



# Convention on the Rights of the Child

Distr.: General  
27 July 2016  
English  
Original: Russian  
English, French, Russian and  
Spanish only

---

Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2013

**Russian Federation\***

[Date received: 22 October 2015]


---

\* The present document is being issued without formal editing.

GE.16-12930 (EXT)



\* 1 6 1 2 9 3 0 \*

Please recycle 



**Initial report of the Russian Federation submitted to the  
Committee on the Rights of the Child for examination in  
accordance with article 12 (1) of the Optional Protocol to the  
Convention on the Rights of the Child on the sale of children,  
child prostitution and child pornography**

## Contents

	<i>Page</i>
List of abbreviations.....	4
I. General information .....	5
A. Definitions of “child”, “sale of children”, “child pornography” and “child prostitution” in the legislation of the Russian Federation .....	6
B. General principles of the Convention on the Rights of the Child in implementing the Optional Protocol on the sale of children, child prostitution and child pornography .....	7
C. Implementing the Convention on the Rights of the Child in the light of ratification of the Optional Protocol on the sale of children, child prostitution and child pornography by the Russian Federation.....	8
D. Amendments made to the legislation of the Russian Federation in connection with the signature and ratification of the Optional Protocol, including to give effect to the general principles of the Convention on the Rights of the Child in implementing the Optional Protocol.....	14
E. Information on the place of the Optional Protocol on the sale of children, child prostitution and child pornography within the Russian legal system.....	17
F. State bodies responsible for ensuring that the rights and legal interests of children in the Russian Federation are protected.....	17
G. Material support for children in the Russian Federation to guarantee that they develop to their full physical and mental potential, realize their natural abilities and talents and receive an education .....	19
H. Raising children and looking after their health and physical, mental and spiritual development.....	22
I. Implementing the Convention on the Rights of the Child in the light of the Optional Protocol on the sale of children, child prostitution and child pornography .....	24
II. Statistical data .....	27
A. Sale of children .....	27
B. Child prostitution.....	28
C. Child pornography.....	28
D. Spread of child pornography on the Internet .....	29
III. General measures to implement the Optional Protocol .....	29
A. State bodies assigned the tasks of implementing the Optional Protocol and coordinating activities among the relevant agencies.....	30
B. Disseminating the information contained in the Optional Protocol and training relevant specialists.....	30
C. Strategies for eradicating the sale of children, child prostitution and child pornography and protecting the victims of such crimes.....	31

D.	Civil society's contribution to efforts to eradicate the sale of children, child prostitution and child pornography .....	32
E.	Role of ombudsmen for children's rights in implementing the Optional Protocol and monitoring progress in implementation .....	34
IV.	Preventing the sale of children, child prostitution and child pornography .....	36
A.	Measures to prevent the sale of children, child prostitution and child pornography .....	36
B.	Measures to increase levels of public awareness of the harmful consequences of the sale of children, child prostitution and child pornography .....	38
V.	Responsibility for criminal and other offences involving the sale of children, child prostitution and child pornography .....	38
A.	Criminal responsibility for committing offences involving the sale of children, child prostitution and child pornography .....	38
B.	Law enforcement agencies responsible for investigating crimes involving the sale of children, child prostitution and child pornography .....	47
C.	Effectiveness of the legislation of the Russian Federation in tackling crimes involving the sale of children, child prostitution and child pornography .....	48
D.	Criminal liability of legal persons .....	48
E.	International treaties of the Russian Federation concerning adoption .....	48
F.	Preventing illegal adoption .....	48
G.	Extradition of persons subject to criminal proceedings in connection with crimes involving the sale of children, child prostitution or child pornography .....	49
H.	Removal and confiscation of materials and proceeds obtained through the sale of children, child prostitution and child pornography .....	51
VI.	Rights of participants in criminal proceedings .....	51
A.	Rights of child victims and child witnesses during criminal proceedings .....	51
B.	Ensuring the best interests of the child within the criminal justice system .....	55
C.	Measures to ensure the inviolability of private life and prevent disclosure of the identities of child victims .....	56
D.	Determining the age of a child during criminal proceedings in cases where the victim's outward appearance or other characteristics suggest he or she is under 18 but the actual age is unknown .....	56
E.	Measures taken to ensure legal, psychological and other training for individuals working with victims of crimes involving the sale of children, child prostitution and child pornography .....	56
F.	Ensuring that persons accused of crimes involving the sale of children, child prostitution and child pornography enjoy the right to a fair and impartial trial .....	57
G.	Providing the necessary assistance to victims of crimes involving the sale of children, child prostitution or child pornography, including full social reintegration and physical and psychological recovery .....	58
H.	Compensation for recognized victims .....	59
VII.	International cooperation .....	
Annex	.....	

## List of abbreviations

CBSS	Council of the Baltic Sea States
CIS	Commonwealth of Independent States
Convention on the Rights of the Child	Convention on the Rights of the Child of 20 November 1989
CSTO	Collective Security Treaty Organization
EGCR CBSS	Expert Group on Children at Risk of the Council of the Baltic Sea States
ILO	International Labour Organization
IOM	International Organization for Migration
National Strategy	National Strategy on Action for Children 2012-2017, approved by Decree No. 761 of the President of the Russian Federation of 1 June 2012
Optional Protocol	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000
OSCE	Organization for Security and Co-operation in Europe
SCO	Shanghai Cooperation Organization
UNICEF	United Nations Children's Fund

## I. General information

1. On 24 September 2013 in New York, the Minister of Foreign Affairs of the Russian Federation deposited the instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000. In accordance with article 14 of the Optional Protocol, this international treaty entered into force for the Russian Federation on 24 October 2013. In ratifying the Optional Protocol, the Russian Federation made no reservations or declarations.

2. This report has been prepared pursuant to article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child in accordance with the revised guidelines regarding initial reports to be submitted by States parties, of 3 November 2006, on the basis of materials from the State authorities, State statistics, and information from public organizations working to tackle, inter alia, the problems of the sale of children, child prostitution and child pornography. It covers the period from 2012 to 2015.

3. The report has been prepared by the Ministry of Internal Affairs of the Russian Federation in conjunction with the Ministry of Health of the Russian Federation, the Ministry of Foreign Affairs of the Russian Federation, the Ministry of Culture of the Russian Federation, the Ministry of Education and Science of the Russian Federation, the Ministry of Communications and Mass Media of the Russian Federation, the Ministry of Sport of the Russian Federation, the Ministry of Labour and Social Protection of the Russian Federation, the Ministry of Finances of the Russian Federation, the Ministry of Economic Development of the Russian Federation, the Ministry of Justice of the Russian Federation, the Federal Security Service of the Russian Federation, the Federal Migration Service of the Russian Federation, the Office of the Procurator General of the Russian Federation, the Investigative Committee of the Russian Federation, the Supreme Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation, the Presidential Commissioner on the Rights of the Child and the Fund to Support Children Living in Difficult Circumstances. In addition, the report contains information supplied by the Directorate General of the Ministry of Internal Affairs for maintaining public order and ensuring coordination with the executive authorities of the constituent entities of the Russian Federation, the Directorate General of the Ministry of Internal Affairs for economic security and fighting corruption, the Investigative Department of the Ministry of Internal Affairs, the National Central Bureau for Interpol within the Ministry of Internal Affairs, the Principal Centre for Information and Analysis of the Ministry of Internal Affairs and the National Institute for Science and Research of the Ministry of Internal Affairs.

4. The annex includes a list of the basic normative legal acts of the Russian Federation that give effect to the principles of the Optional Protocol to the Convention on the Rights of the Child, along with statistics.

