catalogues of information product placed in information and telecommunication networks.

Article 13. Additional requirements to dissemination of information product by means of TV and radio broadcasting

1. Information product containing information stipulated by Clauses 1 - 5 Section 2 Article 5 hereof is not subjected to dissemination by means of TV and radio broadcasting from 4 a.m. till 11 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

2. Information product containing information stipulated by Clauses 4 and 5 Article 10 hereof is not subjected to be disseminated by TV and radio broadcasting from 7 a.m. till 9 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed

exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

3. Dissemination of information product by TV broadcasting is accompanied by message on limitation of its dissemination in the beginning of demonstration (including by means of "roller titles" does not exceed five percent of the screen area).

4. Dissemination of information product by means of radio broadcasting is accompanied by message on limitation of its dissemination in the beginning of broadcasting of information product and after each broadcast interruption.

5. Upon placement of message on limitation of its dissemination by means of TV and radio broadcast of information product forbidden for children, use of fragments of mentioned information product containing information harmful for health and (or) development of children is not permitted.

Article 14. Additional requirements to dissemination of information product by means of information and telecommunication networks

Children's access to information disseminated by means of information and telecommunication networks (including Internet) is provided by service providers rendering telematic communications services in public access points provided that specified service providers use technical, protection software hardware for children from information harmful for their health and (or) development.

Article 15. Additional requirements to the circulation of separate kinds of information product for children

1. It is not permitted to place messages to attract children to participate in creation of information product harmful for their health and (or) development in information product for children, including information product placed in information and telecommunication networks (including Internet) and mobile communication network.

2. Content and artistic design of information product intended to teach children in pre-school educational institutions shall conform to content and artistic design of information product for children under the age of six years old.

3. Content and artistic design of printed press, print media materials (including exercise books, school diaries, covers for books, markers for books), audiovisual products, other information product used in educational process shall conform to the requirements of Articles 7 - 10 hereof.

Article 16. Additional requirements to the circulation of information product forbidden for children

1. Front and back pages of a newspaper, cover page of printed product copy, other print media materials forbidden for shall not contain information harmful for health and (or) development of children upon dissemination for indefinite scope of persons in places accessible for children.
2. Information product forbidden for children is permitted to be disseminated in the form of printed product in places accessible for children only in sealed packages.
3. Information product forbidden for children is not permitted to be disseminated in educational institutions, nursery healthcare, health resort, physical educational institutions, cultural organizations intended for children, recreation and sanitation organizations for children or at a distance of less than one hundred meters form the borders of mentioned organization territories.

Chapter 4. Expert examination of information product

Article 17. General provisions to expert examination of information product

1. Expert examination of information product is performed for the purpose of information security of children by the decision of federal executive authority authorized by the Government of the Russian Federation, an expert, experts and (or) expert organizations.
2. Legal entities, individual entrepreneurs, public associations, other non-profit organizations, citizens have the right to apply to federal executive authority authorized by the Government of the Russian Federation to conduct expert examination of information product, which makes decision to refer the mentioned application to an expert, experts and (or) expert organizations within a period of up to ten days.
3. Expert examination of information product is performed by an expert, experts and (or) expert organizations accredited by federal executive authority authorized by the Government of the Russian Federation in accordance with the established procedure.
4. An expert, experts and (or) expert organizations are defined by federal executive authority authorized by the Government of the Russian Federation on the basis of random sampling technique with the account of a kind of information product subjected to expert examination.
5. Federal executive authority authorized by the Government of the Russian Federation issues accreditation certificates, suspends or terminates effect of issued accreditation certificates, keeps a register of accredited experts and expert organizations.

6. Expert examination of information product may be performed by two or more experts of certain specialty (single-discipline expert panel) or different specialties (multi-discipline expert panel).

7. Persons who have received higher vocational education, possess special knowledge, including in the field of pedagogic, developmental psychology, developmental physiology, child psychiatry are involved in the capacity of an expert, experts to perform expert examination of information product, except for persons:

1) who have or had a criminal record for commitment of serious or extremely serious crimes against a person, crimes against sexual integrity and sexual freedom of a person, against family and minors, intentional crimes against health of population and public morality;

2) who are the producer, distributor of information product transferred on expert examination or their representatives.

8. The period of expert examination of information products cannot exceed ninety days from the date of receiving an application for its performance.

9. The expenses connected to expert examination of information products are reimbursed in accordance with the procedure established by federal executive authority authorized by the Government of the Russian Federation.

Article 18. Expert opinion

1. Upon completion of expert examination of information products, expert opinion is given.

2. Expert opinion includes:

1) date, time and place of expert examination performance of information product;

2) information about the expert organization and the expert (surname, first name, patronymic, education, specialty, specialty professional experience, availability of a scientific degree, academic title, job position, place of work);

3) Issues raised before the expert, experts;

4) analysis subjects and materials submitted for expert examination of information products;

5) content and results of analysis mentioning methods;

6) substantiated responses on issues raised before an expert, experts;

7) conclusions on the presence or absence of information harmful for health and (or) development of children in the product information or on the compliance or non-compliance information product with certain categories of information products, on the compliance or non-compliance of information product with mark of information product.

3. Expert opinion of single-discipline expert panel is signed by all the experts involved in the performance of mentioned expert examination if their opinions on the issues raised coincide. In the event of a dispute, each expert provides a separate expert opinion on the issues that caused the discrepancy. Each expert who participated in the performance of single-discipline expert panel signs a part of the expert opinion that describes analysis conducted by them and is responsible therefor.

4. Within five days after signing of the expert opinion, it is sent to the federal executive authority authorized by the Government of the Russian Federation.

Article 19. The legal consequences of expert examination of information

Not later than fifteen days after receipt of the expert opinion, the federal executive authority authorized by the Government of the Russian Federation makes a decision:

1) on non-compliance of information product with requirements hereof and the imposition of injunction to remove the revealed violations if the expert opinion contains conclusion on the presence of information harmful for health and (or) development of children in information product or of non-compliance of mark information products of certain category with information product;

2) on compliance of information product with requirements hereof and on refusal to impose the injunction mentioned in Clause 1 of this Section.

Chapter 5. Supervision and control in protection of children from information harmful for their health and (or) development

Article 20. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful for their health and (or) development

1. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed by federal executive authority authorized by the Government of the Russian Federation.

2. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed taking into account the requirements of the Federal Law of December 26, 2008 No. 294-FZ On the Protection of the Rights of Legal Entities and Individual Entrepreneurs During Exercising the State Control (Supervision) and Municipal Control.

Article 21. Public control in protection of children from information harmful for their health and (or) development

1. Public associations and other non-profit organizations registered in accordance with the procedure established by federal law in accordance with their charters as well as citizens have the rights to perform public control over the compliance of requirements hereof in accordance with the legislation of the Russian Federation.

2. Upon the performance of public control, public associations and other non-profit organizations, citizens have the right to:

1) perform monitoring of information product circulation and access of children to information, including by creating "hot lines";

2) apply to federal executive authority authorized by the Government of the Russian Federation, to perform expert examination of information products in accordance with the requirements hereof.

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

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

Violation of the legislation of the Russian Federation on protection of 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. Procedure of coming into effect of this Federal Law

1. This Federal Law comes into effect from September 01, 2012.

2. Provisions of Section 1 Article 12 hereof is not applied to printed products, released into circulation before coming into force of this Federal Law.

D. Medvedev, the President of the Russian Federation

From: Minister, JAG JAG:EX
Sent: Thursday, February 13, 2014 4:42 PM
To: King, Kim J M JAG:EX
Subject: FW: EQUALITY

From: Ives, Andrew JAG:EX
Sent: February-13-14 4:41 PM
To: Minister, JAG JAG:EX
Subject: RE: EQUALITY

Information thanks

From: Minister, JAG JAG:EX
Sent: February-13-14 4:40 PM
To: Ives, Andrew JAG:EX
Subject: FW: EQUALITY

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 4:19 PM
To: Minister, JAG JAG:EX
Subject: EQUALITY

Hon. Suzanne Anton
Attorney General of BC

If the Gay Pride Flag is raised over the Parliament Building then why not also raise a Heterosexual Flag? After all you belief in equality.

Your reply is appreciated,

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 10:08 AM
To: King, Kim J M JAG:EX
Subject: FW: No Gay Pride Flag is raised over the Legislature buildings

From: Ives, Andrew JAG:EX
Sent: February-14-14 10:01 AM
To: Minister, JAG JAG:EX
Subject: RE: No Gay Pride Flag is raised over the Legislature buildings

Information thanks

From: Minister, JAG JAG:EX
Sent: February-14-14 10:00 AM
To: Ives, Andrew JAG:EX
Subject: FW: No Gay Pride Flag is raised over the Legislature buildings

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 6:37 PM
To: Minister, JAG JAG:EX
Subject: No Gay Pride Flag is raised over the Legislature buildings

Dear Madam Minister,

I thank Kari to bring up this matter to your attention.

I support her voice!

--

BC voter

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 10:08 AM
To: King, Kim J M JAG:EX
Subject: FW: RAINBOW FLAG

From: Ives, Andrew JAG:EX
Sent: February-14-14 10:01 AM
To: Minister, JAG JAG:EX
Subject: RE: RAINBOW FLAG

Information thanks

From: Minister, JAG JAG:EX
Sent: February-14-14 10:00 AM
To: Ives, Andrew JAG:EX
Subject: FW: RAINBOW FLAG

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 8:06 PM
To: Minister, JAG JAG:EX
Subject: RAINBOW FLAG

Dear Sir,

It is with disgust over the thought of the pride rainbow flag flying over City Hall that I ask you to fly instead our dear Canadian flag, something we are all proud of.

Let the pride of Special interest groups be a matter of enjoyment to themselves and not be forced onto others.

s.22

A citizen from Vancouver, B.C.

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 10:08 AM
To: King, Kim J M JAG:EX
Subject: FW: rainbow flag

From: Ives, Andrew JAG:EX
Sent: February-14-14 10:02 AM
To: Minister, JAG JAG:EX
Subject: RE: rainbow flag

Information thanks

From: Minister, JAG JAG:EX
Sent: February-14-14 10:01 AM
To: Ives, Andrew JAG:EX
Subject: FW: rainbow flag

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 8:45 PM
To: OfficeofthePremier, Office PREM:EX; Minister, JAG JAG:EX
Subject: rainbow flag

As a liberal party supporter I feel quite offended when the gay pride flag is raised over the Legislature buildings.

Why would you raise the flag to promote certain type of sexual orientation - there is nothing to be proud of except that we have to pay extra health care money for sex related diseases.. And what has that to do with human rights or human equality? Under the Charter, every one is protected, and we are getting sick and tired of you promoting gay rights under the name of human rights.

Premier Clark: You said you'll protect family values and now it seems you have chosen to promote the sex activists and trampled on the normal family.

If you think you can get more votes from special interest groups, think again! The silent majority is watching and getting fed up. If we tried so hard to put you into your position, we'll also try very hard to vote you down..

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 12:00 PM
To: King, Kim J M JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag

From: Ives, Andrew JAG:EX
Sent: February-14-14 10:14 AM
To: Minister, JAG JAG:EX
Subject: RE: Urgent!! Human Rights Complaint Gay Pride Flag

Info thx

From: Minister, JAG JAG:EX
Sent: February-14-14 10:02 AM
To: Ives, Andrew JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-13-14 10:42 PM
To: OfficeofthePremier, Office PREM:EX; Minister, JAG JAG:EX
Subject: Re: Urgent!! Human Rights Complaint Gay Pride Flag

Sir/Madam

I write this to you to express my disgust at your forcing your opinion on the Province at large. Shame as the government buildings are adorned with the multi- striped symbol of homosexual propaganda. British Columbia insults all normal families of Mother, Father and their Children. I am aware of your efforts to change the foundation of civilized society, - and the Family, the cornerstone of the foundation of the future. There is nothing Gay and nothing to be Proud of in forcing a 'celebration' of sodomic sex. You are going to pay the price of your damaging what is a normal institution, the Sacrament of Marriage, which is God's design, not man-made. We are all aware of the spreading of propaganda and lies by the selfish infertile sexually confused men and women who demand that you bow to their whims every time they stamp their feet. We know that they aim to spread their sinfulness amongst students, colleges, churches, government. You in offices of responsibility should show your maturity and sense of respect for the families that you are supposed to be working for...Instead you are like wet noodles and cave in to the selfish, non productive, futureless homosexual agenda. Some pride!

I remain,

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 2:39 PM
To: King, Kim J M JAG:EX
Subject: FW: The flag of Perversion flying over my parliament buildings.

-----Original Message-----

From: Ives, Andrew JAG:EX
Sent: February-14-14 1:59 PM
To: Minister, JAG JAG:EX
Subject: Re: The flag of Perversion flying over my parliament buildings.

