

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

1 June 2024 AI Index Number: EUR 46/8085/2024

# RUSSIA: “YOUR CHILDREN WILL GO TO AN ORPHANAGE”: CHILDREN AND THE CRACKDOWN ON PROTEST

Russian authorities, in their unrelenting crackdown on dissent and particularly on those opposing Russia’s aggression against Ukraine, do not only silence and imprison adults but target children as well. They deny children their right to freedom of expression, in violation of Russia’s international obligations, and use threats and reprisals against children themselves and their parents as retribution for their attempts to exercise this right. Authorities do not hesitate to prosecute children, including by using politically-motivated terrorism charges against those who engage in violent forms of protest, in proceedings that violate the right to a fair trial.

Targeting children and their parents for opposing the government predates the February 2022 full-scale Russian invasion of Ukraine but has been more severe since then. Following the full-scale invasion, reprisals against children themselves as well as their parents/carers for opposing Russia’s war of aggression, including via harassment by school staff, arbitrary arrests, searches and criminal prosecution, have become more common and considerably harsher. Authorities take children away, or threaten to do so, from parents who criticize the authorities. At the same time, schools promote pro-war propaganda to indoctrinate children and single out students who do not share the official view.

Russian authorities must immediately stop targeting children, ensure the rights of children and their families, investigate alleged rights violations and hold those suspected of responsibility to account in fair proceedings.

## VARVARA GALKINA: INVESTIGATED BY SECRET POLICE FOR WHATSAPP PROFILE PICTURE

On 5 October 2022, an art lesson was starting at the Nekrasovka School in Moscow. 10-year-old pupil Varvara Galkina was preparing her paints and brushes when a teacher came up to her and said that someone needed to see her.<sup>1</sup> At first, Varvara thought it was about her less-than-expected grade in biology, but then she was led to a room where a female police officer was already sitting flanked by several school staff.

The officer started inquiring about Varvara’s family and sources of information. Then Varvara’s younger sister, who was a pupil in the same school, was brought into the room and told to call her mother from her phone. After the connection was made, the police officer grabbed the phone and told the startled mother: “We are at the school and are taking Varvara to the police station. If you don’t show up there in three hours, we’ll send her to a detention centre. And you know, anything can happen to her there.”

Six people questioned Varvara and her mother for several hours at the police station. As the family would later learn, among them were two plainclothes officers from the Centre for the Prevention of Extremism (CPE), a secretive police service widely used for monitoring, surveillance and persecution of critics of the authorities. Elena Jolicoeur, the single mother of Varvara and her sister, who worked as assistant professor at a medical university, recalls that the interview was conducted in a hostile, rude manner, and that the officers prohibited Varvara from looking at her mother or having a sip of water.

The reason for their interrogation was soon revealed: several days earlier, the school Director had sent a letter to the police complaining about Varvara’s absence at “Important conversations”, a newly introduced and nominally extracurricular lesson that indoctrinates children in governmental policies. The letter also mentioned Varvara’s profile picture in WhatsApp, and this apparently caught the police officers’ particular attention: an anime-style drawing of a girl holding an anti-tank weapon, Javelin, with the (mis-spelt) Ukrainian slogan meaning “Glory to Ukraine” on a blue-and-yellow background (the colours of the Ukrainian flag).<sup>2</sup> The Javelin had become one of the symbols of Ukraine’s resistance to the Russian invasion, and the girl in the drawing was a popular online meme known as “Saint Javelina.”

<sup>1</sup> Interview in person with Varvara Galkina and Elena Jolicoeur, 14 April 2024 (location withheld for security reasons).

<sup>2</sup> M.V. Bulaeva, Director of the Nekrasovka School, letter to Nekrasovka Police Department, 29 September 2022, on file with Amnesty International.

The police said they were looking for evidence of “discreditation of the Russian Armed Forces”, an offence introduced earlier in 2022 in the wake of the full-scale invasion of Ukraine and used widely against critics of the war. Under Russian law, such “discreditation” can lead to hefty fines or a lengthy prison term if “committed” repeatedly or has caused “serious harm”.<sup>3</sup> However, at 10 years old, Varvara was underage for either administrative or criminal liability, so the police sought accountability via her mother.

Police examined Elena Jolicoeur’s phone and then, together with guardianship service officials, conducted a search of their home, on the pretext of “examining the child’s living conditions.”<sup>4</sup> They drew a report after the interrogation and the house search, which stated, as evidence of an offence committed, the “presence of blue and yellow colours in the interior” (including a yellow flowerpot) and Varvara’s drawing with the word “Peace.”<sup>5</sup> It also documented Elena Jolicoeur’s online and social media subscriptions to independent news outlets, describing these as “browsing extremism-leaning channels.”

Several weeks later, the local Commission for Juvenile Affairs (an inter-agency state body responsible for protecting children’s rights and addressing offences by underage persons) concluded that Elena Jolicoeur had “improperly fulfilled” her parental duties,<sup>6</sup> and mandated her to attend inter-agency “preventative” programme.