### A. Definitions of “child”, “sale of children”, “child pornography” and “child prostitution” in the legislation of the Russian Federation

5. In accordance with the legislation of the Russian Federation, a child (minor) is a person who has not reached 18 years of age. The concepts of “minor” and “child” are identical. Under article 54 (1) of the Family Code, a child is a person who has not reached the age of 18 years (majority). Article 1 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation contains an

analogous definition of the concept of “child”: a child is a person who is under the age of 18 years (majority).

6. Under article 21 of the Civil Code, the capacity of the citizen, by his or her own actions, to acquire and exercise civil rights and to create for himself or herself civil obligations and carry them out (dispositive legal capacity) arises in full when a person attains the age of majority, i.e. when he or she reaches the age of 18. If the law permits marriage below the age of 18, a citizen who has not attained the age of 18 acquires dispositive legal capacity in full upon entry into marriage. Dispositive legal capacity acquired as a result of entry into marriage is retained in full even in the event that the marriage is dissolved before the person reaches the age of 18.

7. Under article 61 (2) of the Family Code, parental rights terminate when a child reaches the age of 18 (majority), when a child who is a minor enters into marriage, or in other circumstances established in law in which a child acquires full dispositive legal capacity before reaching the age of majority.

8. Under article 27 of the Civil Code, a minor who has reached the age of 16 may be declared to have full dispositive legal capacity if he or she works under a contract of employment, including on a casual basis, or undertakes entrepreneurial activity with the agreement of his or her parents, adoptive parents or guardians. A declaration of full dispositive legal capacity (emancipation) for a minor is made by decision of the trusteeship and guardianship authorities with the consent of both parents, adoptive parents or guardians or, in the absence of such consent, by decision of the courts.

9. Recognizing a minor as having been emancipated does not affect his or her rights as a minor in terms of either protection against crime or criminal justice. The Criminal Code does not employ the concept of “child”. However, criminal law does establish liability for acts committed against persons under the age of 18 (minors) and enhanced liability for acts committed against persons under the ages of 12 or 14.

10. The definitions of “sale of children”, “child pornography” and “child prostitution” are set out in article 1 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation.

11. “Sale of children” means the buying or selling of a minor or other transaction in respect of a minor, and also the recruitment, transportation, transfer, harbouring or receipt of a minor for the purposes of exploitation.

12. Child prostitution and child pornography are covered by the concept of the “exploitation of children”, which also includes a number of other acts against minors prohibited under the laws of the Russian Federation.

13. Exploitation of children means using minors to engage in prostitution and other forms of sexually exploiting minors, using minors for slave labour (services), keeping minors in a state of servitude, illegally removing organs and (or) tissues from minors, and illegally adopting a minor for pecuniary motives.

14. The legislation of the Russian Federation defines a victim of the sale and (or) exploitation of children. A victim of the sale and (or) exploitation of children means a minor who has suffered from the sale and (or) exploitation of children, including being involved in the sale of children and (or) being subjected to exploitation, irrespective of whether or not the minor has consented to perform acts relating to the sale and (or) exploitation of children.

## **B. General principles of the Convention on the Rights of the Child in implementing the Optional Protocol on the sale of children, child prostitution and child pornography**

15. The principles of non-discrimination, the priority of ensuring the widest enjoyment of the rights of the child, the rights to life, survival and development, and respect for the views of the child are enshrined in the legislation of the Russian Federation.

16. In accordance with the Constitution of the Russian Federation, fundamental human rights and freedoms are inalienable and are enjoyed by everyone from birth (art. 17 (2)).

17. The State guarantees equality of human and civil rights and freedoms, regardless of sex, race, ethnic background, language, origin, material or official status, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances. Any restriction on civil rights on grounds of social status, race, ethnic background, language or religious affiliation is prohibited (art. 19 (2) of the Constitution).

18. Everyone has the right to life (art. 20 (1) of the Constitution).

19. The Russian Federation is a social State with a policy of enabling the individual to live a life of dignity and develop unhindered (art. 7 of the Constitution). Motherhood, childhood and the family are protected by the State (art. 38 (1) of the Constitution). Everyone has the right to health care and medical assistance. Medical assistance in State and municipal health care facilities is provided to citizens free of charge and is funded from the relevant budget, insurance contributions and other revenues (art. 41 (1) of the Constitution).

20. The right to freedom of thought and expression is guaranteed for all. No one may be compelled to express or to renounce his or her thoughts or convictions. Everyone has the right freely to seek out, receive, transfer, produce and disseminate information by any lawful means (art. 29 of the Constitution). Article 57 of the Family Code stipulates that children have the right to express their views in family decision-making on any matter affecting their interests and to be heard in any judicial or administrative proceedings. The views of a child who has reached the age of 10 must be taken into account, except in cases where this is not in the child's interests. In certain cases, the trusteeship and guardianship authorities or the courts may not take decisions without the consent of a child who has reached the age of 10.

21. Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation establishes fundamental guarantees of the rights and legal interests of the child enshrined in the Constitution, with the aim of creating legal and socioeconomic conditions in which children can exercise their rights and legal interests. The State recognizes childhood as an important stage in a person's life and is guided by the principles of the importance of preparing children to lead a full life in society, developing their social awareness and creativity, and instilling high moral standards, patriotism and a sense of public spirit.

22. The aims of State policy for children are, specifically, to realize the rights of the child enshrined in the Constitution, to prevent discrimination against children, to consolidate fundamental guarantees of the rights and legal interests of children and to restore their rights if they have been violated, to promote children's physical, intellectual, psychological, spiritual and moral development, to instil patriotism and a sense of public spirit, and to nurture the child's personality to benefit society and in accordance with those traditions of the peoples of the Russian Federation that do not contradict the Constitution or federal law and with achievements in Russian and world culture (art. 4 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation).

23. In accordance with Federal Act No. 323-FZ of 21 November 2011 on the Public Health Care System, the State recognizes health care for children as one of the most important and necessary conditions for children's physical and psychological development. Children, irrespective of their family or social circumstances, are given special care, including health care and the necessary legal protection in the area of health care, and have priority rights in receiving medical assistance. Medical establishments, civil society associations and other organizations must recognize and ensure the rights of children in the area of health care. The State authorities of the Russian Federation, the authorities of the constituent entities of the Russian Federation and local government bodies, in line with their respective mandates, develop and implement programmes to prevent, promptly diagnose and treat diseases, reduce maternal and infant mortality and motivate children and their parents to lead a healthy lifestyle, as well as taking the appropriate measures to organize the provision of medicines, specialist nutritional products and medical equipment for children. The State authorities of the Russian Federation and the authorities of the constituent entities of the Russian Federation, in line with their respective mandates, set up and develop medical establishments to provide medical assistance to children, taking into account the need to ensure suitable conditions for children staying in such facilities, including children with disabilities, and for parents and (or) other family members to be able to stay with them, and build social infrastructure geared towards organized leisure for children, their recovery and returning them to health. The State guarantees citizens protection from all forms of discrimination on the grounds of any illness they may have. Minors are entitled to receive information on their state of health in a form that is accessible to them.

24. The importance of ensuring fundamental guarantees of the rights and legal interests of children is underlined in messages sent by the President of the Russian Federation to the Federal Assembly, guiding it to formulate modern and effective State policy on childhood; in the framework for long-term social and economic development in the Russian Federation for the period to 2020 (approved by Government Directive No. 1662-r of 17 November 2008); and in the demographic policy framework of the Russian Federation for the period to 2025 (approved by Presidential Decree No. 1351 of 9 October 2007).

25. It is a criminal offence to commit any act that violates the principle of equality of citizens before the law and the courts, particularly discrimination, i.e. any violation of human or civil rights, liberties or legal interests on the basis of sex, race, ethnic background, language, origin, property or official status, place of residence, attitude to religion, beliefs or membership of a public association or any other kind of social group, by a person exploiting his or her official position (art. 136 of the Criminal Code).