Info thx

Andrew Ives
Executive Assistant to the Honourable Suzanne Anton QC Attorney General and Minister of Justice
#250-387-1998

Original Message

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 1:56 PM
To: Ives, Andrew JAG:EX
Subject: FW: The flag of Perversion flying over my parliament buildings.

Hi Andrew,

Action please - many thanks,

Candice

-----Original Message-----

From: s.22
Sent: February-14-14 12:58 PM
To: Minister, JAG JAG:EX
Subject: The flag of Perversion flying over my parliament buildings.

I have now lost all respect for you madam.?! What are you thinking putting a flag representing buggery over our legislative buildings? Are you just out of touch with reality or does Chandra Hubert whatever have your ear on everything that goes on with homosexuals?

This NDP homosexual is a liar, lying in parliament about the Russian government who has a right to keep perversion from their children in Russia.

I cannot believe youthere are Christians being slaughtered in Africa, india, in iraque, Seria, they are being burned out of their homes and their children are hiding under the dead bodies of their parents and you fly a perverted homosexual flag for the sake of what ??? I have nothing but contempt for you now ... I voted for Ms.Clarke, but how can a person respect their government when they do stupid things like this. When they listen to a liars rant on another government and their great policies to stem the tide of homo perversion in their country. I support Premier Putin...he is a great guy for standing up to the non stop sniveling of homosexuals acting badly.

You are not the media who is bent on homo propaganda, you are government. I am not standing by and let this government push their perverted agenda down everyones throat. You had better get a grip on reality and realize that your being fleeced by a bunch of homosexuals and what ???you take it for granted that all of BC is behind you?

If you haven't figured it out yet I am choked about this... This government better not be part of sexual, radicle perverted stuff they are trying to introduce to school children... starting in Ontario by the homosexual, unelected premier wynne. It better not happen in BC or I will be coming to Victoria.

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 12:38 PM
To: King, Kim J M JAG:EX
Subject: FW: What Flag??

-----Original Message-----

From: Ives, Andrew JAG:EX
Sent: February-14-14 12:12 PM
To: Minister, JAG JAG:EX
Subject: RE: What Flag??

Information thanks

-----Original Message-----

From: Minister, JAG JAG:EX
Sent: February-14-14 12:07 PM
To: Ives, Andrew JAG:EX
Subject: FW: What Flag??

Hi Andrew,

Action please – many thanks
Candice

-----Original Message-----

From: s.22
Sent: February-14-14 10:48 AM
To: Minister, JAG JAG:EX
Cc: OfficeofthePremier, Office PREM:EX
Subject: What Flag??

Office of Premier of B.C. C.Clark
Honorable Susan Anton MLA
Attorney General of B.C.
Legislature Building
Victoria B.C.

Dear Premier Clark and Minister Anton,

I do not know if I heard correctly that a flag will be raised today representing a sexual orientation?? Are we not ALL citizens of BC under the flag of this Province and Country regardless of our identity ? What next ? Can we ask for a "pro-life" flag opposing abortions ? This emphasis for public sexual identification has become a paranoid obsession and a political pawn foisted on you and all of us. Your leadership to refrain from this obsession would be appreciated .

Yours truly,

s.22

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 12:05 PM
To: King, Kim J M JAG:EX
Subject: FW: Fw: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now
Attachments: Law-No-135-FZ_ADF-Opinion-final.pdf; Anti-LGBT-Propaganda-to-Minors-Law-Russia.pdf

From: Ives, Andrew JAG:EX
Sent: February-14-14 10:27 AM
To: Minister, JAG JAG:EX
Subject: RE: Fw: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

info

From: Minister, JAG JAG:EX
Sent: February-14-14 10:06 AM
To: Ives, Andrew JAG:EX
Subject: FW: Fw: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Hi Andrew,

Action please – many thanks – grateful if you could return with the attachments

Candice

From: s.22
Sent: February-14-14 8:40 AM
To: OfficeofthePremier, Office PREM:EX; Minister, JAG JAG:EX
Subject: Fwd: Fw: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

----- Forwarded message -----

From: s.22
Date: Thu, Feb 13, 2014 at 4:14 PM
Subject: Fw: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now
To:

----- Original Message -----

From: s.22
To: (A)
Sent: Thursday, February 13, 2014 6:54 PM
Subject: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Urgent!!
Human Rights Complaint Gay Pride Flag -
Your action needed now

----- Original Message -----

From: s.22
To: s.22
Sent: Thursday, February 13, 2014 5:08 PM
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

From: RoadKill Radio [mailto:rkradio@telus.net]
Sent: Thursday, February 13, 2014 1:18 PM
To: 'RoadKill Radio'
Subject: Urgent!! Human Rights Complaint Gay Pride Flag

Please be advised your calls are needed now!

Please find below a copy of my letter that was sent to Suzanne Anton, Attorney General for BC. The Pride Flag is scheduled to raised today!

Call or email your MLA, the Premier and the AG

Premier Christy Clark

email: premier@gov.bc.ca

phone: [250 387-1715](tel:2503871715)

Hon. Suzanne Anton

email: jag.minister@gov.bc.ca

phone: [250 387-1866](tel:2503871866)

Thanks!

Kari

----- Forwarded message -----

From: **Culture Guard** <cultureguard@gmail.com>

Date: Thu, Feb 13, 2014 at 12:51 PM

Subject: Human Rights Complaint Gay Pride Flag

To: "Hon. Suzanne Anton" <jag.minister@gov.bc.ca>

Cc: linda.reid.mla@leg.bc.ca, premier@gov.bc.ca

Madam Minister,

Be advised that if a Gay Pride Flag is raised over the Legislature buildings, representing a political symbol for sex activists—a symbol that, in and of itself, facilitates hostility, hatred and contempt for a large majority of British Columbians—that I will file a human rights complaint against your office.

I have every confidence that if this flag were representative of other defined groups, that there would be no consideration of committing this act. As an example, would you fly a flag in support of Jews? Or how about Coptic Christians in Egypt, and the murderous oppression they face as a daily reality?

I am also providing you with a copy of the English translation of the Act that was passed by the Russian Parliament, and a legal analysis. Perhaps the question you should be asking Mr. Chandra-Herbert, and others, is the same question I am asking you: Do you support children being lied to by sex activist propaganda?

As a politician, you know that the mainstream media are lazy, ill-informed, and act like lemmings addicted to polluted bath-water when it comes to issues involving sex activism. Have you, too, been bully-winked by the propaganda, Madam Minister?

I strongly encourage you to review the issue from a fact-based and reasoned perspective. Perhaps your office can provide the gay-dumb members of the media and the House with the facts, and not be party to facilitating propaganda.

Please find attached a legal analysis of the law passed by the Russian Parliament, and English translation of that law.

Kari Simpson

604 514-1614

President Culture Guard

Host RoadKill Radio.com

Please share this info

Find your MLA

<http://www.leg.bc.ca/mla/3-1-1.htm>

RUSSIAN FEDERATION

FEDERAL LAW

On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values

Adopted by State Duma

June 11, 2013

Article 1

To insert the words "promoting non-traditional sexual relationships" after the word "values" into Clause 4 Section 2 Article 5 of Federal Law of December 29, 2010 No. 436-FZ On Protection of Children from Information Harmful to their Health and Development (Legislation Bulletin of the Russian Federation, 2011, No. 1, Article 48; 2013, No. 14, Article 1658)

Article 2

To insert the words "from information promoting non-traditional sexual relationships," after the words "pornographic nature" into Clause 1 Article 14 of Federal Law dated July 24, 1998 No. 124-FZ On Basic Guarantees of the Rights of the Child in the Russian Federation (Legislation Bulletin of the Russian Federation, 1998, No. 31, Article 3802; 2008, No. 30, Article 3616; 2009, No. 23, Article 2773; 2011, No. 30, Article 4600)

Article 3

Insert into the Code of the Russian Federation On Administrative Offences (Legislation Bulletin of the Russian Federation, 2002, No. 1, Article 1; No. 30, Article 3029; No. 44, Article 4295; 2003, No. 27, Articles 2700, 2708, 2717; No. 46, Article 4434; No. 50, Articles 4847, 4855; 2004, No. 31, Article 3229; No. 34, Articles 3529, 3533; No. 44, Article 4266; 2005, No. 1, Articles 9, 13, 40, 45; No. 10, Article 763; No. 13, Articles 1075, 1077; No. 19, Article 1752; No. 27, Articles 2719, 2721; No. 30, Articles 3104, 3131; No. 50, Article 5247; No. 52, Article 5574; 2006, No. 1, Articles 4, 10; No. 2, Article 172; No. 6, Article 636; No. 10, Article 1067; No. 12, Article 1234; No. 17, Article 1776; No. 18, Article 1907; No. 19, Article 2066; No. 23, Article 2380; No. 31, Articles 3420, 3438, 3452; No. 45, Article 4641; No. 50, Articles 5279, 5281; No. 52, Article 5498; 2007, No. 1, Articles 21, 29; No. 16, Article 1825; No. 26, Article 3089; No. 30, Article 3755; No. 31, Articles 4007, 4008; No. 41, Article 4845; No. 43, Article 5084; No. 46, Article 5553; 2008, No. 18, Article 1941; No. 20, Articles 2251, 2259; No. 29, Article 3418; No. 30, Article 3604; No. 49, Article 5745; No. 52, Articles 6235, 6236; 2009, No. 7, Article 777; No. 23, Article 2759; No. 26, Articles 3120, 3122; No. 29, Articles 3597, 3642; No. 30, Article 3739; No. 48, Articles 5711, 5724; No. 52,

Article 6412; 2010, No. 1, Article 1; No. 19, Article 2291; No. 21, Article 2525; No. 23, Article 2790; No. 27, Article 3416; No. 30, Articles 4002, 4006, 4007; No. 31, Articles 4158, 4164, 4193, 4195, 4206, 4207, 4208; No. 41, Article 5192; No. 49, Article 6409; 2011, No. 1, Articles 10, 23, 29, 54; No. 7, Article 901; No. 15, Article 2039; No. 17, Article 2310; No. 19, Articles 2714, 2715; No. 23, Article 3260; No. 27, Article 3873; No. 29, Articles 4290, 4298; No. 30, Articles 4573, 4585, 4590, 4598, 4600, 4601, 4605; No. 46, Article 6406; No. 47, Article 6602; No. 48, Article 6728; No. 49, Articles 7025, 7061; No. 50, Articles 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, No. 6, Article 621; No. 10, Article 1166; No. 19, Articles 2278, 2281; No. 24, Articles 3069, 3082; No. 29, Article 3996; No. 31, Articles 4320, 4330; No. 41, Article 5523; No. 47, Articles 6402, 6403, 6404, 6405; No. 49, Article 6757; No. 53, Articles 7577, 7602, 7640; 2013, No. 8, Article 720; No. 14, Articles 1651, 1658, 1666; No. 19, Articles 2323, 2325) the following amendments:

1) in first Paragraph Section 1 Article 3.5 the words "by Articles 5.38, 20.2" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 20.2", the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16";

2) in Chapter 6:

a) in Section 1 Article 6.17:

in the first Paragraph, to change the words "by Article 6.20" by the words "by Articles 6.20, 6.21";

in the second Paragraph, the words "and (or) administrative" shall be changed by the words "or administrative";

b) add Article 6.21 as follows:

'Article 6.21. **Promotion (propaganda) of non-traditional sexual relationships among minors**

1. Promotion of non-traditional sexual relationships among minors expressed in the dissemination of information aimed at forming of non-traditional sexual orientation, attractiveness of non-traditional sexual relationships, distorted interpretation of social equivalency of traditional and non-traditional sexual relationships or touting of information on non-traditional sexual relationships that attracts interest to such relationships in minors, if these actions do not contain criminal offence,-

is subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from forty thousand to fifty thousand roubles; on legal entities, from eight hundred thousand to one million roubles or administrative suspension of activities for a period to ninety days.

2. Actions stipulated by Section 1 hereof done using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from one hundred thousand to two hundred thousand roubles; on legal entities, one million roubles or administrative suspension of activities for a period to ninety days.

3. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person, if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from four thousand to five thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation.

4. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from fifty thousand to one hundred thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation";

3) in Section 1 Article 23.1 numbers "6.18 - 6.20" shall be changed by the numbers "6.18 - 6.21";

4) in Section 2 Article 28.3:

a) Clause 1 after numbers "6.20," insert numbers "6.21,";

b) Clause 58 after numbers "6.13," insert numbers "6.21,".

Article 4

In second Paragraph Clause 1 Article 1 of the Federal Law of May 7, 2013 No. 96-FZ On Amendments to the Code of the Russian Federation on Administrative Offences (Legislation Bulletin of the Russian Federation, 2013, No. 19, Article 2323), the words "by Articles 5.38, 7.13, 7.14, 7.14², Section 2 Article 7.15" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 7.13, 7.14, 7.14², Section 2 Article 7.15", the words "stipulated by Section 2¹ Article 14.16" shall be changed by the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16".