However, Elena Jolicoeur stated that a CPE officer contacted her instead of a psychologist or pedagogue, while other police officers started talking to her neighbours to gather information about her.

When Elena Jolicoeur sued the authorities over the arrest and search, domestic courts found no violations in their treatment of herself and her daughter. Moreover, the authorities produced documents (ostensibly appeals from parents of Varvara’s classmates) alleging that she was an “extremist”. Realizing that she might face criminal prosecution, Elena Jolicoeur left the country with her daughters. She explained to Amnesty International: “I didn’t want my children to live a double life, to pretend that they agree with the government or support the war.”<sup>7</sup>

## INTERNATIONAL LEGAL FRAMEWORK

As in many other areas of human rights in Russia, rights of children and parents are relatively well-protected on paper but frequently violated in practice. Russia is a state party to multiple international agreements including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC).



*“Saint Javelina”, used by Varvara Galkina for her WhatsApp profile picture*

<sup>3</sup> See section “Violation of children’s right to freedom of expression and other rights”.

<sup>4</sup> Ministry of Education, **Приказ №4 «О реализации отдельных вопросов осуществления опеки и попечительства в отношении несовершеннолетних граждан»** [Decree No. 4 “On the implementation of certain issues related to guardianship and custody of underage citizens”], 2019.

<sup>5</sup> **Акт обследования условий жизни несовершеннолетнего гражданина и его семьи** [Report of examining the living conditions of an underage citizen and their family], 7 October 2022, on file with Amnesty International.

<sup>6</sup> **Кодекс Российской Федерации об административных правонарушениях** [Code of Administrative Offences], 2001, Article 5.35(1).

<sup>7</sup> Interview with Varvara Galkina and Elena Jolicoeur, previously cited.

The CRC guarantees every child the rights to freedom of expression, including to seek, receive and impart information,<sup>8</sup> and to freedom of thought,<sup>9</sup> and prohibits arbitrary or unlawful interference with one's privacy, family or home.<sup>10</sup> It also prohibits discrimination based on the child's or their parents' or legal guardians' political or other opinion.<sup>11</sup> The ICCPR contains similar provisions.<sup>12</sup> The ICESCR further obliges states to provide the widest possible protection to the family.<sup>13</sup>

The Convention on the Rights of the Child also prohibits separation of the child from their parents against their will. Exceptions are only allowed when competent authorities establish that such a separation is necessary in the best interest of the child.<sup>14</sup> Children have the right to education, one of whose goals should be to develop respect for human rights and fundamental freedoms and to prepare the children to live "in a free society in the spirit of peace, tolerance, ... and friendship among all peoples."<sup>15</sup>

In March 2024, the Committee on the Rights of the Child (a body of experts that oversees implementation of the eponymous convention) noted its serious concern about reports that Russian authorities persecute children for expressing political opinions that are not in line with the government's position, including under the law on "discreditation of the Russian Armed Forces,"<sup>16</sup> as well as about systematic state propaganda at schools and political interference in the educational process.<sup>17</sup> The Committee also recommended Russia to further prevent the forced separation of children from their parents.<sup>18</sup>

## DOMESTIC LAW

The Russian Constitution guarantees the rights to freedom of thought, speech and information,<sup>19</sup> mandates the state to protect the family and children<sup>20</sup> and confirms the upbringing of children both a right and an obligation of parents.<sup>21</sup>

In 2020, amendments were made to the Constitution (a government initiative of which the most important impact was to enable Vladimir Putin to seek new presidential terms) which, among other things, included more explicit obligations of the state to create conditions conducive to children's development while ensuring priority of in-family upbringing.<sup>22</sup> At the same time, the Constitution's amended wording also included "nurturing patriotism" among children as the state's priority, which has served to justify indoctrination of children in schools.

Russian domestic legislation provides for the right of the child to live and communicate with their parents<sup>23</sup> or, if applicable, foster parents.<sup>24</sup> On the other hand, it fails to explicitly recognize or guarantee the child's rights to freedom of expression, peaceful assembly and association. The law only guarantees the child's right to express their opinion within the family or in official proceedings.<sup>25</sup> Children are only allowed to organize indoor assemblies and rallies (but not demonstrations, marches or pickets) and only from the age of 16.<sup>26</sup> Children are not allowed to organize associations, and can only be members of those instituted as youth associations (from the age of 14) and children's associations (from the

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<sup>8</sup> CRC, Article 13.

<sup>9</sup> CRC, Article 14.

<sup>10</sup> CRC, Article 16.

<sup>11</sup> CRC, Article 2.

<sup>12</sup> ICCPR, Articles 2(1), 19, 17.

<sup>13</sup> ICESCR, Article 10(1).

<sup>14</sup> CRC, Article 9(1).

<sup>15</sup> CRC, Articles 28 and 29.

<sup>16</sup> UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of the Russian Federation, 1 March 2024, UN Doc. CRC/C/RUS/CO/6-7, para. 21. See section "Violation of children's right to freedom of expression and other rights".

<sup>17</sup> UN CRC, Concluding observations: Russian Federation, 2024 (previously cited), para. 39(a, b).