### **C. Implementing the Convention on the Rights of the Child in the light of ratification of the Optional Protocol on the sale of children, child prostitution and child pornography by the Russian Federation**

26. In order to give effect to the provisions of the Convention on the Rights of the Child, in particular articles 1, 11, 21, 32, 34, 35 and 36, the following measures have been taken in the Russian Federation.

#### **Article 1 of the Convention on the Rights of the Child**

27. Under this article, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.



28. Taking into account the information provided in section I.A of this report, the definition of “child (minor)” contained in the legislation of the Russian Federation is fully in line with the requirements of the Convention on the Rights of the Child.

#### **Article 11 of the Convention on the Rights of the Child**

29. The Russian Federation is taking steps to combat the illicit transfer and non-return of children abroad. To this end, bilateral and multilateral agreements have been signed and the country is acceding to other international treaties.

30. In particular, on 25 December 2013 the Governments of the Russian Federation and Belarus signed a cooperation agreement on ensuring international information security, which lists the spread of child pornography among the principal threats, and sources and indicators of such threats, to international information security.

31. Since 2012, the Russian Federation has concluded the following multilateral agreements on combating the sale of children, child prostitution and child pornography:

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007 (ratified by Federal Act No. 76-FZ of 7 May 2013);
- Framework for Cooperation among the Member States of the Commonwealth of Independent States (CIS) to Combat Human Trafficking (approved by a resolution of the Council of CIS Heads of State of 10 October 2014);
- Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2014-2018 (adopted by a resolution of the Council of CIS Heads of State of 25 October 2013).

32. Information on interdepartmental cooperation to combat the sale of children, child prostitution and child pornography is provided in section VII of this report.

#### **Article 21 of the Convention on the Rights of the Child**

33. In the Russian Federation, adoption is governed by a number of normative legal acts. It is covered in more detail in the Family Code, chapter 19 of which deals with adoption. Adoption is the main way of placing children without parental care.

34. Foreign citizens and stateless persons are only permitted to adopt children in the event that it is not possible to transfer such children into the care of a family of citizens of the Russian Federation residing permanently within the Russian Federation or for them to be adopted by relatives, irrespective of the relatives' citizenship or place of residence. Children may be transferred for adoption to citizens of the Russian Federation residing permanently outside the Russian Federation or to foreign citizens or stateless persons not related to them once 12 months have elapsed from the date on which information on the children is entered into the federal database of children without parental care, in accordance with article 122 (3) of the Family Code.

35. Adoption of a child by one spouse requires the consent of the other spouse, if the child is not being adopted by both spouses. A spouse's consent to adoption of a child is not required if the spouses have separated, they have not lived together for over one year and the whereabouts of the other spouse is unknown (art. 133 of the Family Code).

36. In order to protect the rights and legal interests of orphans and children without parental care, and also to prevent them from suffering illegal abuse, article 126.1 of the Family Code prohibits intermediary activity in the adoption of children. Intermediary activity in the adoption of children, i.e. any activity by third parties to select or transfer

children for adoption on behalf of or in the interests of persons wishing to adopt children, is not permitted.

37. Under Article 127 of the Family Code, the following categories of person are forbidden from adopting:

- (1) Persons declared incompetent or of limited competence by a court;
- (2) Spouses, one of whom has been declared incompetent or of limited competence by a court;
- (3) Persons who have been deprived of their parental rights by a court or had their parental rights restricted by a court;
- (4) Persons who have been suspended from trusteeship (guardianship) duties for failing to fulfil their legal obligations properly;
- (5) Former adoptive parents, if the adoption was revoked by a court and they were at fault;
- (6) Persons whose state of health prevents them from adopting a child;
- (7) Persons who, when an adoption is arranged, do not have sufficient income to provide the child with the minimum standard of living fixed by the constituent entity of the Russian Federation where the individuals in question live;
- (8) Persons of no fixed abode;
- (9) Persons who have or have had a criminal record or who are or have been subject to criminal prosecution (except for persons against whom criminal proceedings have been terminated on grounds of rehabilitation) for crimes committed against the sexual inviolability and sexual freedom of the individual or for crimes against the life, health, freedom, honour or dignity of the individual (except for unlawful hospitalization in a medical facility providing in-patient psychiatric care and libel), crimes against families and minors, crimes against public health or public decency, and crimes against public security, except for the situations covered by subparagraph 10 below;
- (10) Persons covered by subparagraph 9 above who have a criminal record or are subject to criminal prosecution for crimes against the life, health, freedom, honour or dignity of the individual (except for unlawful hospitalization in a medical facility providing in-patient psychiatric care and libel), crimes against families and minors, crimes against public health or public decency, and crimes against public security, where the crimes in question are minor or moderately serious, if a court recognizes such persons as presenting a danger to the life, health or morals of the adopted child. In reaching a decision on the adoption of a child by such a person, the court takes into account the circumstances of the act for which the person was prosecuted, the time that has elapsed since the act was committed, the form of guilt, the person's circumstances, including his or her conduct after committing the act, and other circumstances, with the aim of determining whether it is possible to ensure the full physical, psychological, spiritual and moral development of the adopted child without risk to the child's life or health;
- (11) Persons who have a criminal record for serious or very serious crimes not included among those listed in subparagraph 9 above;
- (12) Persons who have not undergone training in the manner established in section 6 of this article (except for close relatives of the child, persons who are or have been adoptive parents and whose status as adopters has not been revoked, and persons who are or have been trustees (guardians) of children and who have not been suspended from performing their duties);

(13) Persons who are in a union concluded between persons of the same sex, recognized as a marriage and registered in accordance with the legislation of a State that permits such marriage, and persons who are citizens of that State and are in a union but are not married.

38. Illegal adoption of a minor for pecuniary motives is classified as a form of child exploitation under article 1 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation.

#### **Article 32 of the Convention on the Rights of the Child**

39. Issues relating to child and adolescent labour are governed by the Constitution of the Russian Federation, the Labour Code and the Criminal Code. The ban on forced labour covers all citizens, including children. The Russian Federation is party to conventions of the International Labour Organization (ILO) on this subject. In 2003, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was ratified. Federal Act No. 58-FZ of 5 April 2013 amending Individual Legal Acts of the Russian Federation to Prevent the Sale and Exploitation of Children, Child Prostitution, and Activities Connected with the Generation and Distribution of Materials or Articles with Pornographic Images of Minors banned the recruitment of persons under the age of 18 to work in the production, transport and trade of materials with erotic content (art. 265 (1) of the Labour Code).

40. Since 2003, the Criminal Code has included article 127.2, under which it is a criminal offence to use slave labour, including the slave labour of a person known to be a minor. Under Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors, the “knowledge” test, which meant that it was necessary to establish that the culprit had sound knowledge that the victim was a minor, has been removed from article 127.2 ((b) of the Criminal Code.

41. Employment contracts may be concluded with persons who have reached the age of 16. Persons who have completed basic general education, or who have left a basic general education establishment in accordance with legislation, may conclude an employment contract if they have reached the age of 15. Cinemas, theatres, theatrical and concert establishments and circuses may conclude contracts of employment with persons under the age of 14 to participate in the creation and/or performance of productions not prejudicial to their health or moral development, with the consent of their legal representatives and the trusteeship and guardianship authorities.