Article 5

This Federal Law comes into force from the date of its official publication.

President of the Russian Federation

V. Putin

Adopted by State Duma on December 21, 2010

Approved by Federation Council on December 24, 2010

Chapter 1. General provisions

Article 1. Jurisdiction of this Federal Law

1. This Federal Law shall regulate relationships connected to the protection of children from information harmful to their health and (or) development, including from such information that can be found in informational product.

2. This Federal Law shall be applied to the relationships in the field of:

1) circulation of information product containing scientific, technical and statistical information;

2) dissemination of information, inadmissibility of access restriction to which is established by the Federal Law of July 27, 2006 No. 149-FZ On Information, Information Technologies and Information Protection and other federal laws;

3) circulation of information products having significant historical, artistic or other cultural value for the society;

4) advertisements.

Article 2. Basic concepts used in this Federal Law

The following basic concepts are used in this Federal Law:

1) access of children to information is the possibility of receipt and usage of freely disseminated information by children;

2) mark of information product is graphical and (or) textual symbol in accordance with classification on information product stipulated by Section 3 Article 6 hereof;

3) entertainment is demonstration of information product in the place available to children and the place, where considerable number of people is present that do not belong to usual family ambience, including by means of performance of theatrical and spectacular, cultural and educational and entertaining activities;

- 4) informational safety of children is safe condition of children, upon which there is no risk connected to information harm infliction to their health and (or) physical, psychic, moral and ethical development;
- 5) information product is intended for circulation of product of mass media, printed product, audiovisual product in any form, programs for computers (computer programs) and databases as well as information disseminated by means of entertaining activities and information placed in informational and telecommunication networks (including Internet) and networks of mobile telephone communications in the Russian Federation;
- 6) information product for children is information product complying with physical, psychic, moral and ethic development of children by theme, content and artistic design;
- 7) information harmful to health and (or) development of children is information (including contained in information product for children), dissemination of which is forbidden or limited in accordance herewith among children;
- 8) information of pornographic nature is information represented in the form of naturalistic images or description of human genitals and (or) sexual relationships or act of sexual nature comparable to sexual relationships, including such act done in regard to an animal;
- 9) classification of information product is information product distribution depending on its theme, genre, content and artistic design under age category of children in accordance with the procedure established hereby;
- 10) places accessible for children are public places, access of child to which and (or) staying of child where is not forbidden, including public places, where child has access to product of mass media and (or) placed in information and telecommunication networks of information product;
- 11) naturalistic image or description is an image or description in any form and using any means of human, animal, separate parts of human body and (or) animal, activity (inactivity), events, phenomena, their consequences focusing attention on details, anatomical specialties and (or) physiological processes;
- 12) circulation of information product is representation and (or) dissemination of information product, including its selling (including subscription), lease, hiring, distribution, output from public library funds, public showing, public performance (including using broadcasting or cable casting, entertainment events), placing in informational and telecommunication networks (including Internet) and networks of mobile telephone communications;

13) expert is a person that meets the requirements hereof and is involved to carry out expert examination of information product and expert opinion presentation or classification of information product and carrying out of its expert examination.

Article 3. Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development

Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development consist of the Constitution of the Russian Federation, this Federal Law, other federal laws and other regulatory acts adopted in accordance therewith.

Article 4. Power of federal executive authority, government bodies of the constituent units of the Russian Federation in the field of protection of children from information harmful to their health and (or) development

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

- 1) development and implementation of unified state policy in the field of protection of children from information harmful to their health and (or) development;
- 2) development and implementation of federal special-purpose programs of children information security, information product production for children and circulation of information product;
- 3) establishment of a procedure of information product expert examination performance provided hereby;
- 4) state monitoring and control for the compliance of the legislation of the Russian Federation on protection of children from information harmful to their health and (or) development.

2. The power of government authorities of the subjects of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include development and implementation of regional programs of children information security provision, information product production for children and circulation of information product.

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

1. Information harmful to health and (or) development of children includes:

- 1) information stipulated by Section 2 of this article and forbidden for dissemination among children;

2) information stipulated by Section 3 of this article with the account of provisions 7 - 10 hereof and dissemination of which is limited among children of defined age categories.

2. Information forbidden to be disseminated among children includes information:

- 1) inducing children do acts harmful for their life and (or) health, including causing harm for their health, suicide;
- 2) able to create children' desire to use narcotics, psychotropic and (or) intoxicating drugs, tobacco products, alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in prostitution, vagabondage and beggary;
- 3) justifying or defending acceptability of violence and (or) cruelty or inducing to perform violent acts concerning people or animals, except for cases stipulated hereby;
- 4) denying family values and forming disrespect to parents and (or) other family members;
- 5) justifying offending behavior;
- 6) containing strong language;
- 7) containing information of pornographic nature.

3. Information, dissemination of which is limited among children of defined age category, includes information:

- 1) represented in the form of image and description of cruelty, physical and (or) psychic abuse, crime or other antisocial action;
- 2) inciting children' fear, horror or panic, including represented in the form of image or description of non-violent death, disease, suicide, casualty, accident, disaster humiliating human dignity and (or) their consequences;
- 3) represented in the form of image or description of sexual relationships between male and female;
- 4) containing strong words and expressions that do not belong to strong language.

Chapter 2. Classification of information product

Article 6. Classification performance of information product

1. Classification of information product is performed by its producers and (or) distributors independently (including involving expert, experts and (or) expert organizations meeting requirements of Sections 4 and 5, 8 Article 17 hereof) till the beginning of its circulation in the Russian Federation.

2. Upon research conduct for the purpose of classification of information product, the following matters are subject to examination:

- 1) theme, genre, content and artistic design thereof;
- 2) features of information perception contained in it by children of defined age category;
- 3) possibility of information contained in it inflicting harm for health and (or) development of children.

3. Classification of information product (except for information product stipulated by Section 5 of this Article) is performed in accordance with requirements hereof under the following categories of information product:

- 1) information product for children under six years old;
- 2) information product for children who has reached the age of six years old;
- 3) information product for children who has reached the age of twelve years old;
- 4) information product for children who has reached the age of sixteen years old;
- 5) information product forbidden for children (information product containing information stipulated by Section 2 Article 5 hereof).

4. Classification of information product intended and (or) used for training and education in educational institutions correspondingly implementing basic general educational programs, basic vocational general educational programs of elementary vocational education, secondary vocational education, in educational institutions of additional education for children is performed in accordance herewith and legislation of the Russian Federation in the field of education.

5. Classification of films is performed in accordance with requirements hereof and with the account of the procedure established by the Federal Law of August 22, 1996 No. 126-FZ On State Support for Cinematography of the Russian Federation.

6. Information received as a result of classification of information product is pointed out producers or distributors in accompanying documents on informational product and is the basis

for placing on it meeting requirements of relevant technical regulations of the mark of information product and for its circulation in the Russian Federation.

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

Information product for children under the age of six years old may include information product containing information not harmful for health and (or) development of children (including information product containing episodic non-naturalistic images or descriptions of physical and (or) psychic abuse justifying its genre and (or) content (except for sexual abuse) upon the condition of triumph of good over evil and showing compassion to victim of abuse and (or) condemnation of abuse).

Article 8. Information product for children who has reached six years of age

Information product allowable for circulation intended for children who has reached six years old may include information product stipulated by Article 7 hereof as well as information product containing justified by its genre and (or) content:

- 1) short-time and non-naturalistic images or description of human disease (except for serious diseases) and (or) their consequences in the form not humiliating human dignity;
- 2) non-naturalistic image or description of casualty, accident, disaster or non-violent death without demonstration of their consequences that may incite children' fear, horror and panic;
- 3) episodic images or descriptions of these activities and (or) crimes not inducing to conduct of antisocial actions and (or) crimes as long as their admissibility is not justified and defended and negative and disapproving attitude is expressed concerning persons committing them.

Article 9. Information product for children who has reached twelve years of age

Information product allowable for circulation intended for children who has reached twelve years old may include information product stipulated by Article 8 hereof as well as information product containing justified by its genre and (or) content:

- 1) episodic images or descriptions of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration of homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);
- 2) images or descriptions not inducing to conduct antisocial actions (including to use alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in vagabondage or beggary), episodic mentioning (without

demonstration) of narcotics, psychotropic and (or) intoxicating drugs, tobacco products as long as admissibility of antisocial actions is not justified and defended, negative and disapproving attitude is expressed concerning them and hazard statement to use the mentioned product, articles, substances, articles is pointed;

3) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Article 10. Information product for children who has reached sixteen years of age

Information product allowable for circulation intended for children who has reached sixteen years old may include information product stipulated by Article 9 hereof as well as information product containing justified by its genre and (or) content:

1) image or description of casualty, accident, disaster, disease, death without naturalistic demonstration of their consequences that may incite children's fear, horror or panic;

2) image or description of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);

3) information on narcotics or psychotropic and (or) intoxicating drugs (without their demonstration), on hazardous consequences of their use with demonstration of such cases as long as negative, disapproving attitude to the use of such articles or substances is shown and hazard statement to use them;

4) separate strong words and (or) expressions that do not belong to strong language;

5) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Chapter 3. Requirements to the circulation of information product

Article 11. General requirements to the circulation of information product

1. Circulation of information product containing information stipulated by Section 2 Article 5 hereof is not allowed, except for cases provided hereby.

2. Circulation of information product containing information to be disseminated among children in accordance with Section 2 Article 5 hereof in places accessible for children is not allowed without employment of administrative and organizational measures, technical and soft hardware of children's protection from mentioned information.

3. Requirements to administrative and organizational measures technical and soft hardware of children's protection from information harmful for their health and (or) development are established by federal executive authority authorized by the Government of the Russian Federation.

4. Circulation of information product containing information product stipulated by Article 5 hereof is not allowed without mark of information product, except for:

- 1) textbooks and teaching guides recommended or permitted to be used in educational process in accordance with the legislation of the Russian Federation in education field;
- 2) television programs, television shows aired without prior record;
- 3) information product disseminated by means of radiobroadcast;
- 4) information product demonstrated by means of entertainment events;
- 5) printed periodical publications specialized on dissemination of information of socio-political or production and practical nature.

5. In the presence of parents or other legal representatives of children who has reached six years old circulation of information product stipulated by Article 9 hereof is permitted.

6. Before the beginning of demonstration of information product by entertainment events, mark of information product is given to it. Upon demonstration of several kinds of information product for children of different age categories, the mentioned mark should be correspondent to information product for children of elder age category. Mentioned mark is placed on billposters and other announcements on performance of entertainment events as well as on admission tickets, invitations and other documents giving right of its admission.

7. Demonstration by means of entertainment event of information product containing information stipulated by Article 5 hereof is preceded immediately before the beginning of entertainment event by sound announcement on inadmissibility or limitation of presence of children of corresponding age category on such demonstration.

8. In distribution certificate of audiovisual work, registration certificate shall include information on a category of this information product as means of mass media TV and radio program, printed periodical publication for children.

Article 12. Mark of information product

1. Category of information product is defined in accordance with requirements of Articles 6 - 10 hereof and is designated by mark of information product placed with the compliance of requirements of this Article and requirements of corresponding technical regulations by its producers or distributors.

2. Producer, distributor of information product places mark of information product and (or) textual warning on limitation of its dissemination before the beginning of broadcasting of TV program, TV show, demonstration of film upon cinema and video facilities in accordance with the procedure established by the federal executive authority authorized by the Government of the Russian Federation. Mark of information product is displayed in the corner of the picture, except for demonstration of the film performed in the cinema hall. The size of the mark of information product shall make no less than five percent of screen area.

3. The size of the mark of the information product shall make no more than five percent of billposter or other announcement area on the performance of corresponding entertainment event, announcement on film and video show as well as admission ticket, invitation or other document giving right to attend such event.

4. Mark of information product is placed in published programs of TV and radio programs, lists and catalogues of information product placed in information and telecommunication networks.

Article 13. Additional requirements to dissemination of information product by means of TV and radio broadcasting

1. Information product containing information stipulated by Clauses 1 - 5 Section 2 Article 5 hereof is not subjected to dissemination by means of TV and radio broadcasting from 4 a.m. till 11 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

2. Information product containing information stipulated by Clauses 4 and 5 Article 10 hereof is not subjected to be disseminated by TV and radio broadcasting from 7 a.m. till 9 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed

exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

3. Dissemination of information product by TV broadcasting is accompanied by message on limitation of its dissemination in the beginning of demonstration (including by means of "roller titles" does not exceed five percent of the screen area).

4. Dissemination of information product by means of radio broadcasting is accompanied by message on limitation of its dissemination in the beginning of broadcasting of information product and after each broadcast interruption.

5. Upon placement of message on limitation of its dissemination by means of TV and radio broadcast of information product forbidden for children, use of fragments of mentioned information product containing information harmful for health and (or) development of children is not permitted.

