

**Mandates of the Special Rapporteur on the situation of human rights in the Russian Federation; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right to privacy; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Working Group on discrimination against women and girls**

Ref.: OL RUS 11/2024

(Please use this reference in your reply)

18 December 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Russian Federation; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right to privacy; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 57/20, 50/17, 55/3, 50/10 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the Federal Law No. 411-FZ of 23 November 2024 "On amending articles 10.6 and 15.1 of the Federal Law "On information, information technologies and protection of information" and certain legislative acts of the Russian Federation"** and **the Federal Law No. 401-FZ of 23 November 2024 "On amending article 6.21 of the Code of Administrative Offences of the Russian Federation"** (hereinafter – the Laws prohibiting "child-free propaganda" or simply the Laws), introducing amendments to a number of Federal Laws aimed at prohibiting any form of "propaganda" promoting the "refusal to have children". Violators would be subjected to administrative fines for (1) dissemination of information and public actions promoting an appealing image of refusal to have children, (2) equating it with having children, or (3) generating interest in refusing to have children. The Laws are published<sup>1</sup> on the official legal information portal of the Russian Federation. It is a government-operated website where official legal acts can be accessed at [www.pravo.gov.ru](http://www.pravo.gov.ru).

The provisions enacted in the Laws prohibiting "child-free propaganda" do not appear to comply with your Excellency's Government's international binding legal human rights obligations, in particular with regard to the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973. The provisions of the Laws raise serious concerns about their compatibility with the principles of legality, necessity, proportionality and non-discrimination under international law. By imposing vague and overly broad restrictions, these provisions risk undermining fundamental human rights, including the rights to freedom of expression and opinion, peaceful assembly and association, privacy including autonomy, family life, freedom of thought, conscience and religion, and the prohibition of discrimination.

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<sup>1</sup> <http://publication.pravo.gov.ru/document/0001202411230032?index=1>;  
<http://publication.pravo.gov.ru/document/0001202411230022>

According to the information received:

On 9 November 2022, the President of Russia signed the Decree No. 809 approving the “Fundamentals of State Policy to Preserve and Strengthen Traditional Russian Spiritual and Moral Values.” The document outlines the system of goals, objectives, and tools for implementing what is described as a “strategic national priority” to protect “traditional Russian spiritual and moral values, culture, and historical memory.” It emphasizes promoting “traditional family values”, though strong family structures and upbringing multiple children.”<sup>2</sup> The policy also identifies perceived “main threats and risks to traditional values”, such as “ideological and psychological influences that promote ideas and values considered alien to the Russian people” and allegedly “destructive for Russian society.” These influences considered as “destructive ideology” are said to foster “egoism, permissiveness and immorality, rejection of patriotism, and denial of service to the Fatherland”. Other perceived threats include challenges to the “natural progression of life, strong family values, marriage, and upbringing multiple children, as well as the erosion of the traditional family through the promotion of non-traditional sexual identities.” At the same time, President Putin has declared 2024 the “Year of the Family” and declared a key government goal to be the increase of Russia’s total fertility rate, conflating those efforts with the portrayal of Russia as a bastion of “Orthodox Christianity and traditional family values.”

On 25 September 2024, the two draft laws prohibiting “child-free propaganda” were introduced<sup>3</sup> in the State Duma of the Federal Assembly of the Russian Federation. Vyacheslav Volodin, Chairman of the State Duma, played a key role in advancing this legislation. The authors of the draft laws stated<sup>4</sup> that their proposals were developed in alignment with the “Fundamentals of State Policy to Preserve and Strengthen Traditional Russian Spiritual and Moral Values.” They were concerned about the vulnerability of the family as one of the foundations of the state and believed that “the preservation of traditional family values and the creation of an effective mechanism for their protection” is of particular importance.

On 12 November 2024, the State Duma adopted the draft laws into laws. The laws were approved by the Federation Council of the Federal Assembly of the Russian Federation on 20 November 2024 and signed by the President of the Russian Federation on 23 November 2024. The laws entered into force in 10 days after they were signed.