#### **Article 34 of the Convention on the Rights of the Child**

42. In order to protect the sexual inviolability of the child from all forms of sexual exploitation and other promiscuous activities of a sexual nature, the following actions are being taken in the Russian Federation:

- Criminal prosecution of persons who commit crimes against the sexual inviolability of minors (arts. 131 to 135 of the Criminal Code);
- Charging legal persons with administrative offences if they facilitate the sale and (or) exploitation of children (art. 6.19 of the Code of Administrative Offences) or produce materials or articles with pornographic images of minors or distribute such materials or articles (art. 6.20 of the Code of Administrative Offences);
- Ordering and carrying out administrative supervision of individuals who are being or have been released from places of detention and who have unspent or unquashed convictions for crimes committed against the sexual inviolability and sexual

freedom of a minor, and also of individuals who, when aged over 18, commit a crime against the sexual inviolability of a minor under the age of 14 and who suffer from a disorder of sexual preference (paedophilia) that does not exclude responsibility (arts. 3 (2) and 3 (2) (1) of Federal Act No. 64-FZ of 6 April 2011 on Administrative Supervision for Individuals Released from Places of Detention);

- Prohibiting individuals who have or have had a criminal record or who have been subject to criminal prosecution (except for persons against whom criminal proceedings have been terminated on grounds of rehabilitation) for crimes committed against the sexual inviolability and sexual freedom of the individual, crimes against families and minors or crimes against public health or public decency from being recruited for teaching activities (art. 331 of the Labour Code);
- Prohibiting adoption by individuals who have or have had a criminal record or who are or have been subject to criminal prosecution (except for persons against whom criminal proceedings have been terminated on grounds of rehabilitation) for crimes committed against the sexual inviolability and sexual freedom of the individual, crimes against families and minors or crimes against public health or public decency (art. 127.1 of the Family Code).

43. The Russian Federation has taken the following steps to combat child exploitation in the form of the sale of children, child prostitution and child pornography:

- Enhancing criminal liability for crimes of a sexual nature committed against minors (Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors);
- Criminalizing acts connected with the sexual exploitation of minors: receiving sexual services from a minor — article 240.1 of the Criminal Code (added under Federal Act No. 380-FZ of 28 December 2013 amending the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation); and using a minor for the purposes of producing pornographic materials or articles — article 242.2 of the Criminal Code (added under Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors);
- Making it an administrative offence for legal persons to violate legislation relating to the sexual exploitation of minors (para. 50 of the report).

#### **Article 35 of the Convention on the Rights of the Child**

44. In order to prevent abductions, human trafficking and people smuggling, the following mechanisms have been put in place:

- Criminal prosecution of persons who commit the following crimes: abduction (art. 126 of the Criminal Code), unlawful deprivation of liberty (art. 127 of the Criminal Code), human trafficking (art. 127.1 of the Criminal Code) and using slave labour (art. 127.2 of the Criminal Code);
- Making it an administrative offence for legal persons to facilitate the sale and (or) exploitation of children (art. 6.19 of the Code of Administrative Offences);
- Prevention work with minors by organizations and departments within the system for preventing child neglect and juvenile delinquency (Federal Act No. 120-FZ of 24 June 1999 on the Foundations of the System for the Prevention of Child Neglect and Juvenile Delinquency, version of 13 July 2015);

- Comprehensive operational and preventative measures undertaken jointly by the internal affairs authorities and other law enforcement agencies to prevent abductions and human trafficking (Federal Act No. 3-FZ of 7 February 2011 on the Police);
- International cooperation within the CIS, Collective Security Treaty Organization (CSTO), Shanghai Cooperation Organization (SCO) and other international organizations to prevent abductions and human trafficking.

45. Under article 14.2 (“Measures to prevent the sale and exploitation of children”) of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation:

(1) The State authorities of the Russian Federation, the state authorities of the constituent entities of the Russian Federation and local government authorities take measures to prevent the sale and exploitation of children, within their respective mandates;

(2) The State authorities of the Russian Federation, the state authorities of the constituent entities of the Russian Federation and local government authorities take measures to provide the necessary educational, psychological, medical and legal support to victims of the sale and (or) exploitation of children and their parents (or those acting in their stead), in line with their respective competences;

(3) Public associations (organizations) and other non-commercial organizations may assist the State authorities of the Russian Federation, the state authorities of the constituent entities of the Russian Federation and local government authorities in taking measures to prevent the sale and exploitation of children and provide the necessary educational, psychological, medical and legal support to victims of the sale and (or) exploitation of children and their parents (or those acting in their stead);

(4) Citizens of the Russian Federation, foreign citizens and stateless persons bear criminal, civil or disciplinary liability for offences involving the sale and (or) exploitation of children, in accordance with the legislation of the Russian Federation;

(5) Legal persons bear liability for facilitating the sale and (or) exploitation of children by providing premises, means of transportation or other material resources, by providing accommodation for the sale and (or) exploitation of children, by providing services that assist in the sale and (or) exploitation of children, or by financing the sale and (or) exploitation of children, and also for generating, procuring, storing, transporting, distributing, publicly displaying or advertising materials or articles with pornographic images of minors, in accordance with the legislation of the Russian Federation. This provision applies to foreign legal persons in those cases provided for in the legislation of the Russian Federation;

(6) Taking action to hold legal persons liable for offences involving the sale and (or) exploitation of children or the generation and (or) distribution of materials or articles with pornographic images of minors does not release physical persons from liability for committing these offences, and likewise charging a physical person with criminal or other offences for violations involving the sale and (or) exploitation of children or the generation and (or) distribution of materials or articles with pornographic images of minors does not release a legal person from liability for committing such offences.

#### **Article 36 of the Convention on the Rights of the Child**

46. In order to protect children from all forms of exploitation that may be harmful to any aspect of their welfare, the following steps have been taken:

- Legislative measures to ensure information security for children in the media and on the Internet (adoption of Federal Acts No. 436-FZ of 29 December 2010 on the

Protection of Children from Information that May Be Harmful to their Health and Development, No. 139-FZ of 28 July 2012 amending the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development and Individual Legal Acts of the Russian Federation and No. 50-FZ of 5 April 2013 amending Individual Legal Acts of the Russian Federation to Restrict the Spread of Information on Minors Suffering Harm as a Result of Illegal Actions (or Omissions). These laws ensure that the rights of minors are protected by creating a barrier to the spread of information that may be psychologically traumatizing to victims and those close to them and (or) announcements of the involvement of minors as participants in entertainment of a pornographic nature; they also create obstacles to the unwanted “popularization” of crimes against the sexual inviolability of minors through the media;

- In 2013-2014, under the authority of the Presidential Commissioner for Children’s Rights, a national information campaign against violence and cruelty was run in the media and through other forms of mass communication.

**D. Amendments made to the legislation of the Russian Federation in connection with the signature and ratification of the Optional Protocol, including to give effect to the general principles of the Convention on the Rights of the Child in implementing the Optional Protocol**

47. The signature and ratification of the Optional Protocol to the Convention on the Rights of the Child by the Russian Federation was preceded by efforts to adopt the following federal laws:

- (1) Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development (No. 436-FZ of 29 December 2010);
- (2) Federal Act on Administrative Supervision for Individuals Released from Places of Detention (No. 64-FZ of 6 April 2011);
- (3) Federal Act amending Individual Legal Acts of the Russian Federation in connection with the Adoption of the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development (No. 252-FZ of 21 July 2011);
- (4) Federal Act amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors (No. 14-FZ of 29 February 2012);
- (5) Federal Act amending Article 22.1 of the Federal Act on the State Registration of Legal Persons and Individual Entrepreneurs and Articles 331 and 351.1 of the Labour Code of the Russian Federation (No. 27-FZ of 1 April 2012);
- (6) Federal Act amending the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development and Individual Legal Acts of the Russian Federation (No. 139-FZ of 28 July 2012);
- (7) Federal Act amending Individual Legal Acts of the Russian Federation to Prevent the Sale and Exploitation of Children, Child Prostitution, and Activities Connected with the Generation and Distribution of Materials or Articles with Pornographic Images of Minors (No. 58-FZ of 5 April 2013);
- (8) Federal Act amending the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation (No. 380-FZ of 28 December 2013);

(9) Federal Act amending Individual Legal Acts of the Russian Federation to Improve the Rights of Victims in Criminal Proceedings (No. 432-FZ of 28 December 2013).