Article 14. Additional requirements to dissemination of information product by means of information and telecommunication networks

Children's access to information disseminated by means of information and telecommunication networks (including Internet) is provided by service providers rendering telematic communications services in public access points provided that specified service providers use technical, protection software hardware for children from information harmful for their health and (or) development.

Article 15. Additional requirements to the circulation of separate kinds of information product for children

1. It is not permitted to place messages to attract children to participate in creation of information product harmful for their health and (or) development in information product for children, including information product placed in information and telecommunication networks (including Internet) and mobile communication network.

2. Content and artistic design of information product intended to teach children in pre-school educational institutions shall conform to content and artistic design of information product for children under the age of six years old.

3. Content and artistic design of printed press, print media materials (including exercise books, school diaries, covers for books, markers for books), audiovisual products, other information product used in educational process shall conform to the requirements of Articles 7 - 10 hereof.

Article 16. Additional requirements to the circulation of information product forbidden for children

1. Front and back pages of a newspaper, cover page of printed product copy, other print media materials forbidden for shall not contain information harmful for health and (or) development of children upon dissemination for indefinite scope of persons in places accessible for children.
2. Information product forbidden for children is permitted to be disseminated in the form of printed product in places accessible for children only in sealed packages.
3. Information product forbidden for children is not permitted to be disseminated in educational institutions, nursery healthcare, health resort, physical educational institutions, cultural organizations intended for children, recreation and sanitation organizations for children or at a distance of less than one hundred meters form the borders of mentioned organization territories.

Chapter 4. Expert examination of information product

Article 17. General provisions to expert examination of information product

1. Expert examination of information product is performed for the purpose of information security of children by the decision of federal executive authority authorized by the Government of the Russian Federation, an expert, experts and (or) expert organizations.
2. Legal entities, individual entrepreneurs, public associations, other non-profit organizations, citizens have the right to apply to federal executive authority authorized by the Government of the Russian Federation to conduct expert examination of information product, which makes decision to refer the mentioned application to an expert, experts and (or) expert organizations within a period of up to ten days.
3. Expert examination of information product is performed by an expert, experts and (or) expert organizations accredited by federal executive authority authorized by the Government of the Russian Federation in accordance with the established procedure.
4. An expert, experts and (or) expert organizations are defined by federal executive authority authorized by the Government of the Russian Federation on the basis of random sampling technique with the account of a kind of information product subjected to expert examination.
5. Federal executive authority authorized by the Government of the Russian Federation issues accreditation certificates, suspends or terminates effect of issued accreditation certificates, keeps a register of accredited experts and expert organizations.

6. Expert examination of information product may be performed by two or more experts of certain specialty (single-discipline expert panel) or different specialties (multi-discipline expert panel).

7. Persons who have received higher vocational education, possess special knowledge, including in the field of pedagogic, developmental psychology, developmental physiology, child psychiatry are involved in the capacity of an expert, experts to perform expert examination of information product, except for persons:

1) who have or had a criminal record for commitment of serious or extremely serious crimes against a person, crimes against sexual integrity and sexual freedom of a person, against family and minors, intentional crimes against health of population and public morality;

2) who are the producer, distributor of information product transferred on expert examination or their representatives.

8. The period of expert examination of information products cannot exceed ninety days from the date of receiving an application for its performance.

9. The expenses connected to expert examination of information products are reimbursed in accordance with the procedure established by federal executive authority authorized by the Government of the Russian Federation.

Article 18. Expert opinion

1. Upon completion of expert examination of information products, expert opinion is given.

2. Expert opinion includes:

1) date, time and place of expert examination performance of information product;

2) information about the expert organization and the expert (surname, first name, patronymic, education, specialty, specialty professional experience, availability of a scientific degree, academic title, job position, place of work);

3) Issues raised before the expert, experts;

4) analysis subjects and materials submitted for expert examination of information products;

5) content and results of analysis mentioning methods;

6) substantiated responses on issues raised before an expert, experts;

7) conclusions on the presence or absence of information harmful for health and (or) development of children in the product information or on the compliance or non-compliance information product with certain categories of information products, on the compliance or non-compliance of information product with mark of information product.

3. Expert opinion of single-discipline expert panel is signed by all the experts involved in the performance of mentioned expert examination if their opinions on the issues raised coincide. In the event of a dispute, each expert provides a separate expert opinion on the issues that caused the discrepancy. Each expert who participated in the performance of single-discipline expert panel signs a part of the expert opinion that describes analysis conducted by them and is responsible therefor.

4. Within five days after signing of the expert opinion, it is sent to the federal executive authority authorized by the Government of the Russian Federation.

Article 19. The legal consequences of expert examination of information

Not later than fifteen days after receipt of the expert opinion, the federal executive authority authorized by the Government of the Russian Federation makes a decision:

1) on non-compliance of information product with requirements hereof and the imposition of injunction to remove the revealed violations if the expert opinion contains conclusion on the presence of information harmful for health and (or) development of children in information product or of non-compliance of mark information products of certain category with information product;

2) on compliance of information product with requirements hereof and on refusal to impose the injunction mentioned in Clause 1 of this Section.

Chapter 5. Supervision and control in protection of children from information harmful for their health and (or) development

Article 20. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful for their health and (or) development

1. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed by federal executive authority authorized by the Government of the Russian Federation.

2. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed taking into account the requirements of the Federal Law of December 26, 2008 No. 294-FZ On the Protection of the Rights of Legal Entities and Individual Entrepreneurs During Exercising the State Control (Supervision) and Municipal Control.

Article 21. Public control in protection of children from information harmful for their health and (or) development

1. Public associations and other non-profit organizations registered in accordance with the procedure established by federal law in accordance with their charters as well as citizens have the rights to perform public control over the compliance of requirements hereof in accordance with the legislation of the Russian Federation.

2. Upon the performance of public control, public associations and other non-profit organizations, citizens have the right to:

1) perform monitoring of information product circulation and access of children to information, including by creating "hot lines";

2) apply to federal executive authority authorized by the Government of the Russian Federation, to perform expert examination of information products in accordance with the requirements hereof.

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

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

Violation of the legislation of the Russian Federation on protection of 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. Procedure of coming into effect of this Federal Law

1. This Federal Law comes into effect from September 01, 2012.

2. Provisions of Section 1 Article 12 hereof is not applied to printed products, released into circulation before coming into force of this Federal Law.

D. Medvedev, the President of the Russian Federation

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 3:30 PM
To: King, Kim J M JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

From: Ives, Andrew JAG:EX
Sent: February-14-14 3:04 PM
To: Minister, JAG JAG:EX
Subject: Re: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Information, can we please action all further that reference Kari as information. Thanks

Andrew Ives
Executive Assistant to the Honourable Suzanne Anton QC
Attorney General and Minister of Justice
#250-387-1998

From: Minister, JAG JAG:EX
Sent: Friday, February 14, 2014 2:56 PM
To: Ives, Andrew JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Hi Andrew,

Action please – many thanks,

Candice

From: s.22
Sent: February-14-14 2:45 PM
To: OfficeofthePremier, Office PREM:EX; Minister, JAG JAG:EX
Subject: Fwd: Urgent!! Human Rights Complaint Gay Pride Flag - Your action needed now

Hello - Please note that I am entirely in support of the letter that appears below as written by Kari Simpson respecting the raising of a gay flag over the legislature buildings??! Unbelievable to me...can we have enough of this so-called gay issue everywhere we turn??!!

s.22

Premier Christy Clark

email: premier@gov.bc.ca
phone: [250 387-1715](tel:250-387-1715)

Hon. Suzanne Anton
email: jag.minister@gov.bc.ca
phone: [250 387-1866](tel:250-387-1866)

Thanks!
Kari

----- Forwarded message -----

From: **Culture Guard** <cultureguard@gmail.com>
Date: Thu, Feb 13, 2014 at 12:51 PM
Subject: Human Rights Complaint Gay Pride Flag
To: "Hon. Suzanne Anton" <jag.minister@gov.bc.ca>
Cc: linda.reid.mla@leg.bc.ca, premier@gov.bc.ca

Madam Minister,

Be advised that if a Gay Pride Flag is raised over the Legislature buildings, representing a political symbol for sex activists—a symbol that, in and of itself, facilitates hostility, hatred and contempt for a large majority of British Columbians—that I will file a human rights complaint against your office.

I have every confidence that if this flag were representative of other defined groups, that there would be no consideration of committing this act. As an example, would you fly a flag in support of Jews? Or how about Coptic Christians in Egypt, and the murderous oppression they face as a daily reality?

I am also providing you with a copy of the English translation of the Act that was passed by the Russian Parliament, and a legal analysis. Perhaps the question you should be asking Mr. Chandra-Herbert, and others, is the same question I am asking you: Do you support children being lied to by sex activist propaganda?

As a politician, you know that the mainstream media are lazy, ill-informed, and act like lemmings addicted to polluted bath-water when it comes to issues involving sex activism. Have you, too, been bully-winked by the propaganda, Madam Minister?

I strongly encourage you to review the issue from a fact-based and reasoned perspective. Perhaps your office can provide the gay-dumb members of the media and the House with the facts, and not be party to facilitating propaganda.

Please find attached a legal analysis of the law passed by the Russian Parliament, and English translation of that law.

Kari Simpson
[604 514-1614](tel:604-514-1614)
President Culture Guard
Host RoadKill Radio.com

Please share this info

Find your MLA

<http://www.leg.bc.ca/mla/3-1-1.htm>

From: Minister, JAG JAG:EX
Sent: Monday, February 17, 2014 9:07 AM
To: King, Kim J M JAG:EX
Subject: FW:

Good Morning Kim,

Usual action please,

Many thanks,

Candice

From: s.22
Sent: February-15-14 5:36 PM
To: Minister, JAG JAG:EX
Subject:

The Canadian Flag is the ONLY flag that should be flown from any Canadian Government Building, and as far as that goes from ANY public building in Canada. Putting that flag or any other flag in place of our National symbol would be degrading to our wonderful MAPLE LEAF. Get real lady!

s.22

-- a very proud CANADIAN !

From: Minister, JAG JAG:EX
Sent: Monday, February 17, 2014 10:21 AM
To: King, Kim J M JAG:EX
Subject: FW: Urgent!! Human Rights Complaint Gay Pride Flag
Attachments: Gay Pride Flag.pages; ATT00001.htm; Law-No-135-FZ_ADF-Opinion-final.pdf; ATT00002.htm; Anti-LGBT-Propaganda-to-Minors-Law-Russia.pdf; ATT00003.htm

From: Ives, Andrew JAG:EX
Sent: February-17-14 10:00 AM
To: Minister, JAG JAG:EX
Subject: RE: Urgent!! Human Rights Complaint Gay Pride Flag

Thanks yes info

From: s.22
Sent: February-16-14 3:46 PM
To: OfficeofthePremier, Office PREM:EX; Minister, JAG JAG:EX; Reid.MLA, Linda LASS:EX
Subject: Fwd: Urgent!! Human Rights Complaint Gay Pride Flag

This email is to Premier Christy Clark, Hon. Suzanne Anton, Linda Reid, MLA
Further to Kari Simpson's eMail, please consider the following.

Begin forwarded message:

From: Culture Guard <cultureguard@gmail.com>
Subject: Urgent!! Human Rights Complaint Gay Pride Flag
Date: February 13, 2014 1:01:59 PM PST
To: Culture Guard <cultureguard@gmail.com>

Please be advised your calls are needed **now!**

Please find below a copy of my letter that was sent to Suzanne Anton, Attorney General for BC. The Pride Flagged is scheduled to raised today!

Call or email your MLA, the Premier and the AG

Premier Christy Clark email: premier@gov.bc.ca phone: 250 387-1715

Hon. Suzanne Anton email: jag.minister@gov.bc.ca phone: 250 387-1866

Thanks!

Kari

----- Forwarded message -----

From: Culture Guard <cultureguard@gmail.com>
Date: Thu, Feb 13, 2014 at 12:51 PM
Subject: Human Rights Complaint Gay Pride Flag
To: "Hon. Suzanne Anton" <jag.minister@gov.bc.ca>
Cc: linda.reid.mla@leg.bc.ca, premier@gov.bc.ca

Madam Minister,

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I strongly encourage you to review the issue from a fact-based and reasoned perspective. Perhaps your office can provide the gay-dumb members of the media and the House with the facts, and not be party to facilitating propaganda.

Please find attached a legal analysis of the law passed by the Russian Parliament, and English translation of that law.

Kari Simpson
604 514-1614
President Culture Guard
Host RoadKill Radio.com



BY: ROGER KISKA, DANIEL LIPSIC AND PAUL COLEMAN
RE: FEDERAL LAW NO. 135-FZ
DATE: 27 AUGUST 2013

Introduction

The aim of this memorandum is to give an overview of the recently enacted Federal Law of June 29, 2013 No. 135-FZ “On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values” (**Law No. 135-FZ**).