<sup>18</sup> UN CRC, Concluding observations: Russian Federation, 2024 (previously cited), para. 30(a).

<sup>19</sup> Конституция Российской Федерации [Constitution of the Russian Federation], 1993, Article 29.

<sup>20</sup> Constitution, Article 38(1).

<sup>21</sup> Constitution, Article 38(2).

<sup>22</sup> Constitution, Article 67.1(4).

<sup>23</sup> Семейный кодекс Российской Федерации [Family Code], 1995, Articles 54 and 55.

<sup>24</sup> Family Code, Article 148.

<sup>25</sup> Family Code, Article 57.

<sup>26</sup> Федеральный закон «О собраниях, митингах, демонстрациях, шествиях и пикетированиях» [Federal Law on Assemblies, Rallies, Demonstrations, Marches and Pickets], 2004, Article 5(1).

age of eight).<sup>27</sup> Students and pupils, however, are guaranteed the “academic rights” to freedom of information and expression by the Law on Education.<sup>28</sup>

Russia has a federal Commissioner for Children’s Rights appointed by the President (both the current Commissioner, Maria Lvova-Belova, and Vladimir Putin are subject to arrest warrants issued by the International Criminal Court for the war crime of forcible transfer of children from Ukraine to Russia),<sup>29</sup> as well as 83 regional commissioners,<sup>30</sup> who have the authority to propose legislative changes, make representations to challenge laws, participate in civil court proceedings, visit relevant institutions and advocate for children’s rights in Russia.<sup>31</sup> In none of the cases known to Amnesty International did commissioners intervene to challenge politically motivated persecution of children or advocate for the children’s right to freedom of expression to be respected.

## **VIOLATION OF CHILDREN’S RIGHT TO FREEDOM OF EXPRESSION AND OTHER RIGHTS**

For years, Russian authorities have been taking steps to restrict children’s rights to freedom of peaceful assembly, association and expression, including access to information, while simultaneously indoctrinating students with official ideology.

When young people and children started showing up at peaceful anti-corruption rallies organized by prominent political activist Aleksei Navalny in 2017, schools reacted by holding impromptu lectures and one-on-one talks with students, warning them not to attend anti-government demonstrations and threatening to expel those who do or to report them to security services. School students (and sometimes their parents) pushed back: they recorded the discussions and the threats, published them online<sup>32</sup> and complained about the unlawful practices and pressure. At first, the teachers who prevented children from attending protests faced reprimands from their superiors or were even dismissed.<sup>33</sup> However, later and especially since the start of the full-scale invasion of Ukraine, official response to such incidents was markedly different.

In 2021, the authorities used charges of “involvement of minors in actions endangering their life” (Article 151.2 of the Criminal Code) against the organizers of peaceful protests against Aleksei Navalny’s arbitrary arrest and unfounded prosecution and imprisonment.<sup>34</sup> When a university student online magazine, DOXA, published a video where their journalists called on the authorities to stop intimidating youngsters taking part in the protests, four of its editors (who were

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<sup>27</sup> **Федеральный закон «Об общественных объединениях»** [Federal Law on Public Associations], 1995, Article 19 (as amended on 10 January 2006).

<sup>28</sup> **Федеральный закон «Об образовании в Российской Федерации»** [Federal Law on Education in the Russian Federation], 2012, Article 34(1)(10).

<sup>29</sup> Amnesty International, “Russia: ICC’s arrest warrant against Putin a step towards justice for victims of war crimes in Ukraine”, 17 March 2023, <https://www.amnesty.org/en/latest/news/2023/03/russia-iccs-arrest-warrant-against-putin-step-towards-justice>

<sup>30</sup> This figure does not include officials in the Russia-occupied territories of Ukraine.

<sup>31</sup> **Федеральный закон «Об уполномоченных по правам ребенка в Российской Федерации»** [Federal Law on Commissioners for Children’s Rights in the Russian Federation], 2018, Article 6.

<sup>32</sup> See, for example: Mediazona, “«Мне такие финдибоберы в учреждении не нужны». Разговор директора-единогорса с родителями ученика, ставшего волонтером Навального” [“I don’t need such doodads in the institution’. A conversation between a United Russia principal and parents of a pupil who became a Navalny volunteer”], 16 October 2017, <https://zona.media/article/2017/10/16/rotzakroy> (in Russian).

<sup>33</sup> See, for example: Newsru.com, “В Иваново уволена учительница, отчитывавшая «тупорылых» школьников за поддержку Навального” [“Teacher who reprimanded ‘dumbass’ schoolchildren for supporting Navalny fired in Ivanovo”], 29 October 2017, <https://www.newsru.com/russia/29oct2017/ivanovo.html> (in Russian).