48. The following normative legal acts have been adopted on the sale of children, child prostitution and child pornography:

- Government Decree No. 1101 of 26 October 2012 on the Unified Register of Domain Names and Web Page Indices for the Internet Information and Telecommunications Network and Network Addresses Allowing the Identification of Sites on the Internet Information and Telecommunications Network that Contain Information which It Is Prohibited to Distribute in the Russian Federation (a Unified Automated Information System);
- Federal Act No. 167-FZ of 2 July 2013 amending Individual Legal Acts of the Russian Federation on Matters Relating to the Placement of Orphans and Children without Parental Care, drafted pursuant to Presidential Decree No. 1688 of 28 December 2012 on Various Measures to Implement State Policy to Protect Orphans and Children without Parental Care so as to provide all-round protection for the rights and interests of orphans and children without parental care and to help and support Russian citizens wishing to adopt or care for minors;
- Federal Act No. 135-FZ of 29 June 2013 amending Article 5 of the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development and Individual Legal Acts of the Russian Federation to Protect Children from Information Promoting the Denial of Traditional Family Values. This Federal Act creates an administrative offence for citizens, officials and legal persons who promote non-traditional sexual relations to minors by disseminating information aimed at producing among minors non-traditional sexual attitudes, an attraction to non-traditional sexual relations and a perverted notion of the social equality of traditional and non-traditional sexual relations or the touting of information on non-traditional sexual relations that evokes interest in such relations, if such actions do not constitute an offence punishable under criminal law.

49. On 24 June 2015, Federal Bill No. 822714-6 amending Articles 135 and 242.1 of the Criminal Code of the Russian Federation in order to Clarify the Law on Criminal Liability for Crimes of a Sexual Nature against Minors Committed with the Use of Information and Telecommunications Networks was submitted to the State Duma, the lower house of the Federal Assembly, for consideration. This Bill extends liability for the generation and distribution of child pornography using online media and other electronic resources. The Bill is intended to reduce the risks of child sexual abuse using information and telecommunications networks.

50. In 2012, the National Strategy on Action for Children 2012-2017 (approved by Presidential Decree No. 761 of 1 June 2012) was adopted.

51. In accordance with Federal Act No. 58-FZ of 5 April 2013 amending Individual Legal Acts of the Russian Federation to Prevent the Sale and Exploitation of Children, Child Prostitution, and Activities Connected with the Generation and Distribution of Materials or Articles with Pornographic Images of Minors, the following amendments have been made to the legislation of the Russian Federation.

52. Article 1 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation now includes definitions of the “sale of children”, the “exploitation of children” and “victims of the sale and (or) exploitation of children” (see section I.A of this report).

53. Article 4 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation has been supplemented with provisions on the responsibility of legal persons for violations of the rights and legal interests of a child occasioning harm to the child. Likewise, chapter 6 of the Code of Administrative Offences (“Administrative offences affecting public health, sanitary and epidemiological welfare and public decency”) now includes the following articles:

“Article 6.19. Facilitation by a legal person of the sale and (or) exploitation of children

The facilitation by a legal person of the sale and (or) exploitation of children by providing premises, means of transportation or other material resources, by providing accommodation for the sale and (or) exploitation of children, by providing services that assist in the sale and (or) exploitation of children, or by financing the sale and (or) exploitation of children shall render the legal person liable to an administrative fine of between 1 million and 5 million roubles or administrative suspension of activity for up to 90 days.

*Notes:*

(1) A legal person shall be held responsible for an administrative offence under this article if the violation in question is committed on behalf of or in the interests of the legal person by a person exercising managerial functions within the organization.

(2) For the purposes of this article, a person exercising managerial functions means a person who performs the functions of a sole executive, member of a board of directors or other collegial executive body, or a person who permanently, temporarily or by special authorization performs organizational and management or administrative and economic functions within the organization.

Article 6.20. Generation by a legal person of materials or articles with pornographic images of minors and distribution of such materials or articles

The generation, procurement, storage, transportation, distribution, public display or advertising by a legal person of materials or articles with pornographic images of minors shall render the legal person liable to an administrative fine of between 1 million and 5 million roubles and the confiscation of materials or articles with pornographic images of minors and equipment used to generate such materials or articles, or to administrative suspension of activity for up to 90 days and the confiscation of materials or articles with pornographic images of minors and equipment used to generate such materials or articles.

*Notes:*

(1) A legal person shall be held responsible for an administrative offence under this article if the violation in question is committed on behalf of or in the interests of the legal person by a person exercising managerial functions within the organization.

(2) For the purposes of this article, a person exercising managerial functions means a person who performs the functions of a sole executive, member of a board of directors or other collegial executive body, or a person who permanently, temporarily or by special authorization performs organizational and management or administrative and economic functions within the organization.”



**E. Information on the place of the Optional Protocol on the sale of children, child prostitution and child pornography within the Russian legal system**

54. Under article 15 (4) of the Constitution, the generally recognized principles and norms of international law and international agreements of the Russian Federation form an integral part of its legal system. If an international agreement of the Russian Federation establishes rules other than those provided for by law, the rules of the international agreement apply.

55. Under article 6 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation, children have human and civil rights and freedoms from birth that are guaranteed by the State, in accordance with the Constitution, the universally recognized principles and norms of international law, international agreements of the Russian Federation, Federal Act No. 124-FZ itself, the Family Code and other normative legal acts.

56. The Optional Protocol to the Convention on the Rights of the Child, which has been signed and ratified by the Russian Federation, thus forms parts of the legal system.

**F. State bodies responsible for ensuring that the rights and legal interests of children in the Russian Federation are protected**

57. In the context of implementing the Optional Protocol on the sale of children, child prostitution and child pornography, protecting the rights of children is the responsibility of a large number of State bodies and officials, including:

(1) The law enforcement agencies of the Russian Federation: the Ministry of Internal Affairs, the Investigative Committee, the Federal Security Service and the Federal Migration Service;

(2) The Ministry of Justice (Presidential Decree No. 1313 of October 2004 on Matters for the Ministry of Justice of the Russian Federation);

(3) The Office of the Procurator General (Federal Act No. 2202-1 of 17 January 1992 on the Procuratorial Services of the Russian Federation). One aspect of the supervisory activities of the procuratorial services of the Russian Federation is to monitor the enjoyment of human and civil rights and freedoms, the focus of which is to ensure respect for these rights and freedoms by the federal executive authorities, the Investigative Committee, the representative (legislative) and executive authorities of the constituent entities of the Russian Federation, local government, military administration, monitoring bodies and officials thereof, entities involved in public monitoring of respect for human rights in places of forced detention and providing assistance to persons held in places of forced detention, and the boards and directors of commercial and non-commercial organizations;

(4) The Federal Monitoring Service for Communications, Information Technology and the Mass Media (Regulations on the Federal Monitoring Service for Communications, Information Technology and the Mass Media, approved by Government Decree No. 228 of 16 March 2009);

(5) Local government (Federal Act No. 131-FZ of 6 October 2003 on General Principles for the Organization of Local Government in the Russian Federation);

(6) The Presidential Commissioner for Children's Rights and the children's rights commissioners of the constituent entities of the Russian Federation (Presidential

Decree No. 986 of 1 September 2009 on the Presidential Commissioner for Children's Rights). Under this Decree, the Presidential Commissioner for Children's Rights is entitled, in fulfilling his duties, to:

- Request and receive, in the established manner, the necessary information, documents and materials from federal State authorities, state authorities of the constituent entities of the Russian Federation, local government authorities, organizations and officials;
- Visit federal State authorities, state authorities of the constituent entities of the Russian Federation, local government authorities and organizations unhindered;
- Conduct inquiries, independently or with the competent State authorities and officials, into the activities of federal executive authorities, state authorities of the constituent entities of the Russian Federation and officials and receive the appropriate explanations from them;
- Submit conclusions to federal executive authorities, state authorities of the constituent entities of the Russian Federation, local government authorities and officials concerning decisions and actions (or omissions) that the Commissioner considers violate children's rights and interests, with recommendations on possible and necessary measures to restore those rights and interests;
- In the established manner, invite scientific and other organizations, and also scientists and experts, to perform specialist and analytical work on protecting children's rights, including on a contractual basis.