The law has spurred much controversy in the Western media and led many homosexual agenda groups to call for a boycott of the Winter Olympic Games to be held in Sochi in 2014. To be clear, media reflections regarding the law have been grossly exaggerated and have provided a distorted view of the aims and scope of the law in question.

Law No. 135-FZ

Polling has indicated that Law No. 135-FZ is incredibly popular in the Russian Federation as a means of protecting family values and the law was passed by a vote in the Duma with one hundred per cent approval. The law is an amendment to an existing larger statutory prohibition of activities aimed at harming children and hurting family life in the Russian Federation. The amendment prohibiting the propagation of any activity aimed at harming the psychological or physical well-being of minors does include, *inter alia*, propaganda promoting alternative sexual life-styles. However the law, as originally drafted (and maintained after the enactment of the much maligned amendment) also prohibits the promotion of any sexual lifestyle harmful to minors, including those involving heterosexual acts. The law forbids, in a similar nature, any act which promotes the use of intoxicating drugs, alcohol, denies family values, promotes gambling, contains strong language or promotes offending language.

Precisely stated, the law does not prohibit:

- homosexual behavior (homosexual sodomy was decriminalized in the Russian Federation in 1993);
- publicly identifying with same-sex attraction;
- holding public debates and/or events on the issue of social status of LGBT groups;
- the formation and functioning of LGBT associations or interest groups;

Furthermore:

- the law is administrative and not criminal (therefore no punishment of imprisonment is allowed under the law);
- it does not permit any interference in the private life of Russian citizens;
- it does not authorize arbitrary detentions or arrests as has been widely publicized;
- the law, as with all other laws in the Russian Federation and the Council of Europe, remains under the supervision of the European Court of Human Rights.

Misreporting by the media

Comparisons made in the media, like those of broadcaster and television presenter Stephen Fry in his open letter to British Prime Minister David Cameron,¹ that because of the enactment of Law No. 135-FZ the Sochi Olympic games must now be compared to those held in Berlin in 1936 under the tyrannical rule of Adolf Hitler lack credibility and are a grave insult to the countless millions who died as a result of Nazi aggression. To be pointedly obvious, Law No. 135-FZ is incomparable to what took place in Nazi Germany. The law has led to no war, no deaths and no internments in concentration camps whereas World War II saw the death of approximately 5.9 million Jews. World War II also resulted in the death of an estimated 30 million Russians (2-3 million of which themselves were prisoners of war); brave men and women who gave their lives to defeat Adolf Hitler and the Nazi forces.

Major media outlets have also grievously breached their journalistic obligations by creating threats in the law which are nowhere present in the statute itself. The Canadian Broadcasting Corporation has recently reported that the security of teams and fans at the upcoming Winter Olympic Games are at risk because of the new law and that among other things, the recently signed law gives authorities the right to detain tourists and foreign nationals suspected of being homosexual or "pro-gay."² CNN, in its reporting, provocatively asks "could Russia arrest gay athletes?"³

The New York Times takes the position that the I.O.C. should have pressured the Russian Federation not to enact the law under the threat of removing the games from Sochi.⁴ The United States CBS Evening News, with a viewership of nearly 6 million people, quoted protestors of the law who claimed they would be arrested for similar protests in the Russian Federation and criticized Russia for the fact that the vast majority of the population supported the law and that no parliamentarians voted against the amendment.⁵

¹ <http://www.stephenfry.com/2013/08/07/an-open-letter-to-david-cameron-and-the-ioc/>.

² See e.g., Ian Munroe, "Should Olympians Fear Russian Anti-Gay laws?", CBC News, July 26, 2013.

<http://www.cbc.ca/news/canada/story/2013/07/25/sochi-olympics-gay-laws.html>.

³ Laura Smith-Spark and Phil Black, "Protests, boycott calls as anger grows over Russia anti-gay propaganda laws", CNN, August 4, 2013. <http://edition.cnn.com/2013/08/01/world/europe/russia-gay-rights-controversy>.

⁴ Jere Longman, "Outrage Over an AntiGay Law Does not Spread to Olympic officials", New York Times, August 6, 2013. http://www.nytimes.com/2013/08/07/sports/games-officials-tiptoeing-around-russias-antigay-law.html?_r=0.

⁵ Charlie D'Agata, "Russia's Anti-Gay Laws Spark Backlash Ahead of Olympics", CBC Evening News, August 10, 2013. http://www.cbsnews.com/8301-18563_162-57598002/russias-anti-gay-laws-spark-backlash-ahead-of-olympics/. Even the title of the article is grossly misinformed since protests have arisen over a single law (not laws) and that the law itself was actually an amendment to an existing law which protects minors from any sort of

The irony of these comments is well reflected in a Huffington Post article claiming that athletes and tourists could receive criminal sanctions for protesting the laws in a posting which shows a large protest by proponents of homosexual behavior with rainbow flags walking through the centre of Moscow.⁶ Thus, the story uses a photo showing a protest in the Russian Federation, which is allowed to function peaceably and without fines, in a story about how tourists and Olympians may face criminal sanctions for the same activity that the Russian protesters are clearly pictured to be participating in.

And the trail of misinformation goes all the way to the White House. In a televised appearance on America's number one rated evening talk show, the Tonight Show with Jay Leno, the host posed a question to President Obama about the new law and made the grossly negligent statement that the amendment makes homosexual behavior illegal – likening it to rounding up Jews for the Holocaust. The President, rather than correcting the dangerously erroneous statement, replied that he had no patience for countries like Russia which discriminated against people who identify as homosexuals and likened what is happening in Russia to Africa [where a number of nations have severe prison sentences for homosexual behavior and Uganda is now debating implementing the death penalty for those who practice homosexual behavior].⁷ The moral stance of President Obama is shocking when juxtaposed to his own foreign policy of using American ambassadors abroad to actively sponsor “gay pride” parades.

During the Prague Pride Parade, held on August 17, just 11 days after the Leno appearance, the American ambassador led the parade holding the banner of the American embassy and was followed by staff that carried banners with American flags and a picture of President Obama and John F. Kennedy.⁸ In the parade route were men dressed in leather cod pieces with spikes around their necks and bare buttocks exposed carrying other men on chains.⁹ This same parade, with the American Ambassador at the head, was also historic because it was the first time the parade allowed pedophile proponents to march as well.¹⁰

Free speech hypocrisy

In addition to being misleading and exaggerated, the mass media and foreign government condemnation of the Russian Federation has also been hypocritical. On the same day that the Federal Duma passed the analyzed law, new amendments were adopted that target actions “expressing obvious disrespect to society and committed with the aim of offending the religious feelings of believers.”¹¹ The harsh sentence of up to three years for “offending religious feelings”

corruption including from smoking, gambling, being disrespectful to parents and truancy (therefore being only indirectly related to homosexual propaganda as one of many different forms of influence).

⁶ Curtis M. Wong, “Russia's Anti-Gay Law Will Impact Foreign Tourists, Possible Olympic Athletes”, Huffington Post, July 11, 2013. http://www.huffingtonpost.com/2013/07/11/russia-gay-law-tourists-_n_3581217.html.

⁷ <http://www.nbc.com/the-tonight-show/video/president-obama-on-russias-anti-gay-laws/n39715/>. NBC incidentally is the American broadcaster of the Sochi Winter Olympics.

⁸ See: <http://www.youtube.com/watch?v=YWYbeGcMe4>.

⁹ <http://www.youtube.com/watch?v=k2DX4YVgYkU> From 1:34 (parade participants in leather, chains with nudity).

¹⁰ <http://www.pedofilie-info.cz/historicky-poprve-jsme-se-jako-pedofilove-zucastnili-prague-pride/> Statement of Pedophile group about their marching in the Prague parade for the first time in history.

¹¹ Criminal Code, Article 148. Cited in Human Rights Without Frontiers Int'l Newsletter, 20 August 2013.

goes far beyond any punishment in Law No. 135-FZ, yet almost nothing has been made of this free speech restriction in the media. In fact, similar free speech restrictions exist in every country in Europe and yet complaints are rarely ever raised.¹²

Moreover, countless cases have arisen in the West where freedom has actually been restricted because of *opposition* to homosexual behaviour. As many groups are calling for a boycott of the Winter Olympics, it should be noted that the host of the 2012 Summer Olympics, the United Kingdom, has also seen dozens of cases arise where freedom has been restricted due to religious and traditional beliefs on homosexual behaviour and same-sex relationships. For example, preachers have been arrested and convicted for speaking against homosexual behaviour,¹³ employees have been demoted for supporting traditional marriage¹⁴ and some have even been dismissed for refusing to act against the conscientious beliefs,¹⁵ business owners have been sued and forced to close their businesses for refusing to condone same-sex relationships¹⁶ and access to facilities have been denied because the proposed event supported the traditional view of marriage.¹⁷ In one case, government funding was actually removed because a Christian charity *refused* to promote homosexuality.¹⁸

All of these cases are examples of attacks on freedom, yet there was no outrage, no condemnation, no media backlash, and certainly no calls for an Olympic boycott. It is therefore regrettable that members of the media will often only raise their voice if members of a “popular” group are targeted by free speech restrictions: when the “unpopular” viewpoint that favours traditional marriage is censored in the West and supporters of that viewpoint are vilified,¹⁹ very little is said.

¹² For a list of European laws restricting freedom of speech and a collection of cases that have ensued, see Paul Coleman, *Censored: How European “hate speech” laws are threatening freedom of speech*, Kairos Publications: Vienna, 2012.

¹³ For example, in 2002 Harry Hammond was convicted of a criminal offence for displaying a sign bearing the words “Jesus Gives Peace, Jesus is alive, Stop Immorality, Stop Lesbianism, Jesus is Lord” in his local city centre. See *The Guardian*, 18 January 2012.

¹⁴ For example, in 2011 Adrian Smith, a housing manager in Manchester, was demoted and had his salary reduced by 40% because he stated his views on marriage on his personal *Facebook* page. See *The Daily Mail*, 23 October 2011.

¹⁵ In 2007 Lillian Ladele was forced to leave her job as a civil registrar because her religious belief on marriage was not accommodated by her employer. See *Ladele v London Borough of Islington* [2009] EWCA Civ 1357.

¹⁶ In 2009 guesthouse owners Peter and Hazelmary Bull were sued £3,600 for refusing to offer double-bedded accommodation to unmarried couples. Their guesthouse now faces closure. Other Christian guesthouses have also been successfully sued. See *Bull and Bull v. Hall and Preddy and Hall* [2012] EWCA Civ 83.

¹⁷ For example, in 2012 several organizations attempted to host a conference on the legal definition of marriage at the Law Society in London. The Law Society cancelled the booking, claiming that the conference breached its diversity policy. The conference was then due to take place at the Queen Elizabeth II Conference Centre, but the Government-run venue also cancelled the booking citing similar reasons. See *The Daily Telegraph*, 11 May 2012.

¹⁸ For example, in 2008 a Christian care home had a £13,000 per year grant removed for refusing to promote homosexual behaviour to its elderly residents. After more than a year of internal appeals – amounting to £21,000 in legal fees – and after the case was made public, the council eventually backed down but did not offer to pay any of the legal fees. See ‘Care home suffers under ‘equality’ laws: How traditional Christian beliefs cost an elderly care home a £13,000 grant,’ *The Christian Institute*, May 2009.

¹⁹ For example, in 2012 Archbishop of York John Sentamu received a number of abusive and threatening emails of a racist nature after stating that marriage must remain between a man and a woman and David Burrowes MP revealed

Similar laws in Europe

It should be noted that the Russian Federation is not the first country to legislate at a national level to ban homosexual propaganda. On 14 July 2009 Lithuania amended its Law on the Protection of Minors from Detrimental Effects of Public Information. The law, planned to come into force on 1 March 2010, defined public information, which might have a detrimental effect on minors. Among other clauses, it stated, that the following information has a detrimental effect on minors: “propagation of homosexual, bisexual and polygamous relationships”, and “information that distorts family relationships and its values”. The law was vetoed by the Lithuanian President mainly on the grounds of vagueness and the lack of clear definitions, but the veto was overridden by a large majority in the national legislature.

However, due to pressure from various international institutions (the European Parliament had adopted a resolution criticizing the enacted law on 17 September 2009), as well as the visits of the Council of Europe’s Commissioner for Human Rights, the law was amended in December 2009, before coming into force. The law no longer explicitly mentions that propagation of homosexual relationships causes detrimental effects to minors and Article 4 of the law has been redrafted in more general terms. It is still considered detrimental to minors to “promote sexual relations” and “express contempt for family values, encourage the concept of entry into marriage and creation of a family other than that stipulated in the Constitution and the Civil Code.” According to Article 38 of the Lithuanian Constitution: “Marriage shall be concluded upon a free mutual consent of a man and a woman”.