<sup>34</sup> Interfax, “СК объявил Леонида Волкова в розыск” [“Investigative Committee put Leonid Volkov on the wanted list”], 29 January 2021, <https://www.interfax.ru/russia/748490> (in Russian).

not children themselves) were accused of "involving minors" in "illegal rallies", were prosecuted under this charge,<sup>35</sup> and convicted in April 2022 and sentenced to two years of "correctional labour."<sup>36</sup>

Following the full-scale invasion of Ukraine in February 2022, Russian authorities passed new war censorship laws criminalizing "dissemination of knowingly false information"<sup>37</sup> about and "discreditation"<sup>38</sup> of the Armed Forces, expressly intended to suppress and penalize any criticism of the war or any exposure of violations of international law by Russian forces.<sup>39</sup> The authorities also targeted antiwar protesters with prosecution for "justification of terrorism"<sup>40</sup> and other terrorism-related crimes,<sup>41</sup> designated them as "foreign agents", initiated administrative proceedings and used various other forms of harassment and intimidation.<sup>42</sup> One can be prosecuted or face administrative proceedings under these articles from the age of 16 and in some cases from the age of 14.<sup>43</sup>

At the same time, authorities launched a propaganda campaign at schools at all educational levels. Starting in September 2022, lessons called "Important conversations" were added to the school programme which, among other things, focused on justification of the Russian invasion of Ukraine. Although "extracurricular" on paper, these lessons are effectively compulsory (as demonstrated by the case of Varvara Galkina above). The specific content of the "Important conversations" lessons has been provided at the national level, and at the time of writing is accessible online.<sup>44</sup> For example, for the "Important conversations" lesson for Years One and Two pupils (six and seven year-olds) on 18 March 2024, the teachers were mandated to "support the feelings of joy and celebration associated with" the 10<sup>th</sup> anniversary of the illegal annexation of Crimea, which the official lesson guidance document calls "reunification of Crimea and Sevastopol with Russia." The document instructs the teacher to discuss Crimea's history, geography and culture as the proof that the "reunification" (also called "return home") signifies "restoring historical justice, because the history of Russia, the history of the Russian world, are inseparable from Crimea and Sevastopol." The document does not once mention Ukraine, and completely avoids mention of the peninsula's internationally recognized status as part of another country.<sup>45</sup>

In another example, for the "Important conversations" lesson on 18 December 2023 aimed at older children, there is a publication titled "Our Heroes" which gives a long list of short biographies of individuals, starting with a 10<sup>th</sup>-century ruler of Kyiv (Kiev), who are meant to epitomize Russia's history and its military, cultural, scientific and other achievements.<sup>46</sup> In the last section of the list, "Modern Russia" there are biographies of 11 persons, most of whom were prominent vocal supporters of Russia's military intervention in Ukraine starting in 2014, and three were included in the list because of their active military role in it. Among them is Arsen Pavlov, a Russian militant who unlawfully settled in Ukraine and became

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<sup>35</sup> Amnesty International, "Russia: Police searches at student magazine are a new low for press freedom", 14 April 2021, <https://www.amnesty.org/en/latest/press-release/2021/04/russia-police-searches-at-student-magazine-are-a-new-low-for-press-freedom>

<sup>36</sup> Roskomsvoboda, "Суд приговорил экс-редакторов DOXA к двум годам исправительных работ" ["Court sentenced ex-editors of DOXA to two years of correctional labour"], 12 April 2022, <https://roskomsvoboda.org/en/post/prigovor-doxa> (in Russian).

<sup>37</sup> Criminal Code, Article 207.3.

<sup>38</sup> Criminal Code, Article 280.3; Code of Administrative Offences, Article 20.3.3.

<sup>39</sup> Amnesty International, "Russia: Authorities deploy new criminal laws to silence criticism of Russia's war in Ukraine" (Index: EUR 46/5988/2022), 2 September 2022, <https://www.amnesty.org/en/documents/eur46/5988/2022/en>

<sup>40</sup> Criminal Code, Article 205.2.

<sup>41</sup> Amnesty International, "Terrorising the dissent: Abuse of terrorism-related charges in Russia" (Index: EUR 46/7705/2024), 19 February 2024, <https://www.amnesty.org/en/documents/eur46/7705/2024/en>

<sup>42</sup> Amnesty International, "Russia: Under the 'Eye of Sauron': Persecution of critics of the aggression against Ukraine" (Index: EUR 46/7017/2023), 20 July 2023, <https://www.amnesty.org/en/documents/eur46/7017/2023/en>

<sup>43</sup> Criminal Code, Article 20; Code of Administrative Offences, Article 2.3.

<sup>44</sup> Ministry of Education, "Цикл внеурочных занятий «Разговоры о важном»" ["Cycle of extracurricular lessons 'Important conversations'"], <https://razgovor.edsoo.ru> (in Russian).

<sup>45</sup> Russian Historical Society and others, "Сценарий занятия «Крым и Севастополь: 10 лет в родной гавани». 1-2 классы" ["Script for the lesson 'Crimea and Sevastopol: 10 years in the native harbour'. Grades 1-2"], 18 March 2024, <https://razgovor-cdn.edsoo.ru/media/file/crimea2024-12-script.pdf>, p. 3 (in Russian).