(7) The Presidential Coordinating Council to implement the National Strategy on Action for Children 2012-2017 (Presidential Decree No. 761 of 1 June 2012);

(8) The committees on minors' issues and protecting the rights of minors (created and operating in accordance with the Model Regulations on committees on minors' issues and protecting the rights of minors, approved by Government Decree No. 995 of 6 November 2013). The committees on minors' issues and protecting the rights of minors were created to coordinate the activities of organizations and departments within the system for preventing neglect and juvenile delinquency in order to prevent neglect, homelessness, offences and antisocial behaviour by minors, to identify and eliminate the reasons for such behaviour, to ensure respect for the rights and legal interests of minors and the social and educational rehabilitation of minors in precarious social circumstances, and to identify and reduce cases in which minors are involved in crime and antisocial behaviour. The committee system in the constituent entities of the Russian Federation consists of:

- Committees set up by the highest state executive authorities of the constituent entities of the Russian Federation, which operate within the constituent entities of the Russian Federation;
- Committees set up by local government authorities, which operate within municipal units of the constituent entities of the Russian Federation;
- District (town) and district committees in towns.

(9) The trusteeship and guardianship authorities (Family Code, Civil Code, Federal Act No. 184-FZ of 6 October 1999 on General Principles for the Organization of Legislative (Representative) and Executive State Authorities in the Constituent Entities of the Russian Federation and Federal Act No. 131-FZ of 6 October 2003 on General Principles for the Organization of Local Government in the Russian Federation). Under article 121 of the Family Code, the trusteeship and guardianship authorities are responsible for protecting the rights and interests of children in the event of parental death, removal of parental rights, restriction of parental rights, parents being declared incompetent, parental

illness, long-term parental absence, parents refusing to bring up children or to protect their rights and interests, including refusal to remove children from educational or medical establishments, organizations providing social services or similar organizations, parental action or omission creating conditions that endanger the life or health of the children or obstruct their normal education and development, and also in other cases where there is an absence of parental care. The trusteeship and guardianship authorities identify children without parental care, prepare a report on such children, in accordance with the procedure established by the competent federal executive authority authorized by the Government of the Russian Federation, ensure that the rights and interests of the child are protected until the question of the child's placement can be decided, and, based on the specific circumstances under which parental care has ended, choose how best to place children without parental care and carry out follow-up monitoring of the child's accommodation, upbringing and education. Legal or physical persons other than the trusteeship and guardianship authorities are not permitted to become involved in identifying or placing children without parental care. The trusteeship and guardianship authorities are executive authorities of the constituent entities of the Russian Federation. The trusteeship and guardianship authorities may also be local government authorities if, under the legislation of the relevant constituent entity of the Russian Federation, they are entrusted with trusteeship and guardianship functions in accordance with federal laws;

(10) The organizations and departments of the system for preventing child neglect and juvenile delinquency (Federal Act No. 120-FZ of 24 June 1999 on the Foundations of the System for the Prevention of Child Neglect and Juvenile Delinquency). Under article 8 of this Federal Act, the organizations and departments of the system for preventing child neglect and juvenile delinquency, within the limits of their mandates, must ensure respect for the rights and legal interests of minors, provide them with protection from all forms of discrimination, physical or psychological violence, verbal abuse, ill-treatment, and sexual or other exploitation, and identify minors and families in precarious social circumstances. Under article 4 of the above Federal Act, the system for preventing child neglect and juvenile delinquency includes the committees on minors' issues and protecting the rights of minors, the social protection authorities, the federal State authorities and the state authorities of the constituent entities of the Russian Federation responsible for exercising authority in the sphere of education, local government education authorities, the trusteeship and guardianship authorities, youth affairs bodies, health-care authorities, employment services authorities, internal affairs authorities, authorities responsible for the fight against narcotic drugs and psychotropic substances, and departments within the criminal justice system (remand centres, educational labour colonies and prison inspection services).

**G. Material support for children in the Russian Federation to guarantee that they develop to their full physical and mental potential, realize their natural abilities and talents and receive an education**

58. In accordance with article 7 of the Constitution, State support is provided for families, motherhood, fatherhood and childhood; a system of social services is being developed; and State pensions, benefits and other social protection guarantees are being established. The fundamental guarantees of children's rights and legal interests provided for in the Constitution with the aim of creating legal and socioeconomic conditions in which children can exercise their rights and legal interests are established by Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation and other normative legal acts at federal and regional level.

59. Article 60 of the Family Code enshrines the property rights of the child, in particular the right to receive benefits from parents or other family members. The sums due to a child

for food, maintenance and benefits are placed at the disposal of the parents (or those acting in their stead) and are to be spent by them on supporting, bringing up and educating the child. At the request of a parent obliged to provide food for children who are minors, a court may decide to transfer no more than 50 per cent of the sums due for food into bank accounts opened in the children's names.

60. Article 63 of the Family Code enshrines the rights and obligations of parents to bring up and educate their children, stipulating that parents have the right and duty to raise their children. Parents are responsible for their children's upbringing and development. They must care for their children's health and physical, psychological, spiritual and moral development. Parents have priority rights above all other individuals in the education and upbringing of their children. Moreover, parents are obliged to ensure that their children receive a general education. Parents have the right to select an education establishment and choose how their children are educated and study, taking into account the views of the child, until they have completed basic general education.

61. The law lays down relatively strict requirements for the social and material situation of parents, adoptive parents, trustees (guardians) and foster parents, with the aim of preventing any obstacles arising that would stop them from meeting their obligations in bringing up minors.

62. Under article 127 of the Family Code, adoptive parents may not be, in particular, either persons who, when an adoption is arranged, do not have sufficient income to provide the child with the minimum standard of living fixed by the constituent entity of the Russian Federation where they live or persons of no fixed abode.

63. In accordance with Federal Act No. 178-FZ of 17 July 1999 on State Social Provision, low-income families and low-income citizens living alone whose average per capita income is less than the minimum subsistence level established for the relevant constituent entity of the Russian Federation are entitled to State social assistance, receiving social benefits, subsidies, social services and essential commodities.

64. Federal Act No. 81-FZ of 19 May 1995 on State Benefits for Citizens with Children establishes a single system of State benefits for citizens with children, payable for birth and upbringing, which provides guaranteed material State support for motherhood, fatherhood and childhood. Since 1 January 2015, the amount of the one-off payment for the birth of a child and for the transfer of a child to family care has stood at 14,497.80 roubles. The amount of the monthly benefit paid for a child under 18 months old is 40 per cent of the insured person's average wage. For citizens who do not work, the minimum amount of the monthly benefit is 2,718.34 roubles for the first child and 5,436.67 roubles for the second and subsequent children, up to a maximum of 10,873.36 roubles. Under article 4.2 of the above Federal Act, most State benefits paid to citizens with children are indexed annually based on the rate of inflation forecast in the federal budget act for the relevant financial year and planning period.

65. Federal Act No. 256-FZ of 29 December 2006 on Additional State Support Measures for Families with Children provides for the introduction, as of 1 January 2007, of a maternity (family) payment of 250,000 roubles, which is reviewed annually in line with inflation and is fixed by the federal budget act for the relevant financial year. For 2015, the amount of the maternity (family) payment under Federal Act No. 384-FZ of 1 December 2014 on the Federal Budget for 2015 and the Planning Period for 2016 and 2017 is 453,026 roubles.