Concerning other European countries there are draft laws prohibiting “promotion of homosexuality which could adversely affect the physical and mental health of children” under consideration currently in Ukraine. In Moldova, several municipalities have adopted local ordinances banning “aggressive propaganda of non-traditional sexual orientation”, however most of these have either been annulled by local courts or rescinded by the municipalities themselves.

In the United Kingdom Section 28 of the Local Government Act of 1988 stated that a local authority “shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality” or “promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship”. The law has been repealed in 2003 by the British Parliament, although according to the opinion polls the majority of the public favored keeping Section 28. Of course, a critical difference with the Russian federal law under review has been that the British law restricted Government’s speech (local authorities being governmental units), whereas the latter may aim at private speech as well.

ECHR case law and freedom of speech

While the mainstream media reporting on the law has been inaccurate and at times irresponsible, there have also been legitimate concerns raised that aspects of the law may unduly restrict freedom of speech.

that he has received hate mail and death threats for supporting marriage in parliament. See *BBC News*, 6 February 2012 and *The Daily Telegraph*, 3 February 2013.

Article 10 of the European Convention on Human Rights provides the right to freedom of expression. However, the right is not absolute and any interference with this right can be lawful if it is justified under Article 10 § 2. For the interference in question to be justifiable, it must: (1) be prescribed by law; (2) pursue a legitimate aim; and (3) be necessary in a democratic society. However, any exceptions to the right to freedom of expression must be “construed strictly and the need for any restrictions must be established convincingly.”²⁰ The Court is empowered to give the final ruling on whether a restriction is reconcilable with freedom of expression as protected by Article 10²¹ and any restriction imposed must be proportionate to the legitimate aim pursued.²²

The framework for analyzing Article 10 restrictions seems to be most suitable for commenting on the newly enacted Russian federal law.

First, any restriction placed on expression must have a basis in the domestic law of the State in question.²³ If there is no basis in the domestic law for the restriction, the Court will invariably find a violation of Article 10.²⁴ Secondly, although any restriction must have a basis in domestic law, the Court is also concerned with the “quality” of any given law: if the law in question does not fulfill the “quality” requirements – accessibility, precision, foreseeability and clarity – the Court will find a violation of Article 10. In the seminal case of *Sunday Times v. The United Kingdom*, the Court held:

First, the law must be adequately accessible: the citizen must be able to have an indication that is adequate in the circumstances of the legal rules applicable to a given case. Secondly, a norm cannot be regarded as a ‘law’ unless it is formulated with sufficient precision to enable the citizen to regulate his conduct: he must be able—if need be with appropriate advice—to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁵

Although the Court stated that legal certainty is “highly desirable,” it also recognized many laws are “inevitably couched in terms which, to a greater or lesser extent, are vague and whose interpretation and application are questions of practice”.²⁶ Hence, there is clearly a threshold, and when a domestic law crosses the threshold and lacks the basic qualities that make

²⁰ *Şener v. Turkey*, no. 26680/95, § 39, ECHR 2000-III. See also *Thoma v. Luxembourg*, no. 38432/97, §§ 43, 48, ECHR 2001-II; see also *The Observer and The Guardian v. the United Kingdom*, judgment of 26 November 1991, Series A no. 216, p. 30, § 59.

²¹ *Handyside v. The United Kingdom* (1976) 1 E.H.R.R. 737 § 49.

²² *Id.*

²³ The Court has held that domestic laws can be based on any applicable rules of international law (See *Groppera Radio AG v. Switzerland* (1990) 12 E.H.R.R. 321 §§ 65-68) and common law (*Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 §§ 48-9). Moreover, codes of practice that are derived from legislation have also been considered applicable for the purposes of Article 10 § 2 (see *R v. Advertising Standards Authority Ex p. Matthias Rath* E.M.L.R. 22 § 26.)

²⁴ See, for example, ECHR: *Peev v. Bulgaria*, application no. 64209/01, judgment of 26 July 2007.

²⁵ *Sunday Times v. The United Kingdom* (1979-80) 2 E.H.R.R. 245 § 49.

²⁶ *Id.*

it incompatible with the rule of law, the Court will not consider the restriction “prescribed by law”.

The Court also takes into account the consistency of domestic case-law in the implementation of a legal provision. The existence of contradictory domestic court decisions in the application of domestic laws has led the Court to conclude that a particular interference did not meet the condition of being “prescribed by law,” whereas a uniform and consistent jurisprudence was considered to allow a person to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.²⁷

The definition of “precision” in criminal law was given by the Court in the Greek proselytism case of *Kokinnakis v. Greece*: “The condition is satisfied where the individual can know from the wording of the relevant provision and, if need be, with the assistance of the courts’ interpretation of it, what acts and omissions will make him liable.”²⁸

The Venice Commission in its recent Opinion²⁹ on the Russian draft law (at the material time) raised two issues concerning the quality of the provisions under scrutiny. The vagueness of the terms “propaganda” and “promotion” and inconsistency in judicial enforcement. The former critique is to a large degree unsubstantiated – the terms “propaganda” and “promotion” are not only used in numerous “hate speech” laws to which the Venice Commission never raised any objections, but may also be found in several international treaty documents.³⁰ The bottom line is whether these provisions are given a consistent and precise interpretation by the law enforcement and the judiciary. Thus, if the law is applied inconsistently in the domestic courts, it will be difficult to pass the first prong of the ECHR test. It is therefore of critical importance that the Russian high courts deliver judgments that would ensure a uniform application of the newly enacted federal law if the law is to meet the first criterion laid out by the ECHR.

As for the second prong of the test, the law clearly promotes a legitimate aim as defined and enumerated by Article 10 § 2 of the Convention: that of protecting health and morals and the rights of others (in this case children). The protection of morals is deemed to be a legitimate aim, especially when children or minors are targeted by immoral speech. Beginning with the seminal decision in *Handyside v. the United Kingdom*,³¹ the jurisprudence of the Court granted a much wider margin of appreciation to Member States when restricting harmful speech focused on minors. First, the Court emphasized that “it is not possible to find in the domestic law of the various Contracting States a uniform European conception of morals.”³² Second, the Court

²⁷ See e.g. ECHR, *Goussev and Marek v. Finland*, Judgment of 17 January 2006, §§ 53-57; ECHR, *Markt Intern Verlag GmbH and Klaus Beermann v. Germany*, Judgment of 20 November 1989, §§ 28-30.

²⁸ ECHR, *Kokkinakis v. Greece*, Judgment of 15 May 1993, application no. 14307/88, § 52.

²⁹ European Commission for Democracy through Law, Opinion on the issue of so-called “propaganda of homosexuality” in the light of recent legislation in some Member States of the Council of Europe, 14-15 June 2013.

³⁰ E.g. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 19 (1) of the revised European Social Charter, Article 6 (3) of the European Convention on the Legal Status of Migrant Workers.

³¹ ECHR, Judgment of 7 December 1976, application no. 5493/72.

³² *Id.*, at § 48.

devoted a major part of its reasoning in *Handyside* to the fact that the disputed publication “was aimed above all at children and adolescents aged from twelve to eighteen” including “sentences or paragraphs that young people at a critical stage of their development could have interpreted as an encouragement to indulge in precocious activities harmful for them.”³³

Similarly, in the case of *Otto-Preminger-Institut v. Austria*, the Court held that no violation of Article 10 occurred when a blasphemous film was seized by Austrian authorities noting that it could have been viewed by minors.³⁴ The latest decision emphasizing the protection of minors was *Vejdeland and others v. Sweden*³⁵ – which involved applicants who went to a secondary school and distributed leaflets in or near pupil’s lockers that criticized homosexual behavior. The applicants were prosecuted for “agitation against a national or ethnic group” and were given suspended sentences combined with fines. However, the Court found no breach of Article 10. Apart from commenting on the content of the leaflets, namely that the content of the leaflets contained “serious and prejudicial allegations,”³⁶ the Court emphasized the fact that “the leaflets were left in lockers of young people who were at an impressionable and sensitive age.”³⁷

Furthermore, the ECHR has itself, under Protocol 1, Article 2 of the Convention (right to education), created safeguards to guarantee the rights of parents to protect their children from information and teaching they deem harmful to them. 36 years ago, the Court in *Kjeldsen and others v Denmark* affirmed to parents the right under Protocol 1, Article 2 of the Convention to opt their children out of classes which were objectionably indoctrinating.³⁸ While these opt-outs were denied to the applicants in the *Kjeldsen* case, the guarantee nonetheless became a seminal part of the ECHR case law. In the 2007 case of *Folgero and Others v. Norway* the Grand Chamber upheld the opt-out for parents who wished to prevent their children from attending religious education classes.³⁹ The progeny of *Folgero* has continued to promote the freedom of parents to take their children out of religious education. From *Kjeldsen* to *Folgero* and its progeny, the Court has continued to hold that the right to opt-outs holds equally to all subjects and not just religious education.⁴⁰

Therefore, it is clear that the aims of protecting minors from information which could be harmful to them, precisely what the Russian amendment to Article 5 aims to accomplish, is in line with Convention standards and European jurisprudence.

The third stage of the ECHR analysis is whether the restriction on speech is “necessary in a democratic society.” According to the well-settled jurisprudence of the Court, the adjective “necessary,” within the meaning of Article 10 § 2, implies the existence of a “pressing social

³³ *Id.*, at § 52.

³⁴ ECHR, *Case of Otto-Preminger-Institut v. Austria* (11/1993/406/485), 20 September 1994, Series A vol. 295-A.

³⁵ ECHR, Judgment of 9 February 2012, application no. 1813/07.

³⁶ *Id.*, at § 54.

³⁷ *Id.*, at § 56.

³⁸ ECHR, *Kjeldsen, Busk Madsen and Pederson v. Denmark*, Judgment of 7 December 1976, Application No. 5095/71, 5920/72, 5926/72, § 50ff.

³⁹ ECHR, *Case of Folgero and Others v. Norway*, App. No. 15472/02, judgment of 29 June 2007.

⁴⁰ See e.g. *Id.*, § 84(e).

need.” The Court has emphasized that although freedom of expression may be subject to exceptions, they must be “*narrowly interpreted*” and “*the necessity for any restrictions must be convincingly established.*”⁴¹

The overbreadth of the law in general, meaning all of its provisions (among them the prohibition of propaganda regarding non-traditional sexual relationships with an aim to corrupting minors), does raise concerns from a free speech perspective. If the law is applied in such a way that is disproportionate or disconnected to the legitimate aim pursued, the Court will likely find a violation of Article 10 for failing to pass the proportionality test. However, as the Court does not review domestic legislation *in abstracto* but always applies the Convention to the individual facts of a particular case, whether the newly enacted law as applied would survive the Court’s proportionality test is dependent upon the case-law of the Russian courts following a domestic judicial challenge. Given that the law was only passed in June 2013, it will be some time before the Court has the opportunity to analyse the law.

Conclusion

The media reporting on Law No. 135-FZ has clearly been inaccurate and at times it has bordered on hysterical. The news stories have served to provide a warped view of the aims and scope of the law in question – which has always been to prohibit the propagation of any activity aimed at harming the psychological or physical well-being of minors. The Russian Federation, in an attempt to protect its children and family values, has every democratic right to legislate in this area. Nevertheless, it must also be recognized that aspects of the law in general, not merely the reference to “nontraditional sexual relations,” may unduly restrict freedom of speech. Given the overbreadth of aspects of the law, these concerns should be considered legitimate.

⁴¹ See e.g. ECHR, *Observer and Guardian v. the United Kingdom*. Judgment of 26 November 1991, application no. 13585/88.