The Law No. 411-FZ prohibits the “dissemination of information promoting the refusal to have children” in various forms of media, including the Internet, mass media, movies and advertisements, and introduce amendments to six existing laws: (1) Federal Law No. 149-FZ of 27 July 2006 “On information, information technologies, and information protection”; (2) Law of the Russian

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<sup>2</sup> Fundamentals of State Policy to Preserve and Strengthen Traditional Russian Spiritual and Moral Values, 9 November 2022, para. 14.

<sup>3</sup> <https://sozd.duma.gov.ru/bill/724769-8>; <https://sozd.duma.gov.ru/bill/724905-8>.

<sup>4</sup> Explanatory note to the draft law No. 724769-8 “On amending articles 10.6 and 15.1 of the Federal Law “On information, information technologies and protection of information” and certain legislative acts of the Russian Federation”, <https://sozd.duma.gov.ru/bill/724769-8>.

Federation No. 2124-I of 27 December 1991 “On mass media”; (3) Federal Law No. 126-FZ of 22 August 1996 “On state support for cinematography of the Russian Federation”; (4) Federal Law No. 124-FZ of 24 July 1998 “On basic guarantees of the rights of the child in the Russian Federation”; (5) Federal Law No. 38-FZ of 13 March 2006 “On advertising”; (6) Federal Law No. 436-FZ of 29 December 2010 “On protecting children from information harmful to their health and development”.

The Law No. 401-FZ introduces fines for individuals, officials, and legal entities for disseminating information or performing public actions that promote the refusal to have children. Namely, article 6.21 of the Code of Administrative Offences, as amended on 23 November 2024, punishes “the dissemination of information and public actions that form an appealing image of refusing to have children, create a distorted perception of the social equivalence between having children and refusing to have children, and obtruding on others information about refusing to have children that generates interest in such refusal” by a fine ranging between RUB 50,000 to 400,000 for individuals (around USD 480 to 3,846), RUB 100,000 to 800,000 for officials (from around USD 962 to 7,692), and RUB 800,000 to 5,000,000 for legal entities (from around USD 7,692 to 48,075).

The legislation prohibiting “child-free propaganda” has reportedly led to chilling effect and caused some online communities to close even before it was signed into law. In late October 2024, “Maternal Bliss”, a community on a Russian social network VKontakte, with nearly 150,000 subscribers where mothers anonymously spoke about the challenges of motherhood, decided to remove all its posts, leaving the webpage of the community empty, in order to avoid being charged under the new Laws.

The Law No. 401-FZ provides for an exemption for “the dissemination of information about monasticism, monastic way of life and celibacy, and public actions promoting monasticism, monastic way of life and celibacy, if such information and public actions are based on the internal regulations of centralized religious organizations.”

We note with concern that this is a continuation of the dangerous trend aimed at solidifying a state narrative of coercing decisions about family and reproduction and repressing women’s rights in a manner similar to the government’s repression on the basis of sexual orientation and gender identity and persecution of lesbian, gay, bisexual, transgender and other gender-diverse persons (LGBT). The amendments to article 6.21 of the Code of Administrative Offenses of the Russian Federation build on previous legislation that targeted “propaganda of non-traditional sexual relations and(or) preferences and gender identity changes.” These earlier laws have been assessed to be vague, disproportionate, and discriminatory, which has led to a blanket restriction on legitimate expressions of sexual orientation and gender identity, arbitrary enforcement and suppression of free expression. The United Nations Special Rapporteur on the situation of human rights in the Russian Federation, the United Nations Special Rapporteur on the situation of human rights defenders, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the United Nations Special Rapporteur on the promotion

and protection of the right to freedom of opinion and expression, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and the United Nations Working Group on discrimination against women and girls have called on Russia to repeal these laws and take urgent steps to prohibit and actively combat both discrimination and violence based on sexual orientation and gender identity ([JAL RUS 4/2013](#); [OL RUS 28/2023](#)).