66. Under article 155 of the Family Code, a monthly payment is made to foster families to support each child, in the manner and amount established by the laws of the constituent entities of the Russian Federation.

67. The trusteeship and guardianship authorities are obliged to provide foster families with the necessary assistance to give the child (children) a normal life and upbringing and are entitled to carry out checks to ensure that foster families are meeting their obligations to support, raise and educate the child (children).

68. Under article 155.2 of the Family Code, establishments for orphans and children without parental care where children are cared for are covered by legal provisions on trusteeship and guardianship concerning the rights, duties and responsibilities of trustees and guardians.

69. In educational and medical establishments, organizations providing social services and other organizations caring for minors, how members of staff meet their obligations to support, raise, educate and treat minors is established by their managers in line with legal requirements. Material and financial resources for the activities of the majority of these establishments is provided by the State through the State or municipal executive authorities, which also manage them.

70. In accordance with Federal Act No. 273-FZ of 29 December 2012 on Education in the Russian Federation, parents are not required to pay for the care or expenses of children with disabilities, orphans and children without parental care, or children with early-stage tuberculosis infection who are being looked after in State or municipal educational establishments that offer preschool education programmes (art. 65). Students with health problems who live in establishments offering educational activities are provided for in full by the State and are given food, clothing, footwear and small and large items of equipment. Other students with health problems are provided with two meals a day (art. 79).

71. Under article 6 of Federal Act No. 159-FZ of 21 December 1996 on Additional Guarantees of Social Support for Orphans and Children without Parental Care, orphans and children without parental care, collectively and individually, are entitled to study in the preparatory departments of educational establishments offering higher education with funding from the relevant part of the Russian Federation budget system or to obtain a second high-school vocational education on a programme to train skilled workers without being charged a fee. Orphans and children without parental care, collectively and individually, who are following secondary vocational education programmes or on-site higher education programmes funded from the relevant parts of the Russian Federation budget system, and also students who lose both parents or their only parent during their studies, are fully provided for by the State until the end of their course. If individual orphans and children without parental care or students who have lost both parents or their only parent during their studies reach the age of 23 while they are following secondary vocational education programmes or on-site higher education programmes funded from the relevant parts of the Russian Federation budget system, they retain the right to full State support and additional guarantees of social provision for secondary vocational education or higher education until the end of these programmes. As well as full State support, orphans and children without parental care, collectively and individually, who are following basic education programmes funded from the relevant parts of the Russian Federation budget system are paid a stipend, an annual sum to purchase text books and writing materials equivalent to three months' stipend, and 100 per cent of wages for any period of industrial study or industrial placement.

72. Full State support for orphans and children without parental care includes the provision of free food, free clothing and footwear, free accommodation and free medical services or reimbursement of full costs while they are living in appropriate State or municipal establishments or with trustees, guardians or foster parents.

## **H. Raising children and looking after their health and physical, mental and spiritual development**

73. Children have the right to be brought up by their parents and have their interests protected, along with the right to all-round development and respect for their human dignity.

74. By law, the obligations of raising minors fall to parents (art. 63 of the Family Code), adoptive parents (art. 137 of the Family Code), trustees and guardians (art. 148.1 of the Family Code), foster families (art. 152 of the Family Code), foster parents (art. 153 of the Family Code) or, in those cases provided for in the legislation of the constituent entities of the Russian Federation, sponsor families (art. 123 of the Family Code).

75. The obligations of parents, adoptive parents, trustees and guardians in raising minors are laid down in constitutional, civil and family law.

76. The Constitution of the Russian Federation proclaims caring for and bringing up children to be both the right and the duty of their parents (art. 38).

77. Under articles 63 and 65 of the Family Code, parents have the right and the duty to bring up their children. Parents are responsible for their children's upbringing and development. They must care for their children's health and physical, psychological, spiritual and moral development. Parents are obliged to ensure that their children receive a general education. Parental rights must not be exercised in a manner contrary to the interests of their children. Safeguarding children's interests must be a matter of fundamental concern to their parents. In exercising their rights, parents shall not have the right to cause harm to the physical or psychological health of their children or to their moral development. Methods of bringing up children must exclude scornful, cruel, rough and humiliating types of treatment, as well as the abuse and exploitation of children. Parents who exercise their parental rights to the detriment of their children's rights and interests are held liable in accordance with the legally established procedure.

78. The obligations of parents in raising their children reflect the rights of the child enshrined, in particular, in article 54 of the Family Code, which stipulates that every child has the right to live and be brought up in a family, to the extent possible; the right to know his or her parents; the right to be cared for by them; and the right to live together with them, except in cases where this would be contrary to the child's interests. Children have the right to be brought up by their parents and have their interests protected, and also the right to all-round development and respect for their human dignity. In the absence of parents, or where parental rights have been revoked or in other cases where parental care has been lost, the right of the child to be brought up in a family is ensured by the trusteeship and guardianship authorities.

79. Parents who have had their parental rights restricted by a court lose the right to bring up their children themselves and also their right to the rebates and State benefits provided for citizens with children. Restriction of parental rights does not relieve parents of the obligation to provide for the child (art. 74 of the Family Code), but it does release them from the obligation to raise the child.

80. By law, adoptive parents have the same legal status as parents and bear the same obligations in raising adopted children as the children's parents. The law establishes analogous obligations for trustees and guardians raising minors. Under article 148.1 of the Family Code, a child's trustees or guardians have the right and duty to raise a child under their trusteeship or guardianship and to look after the child's health and physical, psychological, spiritual and moral development.

81. Under article 153 of the Family Code, foster parents exercise rights in respect of the child or children in their care, perform the duties of a trustee or guardian and are liable for failing to fulfil or not properly fulfilling their obligations in the manner and conditions established by federal laws and agreements.

82. By law, education and medical establishments and organizations providing social services also have obligations in the raising of minors.

83. The obligations of caregivers, education workers, doctors and other staff of caregiving, educational, treatment, care-and-treatment and corrective establishments, social services and social protection organizations, and other analogous establishments that care for minors in the raising of minors flow from the requirements of civil law, criminal procedure law and legislation on education and health care.

84. Obligations in raising minors analogous to the obligations of trustees and guardians are specifically applicable by law to caregivers in establishments for orphans and children without parental care, i.e. educational and medical establishments and organizations providing social services.

85. Under article 155.2 of the Family Code, establishments for orphans and children without parental care where children are cared for are covered by legal provisions on trusteeship and guardianship concerning the rights, duties and responsibilities of trustees and guardians.

86. The organizations and departments of the system for preventing child neglect and juvenile delinquency also have obligations to care for minors. Under article 8 of Federal Act No. 120-FZ of 24 June 1999 on the Foundations of the System for the Prevention of Child Neglect and Juvenile Delinquency, the organizations and departments of the system for preventing child neglect and juvenile delinquency, within their mandates, protect minors from all forms of discrimination, physical or psychological violence, verbal abuse, ill-treatment, and sexual or other exploitation, and identify minors and families in precarious social circumstances.

87. Obligations in the raising of minors include complying with the requirements of laws and other normative legal acts concerning the way in which minors are raised and behaviour towards minors, which exclude the use of methods involving physical or psychological violence, negligent, cruel, brutal, immoral or degrading treatment, verbal abuse, the exploitation of minors and the infringement of their rights and legal interests.

88. Under articles 9 (1) and 14.1 of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation, when educational activities take place within the family or in an organization offering educational activities, the rights of the child must not be infringed. Parents (or those acting in their stead) must take care of the health and physical, psychological, spiritual and moral development of their children. Persons involved in education, upbringing, development, health care, social protection, social services, social adaptation or social rehabilitation or other activities in which children take part must encourage the children's physical, intellectual, psychological, spiritual and moral development, within the limits of their authority.