RUSSIAN FEDERATION

FEDERAL LAW

On Amendments to Article 5 of the Federal Law On Protection of Children from Information Harmful to their Health and Development and to Certain Legislative Acts of the Russian Federation with the Aim of Protecting Children from Information that Promotes Negation of Traditional Family Values

Adopted by State Duma

June 11, 2013

Article 1

To insert the words "promoting non-traditional sexual relationships" after the word "values" into Clause 4 Section 2 Article 5 of Federal Law of December 29, 2010 No. 436-FZ On Protection of Children from Information Harmful to their Health and Development (Legislation Bulletin of the Russian Federation, 2011, No. 1, Article 48; 2013, No. 14, Article 1658)

Article 2

To insert the words "from information promoting non-traditional sexual relationships," after the words "pornographic nature" into Clause 1 Article 14 of Federal Law dated July 24, 1998 No. 124-FZ On Basic Guarantees of the Rights of the Child in the Russian Federation (Legislation Bulletin of the Russian Federation, 1998, No. 31, Article 3802; 2008, No. 30, Article 3616; 2009, No. 23, Article 2773; 2011, No. 30, Article 4600)

Article 3

Insert into the Code of the Russian Federation On Administrative Offences (Legislation Bulletin of the Russian Federation, 2002, No. 1, Article 1; No. 30, Article 3029; No. 44, Article 4295; 2003, No. 27, Articles 2700, 2708, 2717; No. 46, Article 4434; No. 50, Articles 4847, 4855; 2004, No. 31, Article 3229; No. 34, Articles 3529, 3533; No. 44, Article 4266; 2005, No. 1, Articles 9, 13, 40, 45; No. 10, Article 763; No. 13, Articles 1075, 1077; No. 19, Article 1752; No. 27, Articles 2719, 2721; No. 30, Articles 3104, 3131; No. 50, Article 5247; No. 52, Article 5574; 2006, No. 1, Articles 4, 10; No. 2, Article 172; No. 6, Article 636; No. 10, Article 1067; No. 12, Article 1234; No. 17, Article 1776; No. 18, Article 1907; No. 19, Article 2066; No. 23, Article 2380; No. 31, Articles 3420, 3438, 3452; No. 45, Article 4641; No. 50, Articles 5279, 5281; No. 52, Article 5498; 2007, No. 1, Articles 21, 29; No. 16, Article 1825; No. 26, Article 3089; No. 30, Article 3755; No. 31, Articles 4007, 4008; No. 41, Article 4845; No. 43, Article 5084; No. 46, Article 5553; 2008, No. 18, Article 1941; No. 20, Articles 2251, 2259; No. 29, Article 3418; No. 30, Article 3604; No. 49, Article 5745; No. 52, Articles 6235, 6236; 2009, No. 7, Article 777; No. 23, Article 2759; No. 26, Articles 3120, 3122; No. 29, Articles 3597, 3642; No. 30, Article 3739; No. 48, Articles 5711, 5724; No. 52,

Article 6412; 2010, No. 1, Article 1; No. 19, Article 2291; No. 21, Article 2525; No. 23, Article 2790; No. 27, Article 3416; No. 30, Articles 4002, 4006, 4007; No. 31, Articles 4158, 4164, 4193, 4195, 4206, 4207, 4208; No. 41, Article 5192; No. 49, Article 6409; 2011, No. 1, Articles 10, 23, 29, 54; No. 7, Article 901; No. 15, Article 2039; No. 17, Article 2310; No. 19, Articles 2714, 2715; No. 23, Article 3260; No. 27, Article 3873; No. 29, Articles 4290, 4298; No. 30, Articles 4573, 4585, 4590, 4598, 4600, 4601, 4605; No. 46, Article 6406; No. 47, Article 6602; No. 48, Article 6728; No. 49, Articles 7025, 7061; No. 50, Articles 7342, 7345, 7346, 7351, 7352, 7355, 7362, 7366; 2012, No. 6, Article 621; No. 10, Article 1166; No. 19, Articles 2278, 2281; No. 24, Articles 3069, 3082; No. 29, Article 3996; No. 31, Articles 4320, 4330; No. 41, Article 5523; No. 47, Articles 6402, 6403, 6404, 6405; No. 49, Article 6757; No. 53, Articles 7577, 7602, 7640; 2013, No. 8, Article 720; No. 14, Articles 1651, 1658, 1666; No. 19, Articles 2323, 2325) the following amendments:

1) in first Paragraph Section 1 Article 3.5 the words "by Articles 5.38, 20.2" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 20.2", the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16";

2) in Chapter 6:

a) in Section 1 Article 6.17:

in the first Paragraph, to change the words "by Article 6.20" by the words "by Articles 6.20, 6.21";

in the second Paragraph, the words "and (or) administrative" shall be changed by the words "or administrative";

b) add Article 6.21 as follows:

'Article 6.21. **Promotion (propaganda) of non-traditional sexual relationships among minors**

1. Promotion of non-traditional sexual relationships among minors expressed in the dissemination of information aimed at forming of non-traditional sexual orientation, attractiveness of non-traditional sexual relationships, distorted interpretation of social equivalency of traditional and non-traditional sexual relationships or touting of information on non-traditional sexual relationships that attracts interest to such relationships in minors, if these actions do not contain criminal offence,-

is subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from forty thousand to fifty thousand roubles; on legal entities, from eight hundred thousand to one million roubles or administrative suspension of activities for a period to ninety days.

2. Actions stipulated by Section 1 hereof done using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine on citizens in the amount from four thousand to five thousand roubles, on civil servants, from one hundred thousand to two hundred thousand roubles; on legal entities, one million roubles or administrative suspension of activities for a period to ninety days.

3. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person, if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from four thousand to five thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation.

4. Actions stipulated by Section 1 hereof done by foreign citizen or stateless person using mass media and (or) information and telecommunication network (including Internet), if these actions do not contain criminal offence,-

are subjected to imposition of administrative fine in the amount from fifty thousand to one hundred thousand roubles with administrative deportation from the Russian Federation or administrative arrest for a period to fifteen days with administrative deportation from the Russian Federation";

3) in Section 1 Article 23.1 numbers "6.18 - 6.20" shall be changed by the numbers "6.18 - 6.21";

4) in Section 2 Article 28.3:

a) Clause 1 after numbers "6.20," insert numbers "6.21,";

b) Clause 58 after numbers "6.13," insert numbers "6.21,".

Article 4

In second Paragraph Clause 1 Article 1 of the Federal Law of May 7, 2013 No. 96-FZ On Amendments to the Code of the Russian Federation on Administrative Offences (Legislation Bulletin of the Russian Federation, 2013, No. 19, Article 2323), the words "by Articles 5.38, 7.13, 7.14, 7.14², Section 2 Article 7.15" shall be changed by the words "by Article 5.38, Sections 2 and 4 Article 6.21, by Articles 7.13, 7.14, 7.14², Section 2 Article 7.15", the words "stipulated by Section 2¹ Article 14.16" shall be changed by the words "stipulated by Section 2 Article 6.21, Section 2¹ Article 14.16".

Article 5

This Federal Law comes into force from the date of its official publication.

President of the Russian Federation

V. Putin

Adopted by State Duma on December 21, 2010

Approved by Federation Council on December 24, 2010

Chapter 1. General provisions

Article 1. Jurisdiction of this Federal Law

1. This Federal Law shall regulate relationships connected to the protection of children from information harmful to their health and (or) development, including from such information that can be found in informational product.

2. This Federal Law shall be applied to the relationships in the field of:

- 1) circulation of information product containing scientific, technical and statistical information;
- 2) dissemination of information, inadmissibility of access restriction to which is established by the Federal Law of July 27, 2006 No. 149-FZ On Information, Information Technologies and Information Protection and other federal laws;
- 3) circulation of information products having significant historical, artistic or other cultural value for the society;
- 4) advertisements.

Article 2. Basic concepts used in this Federal Law

The following basic concepts are used in this Federal Law:

- 1) access of children to information is the possibility of receipt and usage of freely disseminated information by children;
- 2) mark of information product is graphical and (or) textual symbol in accordance with classification on information product stipulated by Section 3 Article 6 hereof;
- 3) entertainment is demonstration of information product in the place available to children and the place, where considerable number of people is present that do not belong to usual family ambiance, including by means of performance of theatrical and spectacular, cultural and educational and entertaining activities;

4) informational safety of children is safe condition of children, upon which there is no risk connected to information harm infliction to their health and (or) physical, psychic, moral and ethical development;

5) information product is intended for circulation of product of mass media, printed product, audiovisual product in any form, programs for computers (computer programs) and databases as well as information disseminated by means of entertaining activities and information placed in informational and telecommunication networks (including Internet) and networks of mobile telephone communications in the Russian Federation;

6) information product for children is information product complying with physical, psychic, moral and ethic development of children by theme, content and artistic design;

7) information harmful to health and (or) development of children is information (including contained in information product for children), dissemination of which is forbidden or limited in accordance herewith among children;

8) information of pornographic nature is information represented in the form of naturalistic images or description of human genitals and (or) sexual relationships or act of sexual nature comparable to sexual relationships, including such act done in regard to an animal;

9) classification of information product is information product distribution depending on its theme, genre, content and artistic design under age category of children in accordance with the procedure established hereby;

10) places accessible for children are public places, access of child to which and (or) staying of child where is not forbidden, including public places, where child has access to product of mass media and (or) placed in information and telecommunication networks of information product;

11) naturalistic image or description is an image or description in any form and using any means of human, animal, separate parts of human body and (or) animal, activity (inactivity), events, phenomena, their consequences focusing attention on details, anatomical specialties and (or) physiological processes;

12) circulation of information product is representation and (or) dissemination of information product, including its selling (including subscription), lease, hiring, distribution, output from public library funds, public showing, public performance (including using broadcasting or cable casting, entertainment events), placing in informational and telecommunication networks (including Internet) and networks of mobile telephone communications;

13) expert is a person that meets the requirements hereof and is involved to carry out expert examination of information product and expert opinion presentation or classification of information product and carrying out of its expert examination.

Article 3. Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development

Legislation of the Russian Federation on protection of children from information harmful to their health and (or) development consist of the Constitution of the Russian Federation, this Federal Law, other federal laws and other regulatory acts adopted in accordance therewith.

Article 4. Power of federal executive authority, government bodies of the constituent units of the Russian Federation in the field of protection of children from information harmful to their health and (or) development

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

- 1) development and implementation of unified state policy in the field of protection of children from information harmful to their health and (or) development;
- 2) development and implementation of federal special-purpose programs of children information security, information product production for children and circulation of information product;
- 3) establishment of a procedure of information product expert examination performance provided hereby;
- 4) state monitoring and control for the compliance of the legislation of the Russian Federation on protection of children from information harmful to their health and (or) development.

2. The power of government authorities of the subjects of the Russian Federation in the field of protection of children from information harmful to their health and (or) development include development and implementation of regional programs of children information security provision, information product production for children and circulation of information product.

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

1. Information harmful to health and (or) development of children includes:

- 1) information stipulated by Section 2 of this article and forbidden for dissemination among children;

2) information stipulated by Section 3 of this article with the account of provisions 7 - 10 hereof and dissemination of which is limited among children of defined age categories.

2. Information forbidden to be disseminated among children includes information:

- 1) inducing children do acts harmful for their life and (or) health, including causing harm for their health, suicide;
- 2) able to create children' desire to use narcotics, psychotropic and (or) intoxicating drugs, tobacco products, alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in prostitution, vagabondage and beggary;
- 3) justifying or defending acceptability of violence and (or) cruelty or inducing to perform violent acts concerning people or animals, except for cases stipulated hereby;
- 4) denying family values and forming disrespect to parents and (or) other family members;
- 5) justifying offending behavior;
- 6) containing strong language;
- 7) containing information of pornographic nature.

3. Information, dissemination of which is limited among children of defined age category, includes information:

- 1) represented in the form of image and description of cruelty, physical and (or) psychic abuse, crime or other antisocial action;
- 2) inciting children' fear, horror or panic, including represented in the form of image or description of non-violent death, disease, suicide, casualty, accident, disaster humiliating human dignity and (or) their consequences;
- 3) represented in the form of image or description of sexual relationships between male and female;
- 4) containing strong words and expressions that do not belong to strong language.

Chapter 2. Classification of information product

Article 6. Classification performance of information product

1. Classification of information product is performed by its producers and (or) distributors independently (including involving expert, experts and (or) expert organizations meeting requirements of Sections 4 and 5, 8 Article 17 hereof) till the beginning of its circulation in the Russian Federation.

2. Upon research conduct for the purpose of classification of information product, the following matters are subject to examination:

- 1) theme, genre, content and artistic design thereof;
- 2) features of information perception contained in it by children of defined age category;
- 3) possibility of information contained in it inflicting harm for health and (or) development of children.

3. Classification of information product (except for information product stipulated by Section 5 of this Article) is performed in accordance with requirements hereof under the following categories of information product:

- 1) information product for children under six years old;
- 2) information product for children who has reached the age of six years old;
- 3) information product for children who has reached the age of twelve years old;
- 4) information product for children who has reached the age of sixteen years old;
- 5) information product forbidden for children (information product containing information stipulated by Section 2 Article 5 hereof).

4. Classification of information product intended and (or) used for training and education in educational institutions correspondingly implementing basic general educational programs, basic vocational general educational programs of elementary vocational education, secondary vocational education, in educational institutions of additional education for children is performed in accordance herewith and legislation of the Russian Federation in the field of education.

5. Classification of films is performed in accordance with requirements hereof and with the account of the procedure established by the Federal Law of August 22, 1996 No. 126-FZ On State Support for Cinematography of the Russian Federation.

6. Information received as a result of classification of information product is pointed out producers or distributors in accompanying documents on informational product and is the basis

for placing on it meeting requirements of relevant technical regulations of the mark of information product and for its circulation in the Russian Federation.

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

Information product for children under the age of six years old may include information product containing information not harmful for health and (or) development of children (including information product containing episodic non-naturalistic images or descriptions of physical and (or) psychic abuse justifying its genre and (or) content (except for sexual abuse) upon the condition of triumph of good over evil and showing compassion to victim of abuse and (or) condemnation of abuse).