<sup>46</sup> "Наши герои" ["Our heroes"], 18 December 2023, <https://razgovor-cdn.edsoo.ru/media/file/together-111-dop2.pdf>, pp. 13-15 (in Russian).

the leader of an armed group in Donetsk; Amnesty International documented his alleged role in the killing of captured members of Ukrainian forces in 2015.<sup>47</sup>

A new mandatory history textbook released in August 2023 sought to further indoctrinate students with government propaganda regarding the war, Ukraine's history and other matters.<sup>48</sup> Such mandatory indoctrination violates children's rights to freedom of expression and to appropriate and quality education.

## **YEGOR BALAZEYKIN: INTERROGATED WITHOUT PARENTS, SENTENCED TO PRISON BY A MILITARY COURT FOR ANTI-WAR PROTEST**

The severe crackdown on the right to freedom of expression in Russia, and specifically on anti-war dissent, has given rise to a violent form of protest against the Russian invasion of Ukraine, which has targeted institutions associated with the war and the forcible recruitment of men into the ranks of those who were fighting it.

Since the beginning of the full-scale invasion, night-time arson and attempted arson cases across Russia have been reported in which the suspected perpetrators threw "Molotov cocktails" at military conscription centres or other official buildings in protest against the war and the so-called "partial mobilization" (forced conscription) of military reservists into the armed forces. In all these cases, albeit a violent action in itself, the arson was largely symbolic, and neither caused, nor genuinely risked causing, any bodily harm (given the night time of these attacks) and rarely led to more than a fire-damaged entrance door. In about one half of such criminal cases, concerning over 50 individuals, they were investigated and prosecuted under apparently disproportionate terrorism charges, and put to trial in military courts, in proceedings fraught with violations of fair trial standards.<sup>49</sup> Among these cases was that of a child who was 16 at the time of the alleged offence. His age made no difference as to how his case was processed — marred by abusive terrorism-related charges and fair trial rights violations. As of November 2023, at least 106 children had been placed on the official "list of terrorists", which means in most cases that they were prosecuted under terrorism-related charges (although specific accusations often remain classified).<sup>50</sup>

On the night of 28 February 2023, 16-year-old school student Yegor Balazeykin threw a bottle of diesel fuel at a closed metal door of the military conscription centre of Kirovsk, a town in northwestern Russia. The bottle did not catch fire and caused no damage. A security guard called the police who arrested Balazeykin. The investigators interrogated him (of child age), without his parents present. Neither law enforcement officers nor his state-appointed lawyer informed him of his rights, and he signed a self-incriminating statement.

Authorities charged Yegor Balazeykin with two counts of attempted terrorist attacks:<sup>51</sup> Several days earlier, he had allegedly thrown a bottle of white spirit at a conscription centre in St. Petersburg, which also did not cause fire.<sup>52</sup> The teenager was placed in pretrial detention and, on 22 November 2023, a military court in St. Petersburg sentenced him to six years' imprisonment. On 3 April 2024, his appeal was rejected.

While there is no internationally accepted definition of terrorism, the actions of Yegor Balazeykin fall outside the model definition provided for by the UN Special Rapporteur on counter-terrorism and human rights.<sup>53</sup> In that definition a key element is that terrorism-related offences involve lethal or serious physical violence or hostage taking. Yegor Balazeykin

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<sup>47</sup> Amnesty International, "New evidence of summary killings of Ukrainian soldiers must spark urgent investigations", 9 April 2015, <https://www.amnesty.org/en/latest/news/2015/04/ukraine-new-evidence-of-summary-killings-of-captured-soldiers-must-spark-urgent-investigations>

<sup>48</sup> Amnesty International, "Ukraine/Russia: New history textbook is a blatant attempt to unlawfully indoctrinate school children in Russia and Russian-occupied Ukrainian territories", 1 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/ukraine-russia-new-history-textbook-is-a-blatant-attempt-to-unlawfully-indoctrinate-school-children-in-russia-and-russian-occupied-ukrainian-territories>

<sup>49</sup> Amnesty International, "Russian Federation: terrorising the dissent: abuse of terrorism-related charges in Russia" (Index: EUR 46/7705/2024), 19 February 2024, <https://www.amnesty.org/en/documents/eur46/7705/2024/en>

<sup>50</sup> Rosfinmonitoring, "Перечень террористов и экстремистов" ["The list of terrorists and extremists"], <https://www.fedsfm.ru/documents/terrorists-catalog-portal-act> (in Russian, not accessible from outside Russia).

<sup>51</sup> Criminal Code, Article 205(1).

<sup>52</sup> Sever.Realii, "В Ленобласти против школьника возбудили два дела после попытки поджечь военкомат" ["In Leningrad Oblast, two investigations launched against a schoolboy after an attempt to set a military commissariat on fire"], 2 March 2023, <https://bit.ly/3wMOCRB> (in Russian).

<sup>53</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin (A/HRC/16/51), practice 7, p. 22.

chose the nighttime and the place (a closed non-inflammable door) where harm to people was least likely. His actions therefore appear to be of a largely symbolic nature. As such, their qualification as terrorism is unfounded and fits into the overall pattern of arbitrary or disproportionate punishment of those who oppose the invasion of Ukraine.