The Laws prohibiting “child-free propaganda” extend this regulatory approach to the issue of childbearing, imposing significant penalties for “the dissemination of information promoting the refusal to have children”. The Laws reflect a broader trend of increasing regulation and control over public discourse and personal choices in Russia. The focus on childbearing and the explicit targeting of narratives promoting a “child-free lifestyle” indicates a concerted effort to influence personal and societal attitudes towards family and reproduction with a particular and disproportionate impact on the rights of women and girls.

We note that, as pointed by the Working group on discrimination against women and girls, throughout their life cycle, women’s bodies are instrumentalized and their biological functions and needs are stigmatized and subjected to a politicized patriarchal agenda. It has been observed that women are treated instrumentally as tools with which to implement population programmes and policies. This is sometimes carried out through the use of criminal sanctions and often under the guise of protecting women’s health and safety and with cultural or religious justifications (A/HRC/32/44).

We note that the Laws, being a part of a series of legislative measures that aim to reinforce “traditional family values” and discourage behaviours and so-called “ideologies” perceived as contrary to these values, raise concerns about your Excellency’s Government compliance with its international human rights obligations.

Taking this opportunity, we would like to provide comments on the Laws prohibiting “child-free propaganda” in light of binding international standards related to the rights to freedom of opinion and expression, privacy and family life, freedom of thought, conscience and religion, peaceful assembly and association, and not to be discriminated against, and related principles.

Articles 17, 18, and 19 of the ICCPR establish a framework to safeguard individual autonomy, freedom of belief, and the exchange of ideas – fundamental to human dignity and fostering democratic societies. While each article protects distinct rights, they share principles of legal certainty, necessity, proportionality, and predictability, ensuring protection from arbitrary or discriminatory restrictions.

Article 17 of the ICCPR enshrines the right to privacy, protecting individuals from arbitrary or unlawful interference with their personal life, family, home, and correspondence, as well as from attacks on their honour and reputation. The Human Rights Committee in its general comment No. 16 clarified that the protection against arbitrary interference extends beyond legality, requiring that restrictions also be reasonable in context. Decisions related to private life, such as whether to have children,

fall within the core of this protection, and any state-imposed restrictions must be precise, justified by legitimate aims, and proportionate to those aims.

Article 18 of the ICCPR protects the right to freedom of thought, conscience, and religion, encompassing both the freedom to hold or change beliefs and the freedom to manifest them through worship, practice, and teaching. The Human Rights Committee's general comment No. 22 underscores that the internal dimension of this right is absolute, while restrictions on its external manifestation must meet strict criteria. These restrictions must be prescribed by law, serve a legitimate aim, and comply with the principles of necessity and proportionality. Moreover, general comment No. 22 explicitly notes that "the concept of morals derives from many social, philosophical, and religious traditions; consequently, limitations ... for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition" (para. 8). Such limitations must align with the universality of human rights and the principle of non-discrimination<sup>5</sup>. Therefore, any such laws must also be compatible with the provisions, aims and objectives of the Covenant<sup>6</sup>, including the non-discrimination provisions<sup>7</sup>.

Article 19 safeguards the right to freedom of expression, which includes the ability to seek, receive, and impart information and ideas. While this right may be restricted to protect the rights or reputations of others, national security, public order, public health, or public morals, such restrictions must adhere to strict conditions under article 19(3) – they must be "provided by law", and necessary for "the rights or reputations of others" or "for the protection of national security or of public order (*ordre public*), or of public health and morals." Permissible restrictions on the internet are the same as those offline (A/HRC/17/27). To satisfy the requirements of legality, it is not enough that restrictions on freedom of expression are formally enacted as domestic laws or regulations. Restrictions must additionally be sufficiently clear, accessible and predictable (CCPR/C/GC/34). The requirement of necessity implies an assessment of the proportionality of restrictions, with the aim of ensuring that restrictions "target a specific objective and do not unduly intrude upon the rights of targeted persons." The ensuing interference with third parties' rights must also be limited and justified in the interest supported by the intrusion (A/HRC/29/32). Finally, the restrictions must be "the least intrusive instrument among those which might achieve the desired result" (CCPR/C/GC/34). General comment No. 34 elaborates that laws limiting freedom of expression must be formulated with sufficient precision to enable individuals to foresee their application and to avoid conferring unfettered discretion on authorities. This aligns with the principle of legal certainty, ensuring that individuals can regulate their conduct in accordance with the law. In discussing restrictions based on public morals, general comment No. 34 cites general comment No. 22, emphasizing that moral limitations must derive from principles of universality and non-discrimination rather than reflecting a single, dominant tradition. Restrictions must also serve legitimate aims consistent with the broader objectives of the Covenant.