Article 8. Information product for children who has reached six years of age

Information product allowable for circulation intended for children who has reached six years old may include information product stipulated by Article 7 hereof as well as information product containing justified by its genre and (or) content:

- 1) short-time and non-naturalistic images or description of human disease (except for serious diseases) and (or) their consequences in the form not humiliating human dignity;
- 2) non-naturalistic image or description of casualty, accident, disaster or non-violent death without demonstration of their consequences that may incite children' fear, horror and panic;
- 3) episodic images or descriptions of these activities and (or) crimes not inducing to conduct of antisocial actions and (or) crimes as long as their admissibility is not justified and defended and negative and disapproving attitude is expressed concerning persons committing them.

Article 9. Information product for children who has reached twelve years of age

Information product allowable for circulation intended for children who has reached twelve years old may include information product stipulated by Article 8 hereof as well as information product containing justified by its genre and (or) content:

- 1) episodic images or descriptions of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration of homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);
- 2) images or descriptions not inducing to conduct antisocial actions (including to use alcoholic and alcohol-containing products, bear and beverages prepared with them, take part in gambling, be engaged in vagabondage or beggary), episodic mentioning (without

demonstration) of narcotics, psychotropic and (or) intoxicating drugs, tobacco products as long as admissibility of antisocial actions is not justified and defended, negative and disapproving attitude is expressed concerning them and hazard statement to use the mentioned product, articles, substances, articles is pointed;

3) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Article 10. Information product for children who has reached sixteen years of age

Information product allowable for circulation intended for children who has reached sixteen years old may include information product stipulated by Article 9 hereof as well as information product containing justified by its genre and (or) content:

1) image or description of casualty, accident, disaster, disease, death without naturalistic demonstration of their consequences that may incite children's fear, horror or panic;

2) image or description of cruelty and (or) violence (except for sexual abuse) without naturalistic demonstration homicide process or mutilation as long as a compassion to a victim and (or) negative, disapproving attitude to the violence is shown (except for violence employed while protecting human rights and interest of society and nation protected by law);

3) information on narcotics or psychotropic and (or) intoxicating drugs (without their demonstration), on hazardous consequences of their use with demonstration of such cases as long as negative, disapproving attitude to the use of such articles or substances is shown and hazard statement to use them;

4) separate strong words and (or) expressions that do not belong to strong language;

5) not exploiting the interest to sex and not containing provoking or humiliating nature of episodic non-naturalistic image or description of sexual relationships between male and female, except for images and descriptions of actions of sexual nature.

Chapter 3. Requirements to the circulation of information product

Article 11. General requirements to the circulation of information product

1. Circulation of information product containing information stipulated by Section 2 Article 5 hereof is not allowed, except for cases provided hereby.

2. Circulation of information product containing information to be disseminated among children in accordance with Section 2 Article 5 hereof in places accessible for children is not allowed without employment of administrative and organizational measures, technical and soft hardware of children's protection from mentioned information.

3. Requirements to administrative and organizational measures technical and soft hardware of children's protection from information harmful for their health and (or) development are established by federal executive authority authorized by the Government of the Russian Federation.

4. Circulation of information product containing information product stipulated by Article 5 hereof is not allowed without mark of information product, except for:

- 1) textbooks and teaching guides recommended or permitted to be used in educational process in accordance with the legislation of the Russian Federation in education field;
- 2) television programs, television shows aired without prior record;
- 3) information product disseminated by means of radiobroadcast;
- 4) information product demonstrated by means of entertainment events;
- 5) printed periodical publications specialized on dissemination of information of socio-political or production and practical nature.

5. In the presence of parents or other legal representatives of children who has reached six years old circulation of information product stipulated by Article 9 hereof is permitted.

6. Before the beginning of demonstration of information product by entertainment events, mark of information product is given to it. Upon demonstration of several kinds of information product for children of different age categories, the mentioned mark should be correspondent to information product for children of elder age category. Mentioned mark is placed on billposters and other announcements on performance of entertainment events as well as on admission tickets, invitations and other documents giving right of its admission.

7. Demonstration by means of entertainment event of information product containing information stipulated by Article 5 hereof is preceded immediately before the beginning of entertainment event by sound announcement on inadmissibility or limitation of presence of children of corresponding age category on such demonstration.

8. In distribution certificate of audiovisual work, registration certificate shall include information on a category of this information product as means of mass media TV and radio program, printed periodical publication for children.

Article 12. Mark of information product

1. Category of information product is defined in accordance with requirements of Articles 6 - 10 hereof and is designated by mark of information product placed with the compliance of requirements of this Article and requirements of corresponding technical regulations by its producers or distributors.

2. Producer, distributor of information product places mark of information product and (or) textual warning on limitation of its dissemination before the beginning of broadcasting of TV program, TV show, demonstration of film upon cinema and video facilities in accordance with the procedure established by the federal executive authority authorized by the Government of the Russian Federation. Mark of information product is displayed in the corner of the picture, except for demonstration of the film performed in the cinema hall. The size of the mark of information product shall make no less than five percent of screen area.

3. The size of the mark of the information product shall make no more than five percent of billposter or other announcement area on the performance of corresponding entertainment event, announcement on film and video show as well as admission ticket, invitation or other document giving right to attend such event.

4. Mark of information product is placed in published programs of TV and radio programs, lists and catalogues of information product placed in information and telecommunication networks.

Article 13. Additional requirements to dissemination of information product by means of TV and radio broadcasting

1. Information product containing information stipulated by Clauses 1 - 5 Section 2 Article 5 hereof is not subjected to dissemination by means of TV and radio broadcasting from 4 a.m. till 11 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

2. Information product containing information stipulated by Clauses 4 and 5 Article 10 hereof is not subjected to be disseminated by TV and radio broadcasting from 7 a.m. till 9 p.m. local time, except for TV and radio programs, access to viewing or listening of which is performed

exclusively on a paid basis using decoders and with the compliance of the requirements of Sections 3 and 4 of this Article.

3. Dissemination of information product by TV broadcasting is accompanied by message on limitation of its dissemination in the beginning of demonstration (including by means of "roller titles" does not exceed five percent of the screen area).

4. Dissemination of information product by means of radio broadcasting is accompanied by message on limitation of its dissemination in the beginning of broadcasting of information product and after each broadcast interruption.

5. Upon placement of message on limitation of its dissemination by means of TV and radio broadcast of information product forbidden for children, use of fragments of mentioned information product containing information harmful for health and (or) development of children is not permitted.

Article 14. Additional requirements to dissemination of information product by means of information and telecommunication networks

Children's access to information disseminated by means of information and telecommunication networks (including Internet) is provided by service providers rendering telematic communications services in public access points provided that specified service providers use technical, protection software hardware for children from information harmful for their health and (or) development.

Article 15. Additional requirements to the circulation of separate kinds of information product for children

1. It is not permitted to place messages to attract children to participate in creation of information product harmful for their health and (or) development in information product for children, including information product placed in information and telecommunication networks (including Internet) and mobile communication network.

2. Content and artistic design of information product intended to teach children in pre-school educational institutions shall conform to content and artistic design of information product for children under the age of six years old.

3. Content and artistic design of printed press, print media materials (including exercise books, school diaries, covers for books, markers for books), audiovisual products, other information product used in educational process shall conform to the requirements of Articles 7 - 10 hereof.

Article 16. Additional requirements to the circulation of information product forbidden for children

1. Front and back pages of a newspaper, cover page of printed product copy, other print media materials forbidden for shall not contain information harmful for health and (or) development of children upon dissemination for indefinite scope of persons in places accessible for children.
2. Information product forbidden for children is permitted to be disseminated in the form of printed product in places accessible for children only in sealed packages.
3. Information product forbidden for children is not permitted to be disseminated in educational institutions, nursery healthcare, health resort, physical educational institutions, cultural organizations intended for children, recreation and sanitation organizations for children or at a distance of less than one hundred meters from the borders of mentioned organization territories.

Chapter 4. Expert examination of information product

Article 17. General provisions to expert examination of information product

1. Expert examination of information product is performed for the purpose of information security of children by the decision of federal executive authority authorized by the Government of the Russian Federation, an expert, experts and (or) expert organizations.
2. Legal entities, individual entrepreneurs, public associations, other non-profit organizations, citizens have the right to apply to federal executive authority authorized by the Government of the Russian Federation to conduct expert examination of information product, which makes decision to refer the mentioned application to an expert, experts and (or) expert organizations within a period of up to ten days.
3. Expert examination of information product is performed by an expert, experts and (or) expert organizations accredited by federal executive authority authorized by the Government of the Russian Federation in accordance with the established procedure.
4. An expert, experts and (or) expert organizations are defined by federal executive authority authorized by the Government of the Russian Federation on the basis of random sampling technique with the account of a kind of information product subjected to expert examination.
5. Federal executive authority authorized by the Government of the Russian Federation issues accreditation certificates, suspends or terminates effect of issued accreditation certificates, keeps a register of accredited experts and expert organizations.

6. Expert examination of information product may be performed by two or more experts of certain specialty (single-discipline expert panel) or different specialties (multi-discipline expert panel).

7. Persons who have received higher vocational education, possess special knowledge, including in the field of pedagogic, developmental psychology, developmental physiology, child psychiatry are involved in the capacity of an expert, experts to perform expert examination of information product, except for persons:

1) who have or had a criminal record for commitment of serious or extremely serious crimes against a person, crimes against sexual integrity and sexual freedom of a person, against family and minors, intentional crimes against health of population and public morality;

2) who are the producer, distributor of information product transferred on expert examination or their representatives.

8. The period of expert examination of information products cannot exceed ninety days from the date of receiving an application for its performance.

9. The expenses connected to expert examination of information products are reimbursed in accordance with the procedure established by federal executive authority authorized by the Government of the Russian Federation.

Article 18. Expert opinion

1. Upon completion of expert examination of information products, expert opinion is given.

2. Expert opinion includes:

1) date, time and place of expert examination performance of information product;

2) information about the expert organization and the expert (surname, first name, patronymic, education, specialty, specialty professional experience, availability of a scientific degree, academic title, job position, place of work);

3) Issues raised before the expert, experts;

4) analysis subjects and materials submitted for expert examination of information products;

5) content and results of analysis mentioning methods;

6) substantiated responses on issues raised before an expert, experts;

7) conclusions on the presence or absence of information harmful for health and (or) development of children in the product information or on the compliance or non-compliance information product with certain categories of information products, on the compliance or non-compliance of information product with mark of information product.

3. Expert opinion of single-discipline expert panel is signed by all the experts involved in the performance of mentioned expert examination if their opinions on the issues raised coincide. In the event of a dispute, each expert provides a separate expert opinion on the issues that caused the discrepancy. Each expert who participated in the performance of single-discipline expert panel signs a part of the expert opinion that describes analysis conducted by them and is responsible therefor.

4. Within five days after signing of the expert opinion, it is sent to the federal executive authority authorized by the Government of the Russian Federation.

Article 19. The legal consequences of expert examination of information

Not later than fifteen days after receipt of the expert opinion, the federal executive authority authorized by the Government of the Russian Federation makes a decision:

1) on non-compliance of information product with requirements hereof and the imposition of injunction to remove the revealed violations if the expert opinion contains conclusion on the presence of information harmful for health and (or) development of children in information product or of non-compliance of mark information products of certain category with information product;

2) on compliance of information product with requirements hereof and on refusal to impose the injunction mentioned in Clause 1 of this Section.

Chapter 5. Supervision and control in protection of children from information harmful for their health and (or) development

Article 20. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful for their health and (or) development

1. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed by federal executive authority authorized by the Government of the Russian Federation.

2. State supervision and control over compliance with the legislation of the Russian Federation on protection of children from information harmful of their health and (or) development is performed taking into account the requirements of the Federal Law of December 26, 2008 No. 294-FZ On the Protection of the Rights of Legal Entities and Individual Entrepreneurs During Exercising the State Control (Supervision) and Municipal Control.

Article 21. Public control in protection of children from information harmful for their health and (or) development

1. Public associations and other non-profit organizations registered in accordance with the procedure established by federal law in accordance with their charters as well as citizens have the rights to perform public control over the compliance of requirements hereof in accordance with the legislation of the Russian Federation.

2. Upon the performance of public control, public associations and other non-profit organizations, citizens have the right to:

1) perform monitoring of information product circulation and access of children to information, including by creating "hot lines";

2) apply to federal executive authority authorized by the Government of the Russian Federation, to perform expert examination of information products in accordance with the requirements hereof.

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

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

Violation of the legislation of the Russian Federation on protection of 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. Procedure of coming into effect of this Federal Law

1. This Federal Law comes into effect from September 01, 2012.

2. Provisions of Section 1 Article 12 hereof is not applied to printed products, released into circulation before coming into force of this Federal Law.

D. Medvedev, the President of the Russian Federation