## MARIA MOSKALYOVA: REPORTED BY THE SCHOOL, INTIMIDATED BY THE SECURITY SERVICE AND SEPARATED FROM HER FATHER

In April 2022, the class of Maria Moskalyova, a 12-year-old school student in the small town of Yefremov (300 km south of Moscow), was given an assignment to make drawings in support of the Russian troops in Ukraine. Maria, who did not support the war, drew Russian and Ukrainian flags, and rockets flying from the side of Russia towards a woman with a child. On the drawing, she wrote: “No Putin, [no] war” and “Glory to Ukraine”.<sup>54</sup>

The teacher notified the school administration, which in turn called the police, according to Maria’s father Aleksei Moskalyov. Maria managed to leave the school unnoticed, but on the next day, when she and her father Aleksei Moskalyov (who had been raising the girl alone for about 10 years), came to the school, police arrested both of them. Police officers examined the father’s social media publications and accused him of “discrediting the Russian Armed Forces” for a comment on the Russian social media website Odnoklassniki stating: “Army of Russia. Rapists are next to us”. A court fined him 32,000 rubles (about US\$410 at the time).<sup>55</sup> The next day officers from the Federal Security Service (FSB) came to the school to talk with Maria. This caused her great stress and made her too scared to attend school.



*The drawing of Maria Moskalyova (published with the permission of the author)*

On 30 December 2022, FSB and police officers searched the home of Maria and Aleksei and arrested and questioned the father. He told human rights organizations that during the questioning officers knocked his head against the wall and the floor. The Investigative Committee (a stand-alone agency responsible for investigation of serious crimes) then charged him with “discreditation of the Russian Armed Forces” for another online publication. Under the war censorship legislation, such an “offence,” when repeated, constitutes a crime punishable by prison (as opposed to the first instance punishable under administrative proceedings). In March 2023, a court placed Aleksei Moskalyov under house arrest, and authorities sent Maria to an orphanage. A local Commission for Juvenile Affairs filed a lawsuit to restrict Aleksei Moskalyov’s parental rights, on account of him allegedly failing to ensure that she attended school and otherwise failing in his parental duties (but later withdrew it after the girl went to live with her mother).<sup>56</sup>

On 28 March 2023, a court sentenced Aleksei Moskalyov to two years’ imprisonment. He attempted to escape from house arrest, but was caught in Minsk, Belarus, and returned to Russia. On the eve of the sentencing, Maria sent a message from the orphanage to her father: “I love you, you are my hero.”<sup>57</sup> After a public outcry, authorities agreed to hand Maria Moskalyova over to her other relatives. She was only able to call her father in prison for the first time eight

<sup>54</sup> OVD-Info, “«Говорили, ее у меня отнимут, а меня посадят». На отца школьницы завели уголовное дело после того, как она нарисовала антивоенную картинку” [“They said they would take her away from me and jail me.’ A criminal case opened against a schoolgirl’s father after she drew an antiwar picture”], 27 February 2023, <https://bit.ly/3wLcepl> (in Russian).

<sup>55</sup> Yefremov Interdistrict Court of Tula Oblast, Judgment in administrative case No. 5-827/2022, 25 April 2022, <https://bit.ly/3wLMOlp> (in Russian).

<sup>56</sup> Radio Liberty, “Суд прекратил дело об ограничении прав родителей Маши Москалёвой” [“Court dismissed case on restricting parental rights of Masha Moskalyova’s parents”], 21 April 2023, <https://bit.ly/3V90jLF> (in Russian).

<sup>57</sup> Deutsche Welle, “«Ты - мой герой»: Маша Москалева написала письмо отцу” [“You are my hero’: Masha Moskalyova wrote a letter to her father”], 29 March 2023, <https://bit.ly/3WOMH9y> (in Russian).

months after they had been parted.<sup>58</sup> On 19 February 2024, Aleksei Moskalyov's term was reduced by two months on appeal.<sup>59</sup>

## THREATS OF REMOVAL OF PARENTAL RIGHTS

Children in Russia risk being separated from their parents when these express critical political views. Authorities sometimes resort to threats to remove from political activists, protesters and journalists, custody of their children. In some cases they have followed through with these threats.

On 27 July 2019, hundreds of people gathered peacefully in central Moscow to protest against the arbitrary disqualification of opposition candidates in a local election. Police violently broke up the rally<sup>60</sup> and arrested over 1,300 demonstrators, including several dozen children. Activist Sergei Fomin attended the rally but was able to leave. However, the state-run television programme Vesti broadcast a smear report about the event, which among other things showed Sergei Fomin walking with a baby in his hands. The Vesti commentator described him as a protest “curator” (meaning coordinator) who used the baby to avoid being detained by police.<sup>61</sup> The Investigative Committee placed Sergei Fomin on a wanted list, as a criminal suspect for participating in a “mass riot,” and initiated proceedings to remove parental rights from the baby's parents (a couple who were Fomin's friends and relatives and who had attended the rally with him). After Sergei Fomin found out about the case against him and these proceedings, he turned himself in to the police, after which a court terminated the proceedings against the baby's parents.<sup>62</sup> On 6 December, criminal charges against Fomin were also dropped, and against other 27 July rally participants whom the authorities pursued for purported “mass riots”.<sup>63</sup>