The shared principles of legal certainty, necessity, proportionality, and predictability underpin articles 17, 18, and 19, providing safeguards against arbitrary interference. Laws targeting specific beliefs, such as promoting a "child-free lifestyle,"

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<sup>5</sup> See general comment No. 34, para. 32.

<sup>6</sup> *Ibid.*, para. 26.

<sup>7</sup> See general comment No. 34, para. 26; and general comment No. 18, para. 13.

affect all three rights: intruding on privacy (article 17), suppressing nontraditional beliefs (article 18), and restricting the free exchange of ideas (article 19).

The vague or overly broad definitions in the Laws prohibiting “child-free propaganda”, including terms like “refusal to have children”, “an attractive image of refusing to have children,” “a distorted perception of the social equivalence between having children and refusing to have children,” and “obtruding on others information about refusing to have children that generates interest in such refusal,” is fail to meet the principle of legal certainty. These terms lack precision, making it impossible for individuals to know beforehand and with precision what constitutes prohibited behavior. The ambiguity in these Laws creates a chilling effect on individual rights, and risks arbitrary enforcement, violating the requirement that laws restricting rights under the ICCPR, particularly articles 17, 18, and 19, must be precise, accessible, and foreseeable in their application.

Additionally, the Laws violate articles 21 and 22 of the ICCPR, protecting the rights to peaceful assembly and freedom of association. The Laws' broad and ambiguous terms create a chilling effect on these rights, as civil society organizations and independent media advocating for reproductive rights or discussing child-free lifestyles may face severe fines under article 6.21 of the Code of Administrative Offences. This could significantly hinder their operations and discourage public discourse on reproductive autonomy, thereby impacting their ability to function and advocate effectively.

Further, the Laws prohibiting “child-free propaganda” violate the right not to be discriminated against enshrined in article 26 of the ICCPR. Article 26 guarantees that all persons are equal before the law and are entitled to equal protection without discrimination. It prohibits distinctions based on personal beliefs, choices, or other characteristics unless they are reasonable, objective, and serve a legitimate purpose. The legislation creates an unjustified distinction between individuals who choose to have children and those who do not, amounting to direct discrimination based on personal beliefs and life choices. The differentiation lacks reasonable and objective justification, as required under international human rights standards.

The explicit exemption for religious institutions and individuals advocating celibacy or monastic lifestyles as valid reasons for choosing not to have children underscores the discriminatory nature of the Laws. This exemption prioritizes religiously motivated decisions while delegitimizing secular reasons, including medical reasons, for not having children. By embedding religious reasoning into legislation, the Laws contravene the principles of equality and secular governance, violating the requirement that the State must remain neutral toward differing personal beliefs.

The adopted Laws also violate women's rights by reinforcing harmful gender stereotypes that prioritize women as mothers and suppress spaces where they discuss reproductive health and rights. Societal gender norms in Russia, supported by state policies like the Concept for State Family Policy until 2025 and the “Fundamentals of State Policy to Preserve and Strengthen Traditional Russian Spiritual and Moral Values,” reinforce the stereotype of women as primarily mothers, whose primary role is to bear and raise children. The explanatory notes to the Laws cited examples of “childfree propaganda,” which included communities and groups on social networks,

predominantly consisting of women, who discussed their experiences of pregnancy, childbirth, and motherhood.