On 12 October 2022, law enforcement officers arrested car mechanic Nikolay Murnev in Stavropol Region in southern Russia and accused him and several of his friends of planning an arson attack on a military conscription centre, which the authorities qualified as a planned terrorist attack.<sup>64</sup> His wife later told journalists that, in addition to beating him after arrest, officers threatened to take away their four children and send them to an orphanage unless he agreed to incriminate in writing himself and his friends, which he eventually did. His wife and children had to leave the country fearing for their safety.<sup>65</sup>

## NATALYA FILONOVA: SON FORCIBLY PLACED IN ORPHANAGE, DENIED A CHANCE TO ATTEND MOTHER'S TRIAL

On 24 September 2022, police in Ulan-Ude, a city in Russia's Far East and the capital of Buryatia, arbitrarily arrested local well-known opposition activist Natalya Filonova at a peaceful protest against the forced conscription of men for the war in Ukraine (so-called “partial mobilization”). Two officers then claimed that Filonova had attacked them while they

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<sup>58</sup> Mediazona, “Маша Москалева рассказала, что смогла впервые с марта поговорить со своим отцом по телефону” [“Masha Moskalyova said that she could talk to her father by phone for the first time since March”], 24 November 2023, <https://zona.media/news/2023/11/24/moskalyov>

<sup>59</sup> OVD-Info, “Апелляционный суд на два месяца смягчил приговор Алексею Москалеву по делу о дискредитации армии” [“Court of Appeals reduced Aleksei Moskalyov's sentence in the discreditation of the army case by two months”], 19 February 2024, <https://bit.ly/44Unc98> (in Russian).

<sup>60</sup> Amnesty International, “Russia: Police must release peaceful protesters detained during violent crackdown”, 27 July 2019, <https://www.amnesty.org/en/latest/press-release/2019/07/russia-police-must-release-peaceful-protesters-detained-during-violent-crackdown>

<sup>61</sup> Vesti, “Газ, травмы, нож и бита: арсенал участников незаконной акции” [“Gas, non-lethal guns, a knife and a bat: the arsenal of participants of an illegal protest”], 3 August 2019, <https://www.vesti.ru/article/1334865> (in Russian).

<sup>62</sup> BBC, “Проказовых не стали лишать родительских прав. Второй за день суд о детях на митингах” [“The Prokazovs were not deprived of parental rights. The second trial about children at the rallies in a day”], 2 September 2019, <https://www.bbc.com/russian/news-49549214> (in Russian).

<sup>63</sup> Current Time, “Следственный комитет снял все обвинения с Сергея Фомина, фигуранта «дела о массовых беспорядках»” [“Investigative Committee lifted all charges against Sergei Fomin, a defendant in the ‘mass riot case’”], 6 December 2019, <https://www.currenttime.tv/a/fomin-annul-protests-moscow/30311111.html> (in Russian).

<sup>64</sup> Criminal Code, Article 205(2).

<sup>65</sup> Mediazona, “«Крокодилы» на ногах. Байкеры обсуждали войну и ругали Путина в закрытом чате — и стали обвиняемыми в подготовке теракта на Ставрополье” [“‘Crocodiles’ on legs. Bikers discussed the war and reviled Putin in a closed chat—and were charged with preparing a terrorist attack in Stavropol Region”], 11 March 2024, <https://zona.media/article/2024/03/11/murnev> (in Russian).



were driving her in the police car. She was charged with “violence against a representative of authority”<sup>66</sup> and placed under house arrest on 22 October.

Natalya Filonova denies the accusations and says that she had possibly accidentally scratched the police officers as they were using force against her. Amnesty International has previously observed a similar pattern where authorities falsely accused peaceful protesters or other critics of violence against law enforcement personnel either without any evidence whatsoever or citing injuries that resulted from excessive use of force by the officers themselves.<sup>67</sup> The arrest of Natalya Filonova was arbitrary and her detention and transfer to the police station was unfounded, and should not have led to her prosecution for alleged violence.

On 17 November, a court ordered Natalya Filonova’s pretrial detention on grounds of her violating the rules of house arrest (after she had visited her ill husband in another town). In December, her then 16-year-old foster son Vladimir Alalykin was taken from her relatives and placed in an orphanage. Authorities refused to return him to Filonova’s family. In August 2023, Vladimir, who has a disability, reported abuse by other children at the orphanage, which allegedly took place with the knowledge of the administration.<sup>68</sup> The orphanage also prohibited Vladimir from attending the trial of Natalya Filonova, which would have been a chance for him to see his jailed foster mother.<sup>69</sup>

On 31 August 2023, a court sentenced Natalya Filonova to two years and 10 months’ imprisonment;<sup>70</sup> and at the appeal and cassation hearings the sentence was upheld. Vladimir Alalykin remains at the orphanage, where he has already turned 18.

## RECOMMENDATIONS

Amnesty International calls on the Russian authorities to:

1. Respect, protect and fulfil children’s rights to freedom of expression, association and peaceful assembly, and ensure that they can enjoy them without fear of retribution against them or their parents and carers;
2. Repeal or amend laws to remove legal and administrative barriers that prevent children from exercising or enjoying their right to protest – for example those that include age restrictions and prevent children under certain ages from organising protests;
3. End the practice of restricting or removing parental rights or threatening to do so, and of placing children in state custody as a retribution for children or their parent’s exercising their human rights, or as a form of pressure against peaceful protesters and other dissenting voices;
4. Protect all children without discrimination from threats and reprisals – including violence and harassment – for exercising their rights by state and non-state actors, including reprisals by families, teachers, peers or members of the community or the public, both online and offline. Pay particular attention to preventing and addressing gender-based violence, including sexual violence, and to protecting groups of marginalized children who may be at higher risk of harm;
5. Authorities and politicians should refrain from stigmatising and negative rhetoric against children who express dissenting views and counter negative narratives, including tackling any rhetoric that allow for continuation of harmful or paternalistic stereotypes;
6. Immediately release Aleksei Moskalyov, Natalya Filonova and everyone deprived of liberty solely for exercising their human rights, including the rights to freedom of expression and peaceful assembly;

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<sup>66</sup> Criminal Code, Article 318.

<sup>67</sup> See, for example: Amnesty International, “Russian Federation: Further information: Lawyer released on bail, but threat of jail remains: Mikhail Benyash” (Index: EUR 46/9295/2018), 26 October 2018, <https://www.amnesty.org/en/documents/eur46/9295/2018/en>

<sup>68</sup> Nadezhda Nizovkina, “**Володя Алалыкин сообщает о травле в детском доме**” [“Volodya Alalykin reports bullying at the orphanage”], 11 August 2023, <https://www.youtube.com/watch?v=-kuPcM5fswg> (in Russian).

<sup>69</sup> People of Baikal, “**«Она думала, что у нее ребёнок-инвалид, и её не посадят, а с хера ли не посадят»**” [“She thought that she had a disabled child and they wouldn’t jail her, but why the hell not”], 22 March 2023, <https://bit.ly/4ayMpqC> (in Russian).

<sup>70</sup> BBC, “**Суд в Улан-Удэ приговорил пенсионерку к двум годам и 10 месяцам колонии за «нападение» с шариковой ручкой на четырех полицейских**” [“Ulan-Ude court sentenced a pensioner to two years and 10 months in colony for ‘attacking’ four policemen with a ball pen”], 31 August 2023, <https://www.bbc.com/russian/articles/c2x4r4xzi6mo> (in Russian).

7. Immediately acquit of, or drop, unfounded terrorism-related charges against every person arbitrarily convicted or prosecuted under these charges, including Yegor Balazeykin, and release them and terminate their prosecution, unless they are charged with an internationally recognizable offence and put on trial in full compliance with fair trial standards;
8. End the practice of putting children and other civilians on trial in military courts, and stop misusing criminal and administrative justice systems for the persecution of dissent;
9. Children who are reasonably suspected or having perpetrated violence or commit an internationally recognised crime, should have their cases handled by specialised child justice systems, and priority should be given to diverting children away from judicial processes;
10. Ensure that arrest or detention of children must be a measure of last resort, for the shortest time possible and in adherence to legal safeguards;
11. Carry out prompt, effective, impartial and independent investigations in all instances where abuses or rights violations have occurred against children by law enforcement with the aim of delivering remedy and bringing those responsible to justice in fair proceedings and with penalties commensurate to the gravity of the abuse;
12. End government misinformation, disinformation, propaganda, especially propaganda for war, and censorship at schools and other educational institutions;
13. Withdraw any textbooks, other literature and teaching materials and points of curricula that expose children to indoctrination or in any way violate their rights to appropriate and quality education;
14. Develop national policies that provide guidance to schools and any other relevant educational settings how to respond, in a human rights complaint, to children who choose to exercise their rights to freedom of expression and peaceful assembly in schools or outside school during the school hours;
15. Teachers and other relevant persons engaging with children should be trained on human rights, including the rights to freedom of expression and peaceful assembly;
16. Ensure that the social services and other relevant mechanisms, including commissioners for children's rights, work in the best interests of the child and in strict accordance with international human rights and humanitarian law;
17. Fully address the concerns expressed in the 2024 findings of the Committee on the Rights of the Child on the Russian Federation;
18. Immediately repeal the war censorship laws;
19. Immediately end the war of aggression against Ukraine and stop persecution of any persons opposed to it.

Amnesty International calls on the international community to:

1. Raise in bilateral and multilateral forums the cases of children in Russia whose or whose parents/carers' rights to freedom of expression, association and peaceful assembly or the right to family have been violated;
2. Take necessary steps to ensure that children of human rights defenders, activists, journalists and other people at risk of persecution for exercising their human rights in Russia can promptly access safe destinations (including those requiring visas) and are able to seek and receive international protection alongside their parents.