In this respect, we wish to refer to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by the Russia Federation on 23 January 1981. According to article 1 of the Convention, “discrimination against women” means any distinction, exclusion, or restriction made on the basis of sex which impairs or nullifies the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. Gender-based discrimination constitutes persecution directed against women because they are women or that disproportionately affects women. Article 2(d) of CEDAW requires states to avoid discriminatory practices and ensure public authorities comply. Article 2(g) mandates repealing discriminatory national laws. Article 5(a) obliges states to eliminate gender stereotypes and prejudices. Article 16(e) guarantees women equal rights in deciding “freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights.” The Working group on discrimination against women and girls recalls that sexual and reproductive health rights are clearly established under international law. They are an integral part of a number of civil and political rights that underpin the physical and mental integrity of individuals and their autonomy, such as the rights to life, liberty and security of person, freedom from torture and other cruel, inhuman or degrading treatment, privacy and respect for family life, as well as economic, social and cultural rights, such as the rights to health, education and work and the right to enjoy the benefits of scientific progress, and the cross-cutting rights of non-discrimination and equality. A woman’s right to control her fertility is central to the realization of those rights and to her autonomy and agency (A/HRC/47/38). States are obligated to ensure that sexual and reproductive health services are available, accessible, affordable, acceptable and of good quality (Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016), paras. 11–21).

The adopted Laws disproportionately affect women’s ability to share information and advocate for reproductive autonomy as stipulated by the CEDAW, while posing significant risks to women’s rights organizations through vague and punitive enforcement practices. Such targeting contradicts international obligations, including the UN GA Resolution on Women Human Rights Defenders (A/RES/68/181), which requires states to protect the rights of women advocates and ensure their work is not stigmatized or criminalized.

In light of the arguments provided above, we reiterate my concerns about the interpretation and potential application of the Laws prohibiting “child-free propaganda” by the Russian authorities, which could be used to restrict a wide range of activities and expressions by individuals and civil society, ultimately suppressing public discourse on reproductive rights and autonomy. United Nations human rights mechanisms have consistently emphasized the incompatibility of such restrictive measures with international human rights standards and urged a review of these laws and their implementation to ensure they meet the criteria of necessity, proportionality, and non-discrimination.

Consequently, we urge rescinding the Federal Law No. 411-FZ of 23 November 2024 and the Federal Law No. 401-FZ of 23 November, which impose sanctions for “the dissemination of information promoting the refusal to have children”. This step is essential to ensure that no legislation regulating public discourse or personal choices in Russia violates the country’s international human rights obligations. We remain ready to engage in dialogue with Your Excellency’s government on this critical matter.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned assessment of the Federal Law No. 411-FZ of 23 November 2024 and the Federal Law No. 401-FZ of 23 November 2024.
2. Please explain how the Laws prohibiting “child-free propaganda” are compatible with Your Excellency’s Government’s obligations under articles 12, 18 and 19 of the UDHR, articles 17, 18, 19, 21, 22 and 26 of the ICCPR, and articles 1, 2, 5 and 16 of the CEDAW, and how Your Excellency’s government would remediate the inconsistencies with international human rights standards.
3. With reference to the Federal Law No. 411-FZ of 23 November 2024 and the Federal Law No. 401-FZ of 23 November 2024, please provide information on the scope of the definitions of “refusal to have children”, “an attractive image of refusing to have children”, “a distorted perception of the social equivalence between having children and refusing to have children”, and “obtruding on others information about refusing to have children that generates interest in such refusal.” Please explain how these definitions are compatible with the principle of legal certainty and with subsequent foreseeability of law necessary under articles 17, 18, and 19 of the ICCPR; please explain how the measures undertaken under the Laws prohibiting “child-free propaganda” meet the requirements of necessity in democratic society and proportionality under international human rights law.
4. Please indicate what measures are available to prevent, remedy and redress any human rights violations that could result from the implementation of the Laws prohibiting “child-free propaganda”; including measures to redress possible violations of the right to freedom of expression, private and family life, and freedom of thought, conscience and religion, the right to peaceful assembly and freedom of association, and the right not to be discriminated against, including information on how individuals and organizations can challenge the application of these laws in courts.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) after 48 hours. They will

also subsequently be made available in the report of the Special Rapporteur on the situation of human rights in the Russian Federation to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

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