89. Failing to meet the obligations of raising a minor means systematic omissions over a more or less prolonged period of time by ignoring all or the majority of the obligations of raising a minor established by normative legal acts, refusing to meet these obligations, disregarding the physical, psychological and moral development of a minor, or taking an indifferent and uncaring approach to the minor's needs, interests, health, safety, learning, leisure, occupations and pastimes. Isolated and short-term instances of failing to satisfy a minor's need or interest are not included.

90. Under paragraph 11 of the Supreme Court's Plenary Decision No. 10 of 27 May 1998 on the Courts' Application of Legislation in the Resolution of Disputes relating to Raising Children, parents' refusal to meet their obligations in raising children may take the form of not caring about the children's moral and physical development or education, or about preparing them to play a useful role in society.

91. Failing to meet the obligations of raising a minor may, in particular, take the form of refusing to fulfil the obligation to meet a minor's needs for food, clothing and footwear appropriate to the season, housing in pleasant and sanitary conditions, proper rest and sleep, hygiene materials, and timely medical assistance and treatment of illness. It may also take the form of ignoring the obligation to guarantee the right of minors to communicate with their parents and peers and to enable the minor to receive an education, engage in sport, music, dance, drawing and design, explore other types of creative and physical activity, and satisfy other interests and needs.

92. In paragraph 11 of Plenary Decision No. 10 of 27 May 1998 on the Courts' Application of Legislation in the Resolution of Disputes relating to Raising Children, the Supreme Court, clarifying the issue of the limits on parents' exercising their rights, said: "The abuse of parental rights must be understood to mean exercising these rights to the detriment of children's interests, for example the creation of obstacles to studying, inducement to engage in begging, theft or prostitution or use alcohol or narcotics, etc."

93. Failing to properly perform the obligations of raising a minor, as with failing to perform them at all, involves a specific system and procedure for dealing with those responsible. Individual, episodic instances of failing to meet these obligations do not constitute a crime under article 156 of the Criminal Code, but in specific circumstances they may be classed as a separate crime against the individual or as another offence.

94. Under article 156 of the Criminal Code, it is an offence for parents or other persons who have assumed the duties of raising a minor, or for teaching staff or other workers in educational or medical establishments, organizations providing social services or other organizations obliged to care for minors, to fail to fulfil, or to fail to properly fulfil, the obligations of raising a minor, if such conduct amounts to cruel treatment of a minor.

95. If a child's rights or legal interests are violated, the child is entitled to bring an independent complaint in defence thereof before the trusteeship and guardianship authorities or, if the child has reached the age of 14, before the courts.

## **I. Implementing the Convention on the Rights of the Child in the light of the Optional Protocol on the sale of children, child prostitution and child pornography**

### **Tackling the wrongful removal and/or non-return of children from foreign States**

96. In order to ensure that children wrongfully removed to another State are returned home immediately and to guarantee respect for the child's rights and access to the child by the competent authorities, the President of the Russian Federation signed Federal Act 126-FZ of 5 May 2014 amending Individual Legal Acts of the Russian Federation in connection with the Accession of the Russian Federation to the Convention on the Civil Aspects of International Child Abduction.

97. The Ministry of Education and Science has designated a Central Authority to discharge the duties imposed upon such authorities by the Convention on the Civil Aspects of International Child Abduction (Government Decree No. 1097 of 22 December 2011).



98. Powers to trace abducted children under the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 are given to the Federal Court Bailiff Service, which traces children both before cases come to court and as part of implementing court rulings that have already entered into force concerning the return of a child or restoring rights of access to a child. In trying to trace a child on the basis of a court ruling, the court bailiff is authorized to undertake investigative activities.

99. From 2009 to 2013, the Russian Federation took system-wide action to develop national mechanisms to implement the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children of 19 October 1996.

#### **Preventing the sale of children, child prostitution and child pornography within the adoption process**

100. Federal Act No. 99-FZ of 7 May 2013 amending Individual Legal Acts of the Russian Federation in connection with the Adoption of the Federal Act on the Ratification of the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data and the Federal Act on Personal Data introduces additional guarantees to ensure the security of documentary information held in the State database on children without parental care when such information is being handled, including taking the necessary legal, organizational and technical measures to protect documentary information from wrongful or accidental access, deletion, amendment, blocking, copying, provision, distribution or other unlawful activities (Federal Act No. 44-FZ of 16 April 2001).

101. Under the Code of Administrative Offences, it is an administrative offence to commit the following acts connected with adoption and other forms of family placement for orphans:

- Failure to respect the procedure or time limits for providing information on minors who need to be transferred for care in a family or in an institution for orphans or children without parental care (art. 5.36);
- Unlawful activities in the adoption of a child or the transfer of a child to trusteeship (guardianship) or a foster family (art. 5.37).

102. The above violations might include, for example, failing to observe legal adoption procedures, violations of the procedure for foreign citizens or stateless persons to adopt children, giving children to unauthorized persons for adoption, giving brothers and sisters to different people (except in the instances specified in law), ignoring obligations to obtain consent from parents and the child in those circumstances provided for in law, and illegal intermediary activity in the adoption of children. The perpetrators of these violations may be either citizens (for example, in the case of illegal intermediary activity in the adoption of children) or officials.

103. Illegal activity in the adoption of children, placing children under trusteeship (guardianship) or transferring them to be raised in foster families, if committed repeatedly or for pecuniary motives, is a criminal offence under article 154 of the Criminal Code.

104. In those cases where the purpose of an illegal adoption is not for the child to be placed in a family to be raised but for the child to be used by other individuals for the purposes of exploitation, illegal adoption constitutes a disguised form of the sale of children and falls under article 127.1 (2) (b) of the Criminal Code.

105. As part of efforts to tackle the sale of children, child prostitution and child pornography, the Russian Federation is examining international legal regulation as one of

several effective ways of protecting the rights of minor citizens of Russia adopted by foreigners.

106. Under article 26 of Federal Act No. 62-FZ of 31 May 2002 on Citizenship of the Russian Federation, a child who is a citizen of the Russian Federation, if adopted by foreign citizens, retains citizenship of the Russian Federation, which may, however, be terminated upon application by the adoptive parents, provided that the child will not become stateless. Children retaining the citizenship of their country of birth is unrelated to the basic principles of cooperation between States in the sphere of international adoption. At the same time, citizenship of the Russian Federation means that a child adopted by foreigners remains under the protection of the Russian Federation and that, if there are grounds, the provisions of article 12 (3) of the Criminal Code (criminal liability of foreign citizens committing crimes outside the borders of the Russian Federation against a citizen of the Russian Federation) may apply. Similar provisions are already contained in the current treaty between the Russian Federation and the Kingdom of Spain on cooperation in the field of the adoption of children of 9 July 2014 and in draft agreements being prepared, for example with Israel and New Zealand.

107. The Russian Federation has concluded intergovernmental and interdepartmental agreements on cooperation in fighting criminal activity, including crimes linked to sexual exploitation, with more than 60 countries. Tackling the above crimes is one of the subjects for discussion within multilateral forums such as the CIS, SCO, Europol, Interpol and other major international organizations. By means of Federal Act No. 87-FZ of 5 May 2014, the Russian Federation ratified the CIS member State agreement on the international tracing of persons, the adoption of which involves improving the effectiveness of tracing activities across the CIS.

**Tackling the economic exploitation of children through the sale of children, child prostitution and child pornography and protecting the sexual inviolability of the child from all forms of sexual exploitation and other promiscuous activities of a sexual nature**

108. Acts connected with the sale of children, involving a person in prostitution, and the generation, procurement, storage and (or) transfer across the State borders of the Russian Federation for the purposes of distribution, public display or advertising, and also the distribution, public display or advertising, of materials or articles with pornographic images of minors are criminal offences (see part V, “Responsibility for criminal and other offences involving the sale of children, child prostitution and child pornography”, of this report).

109. Under Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors, in order to enhance liability for crimes of a sexual nature committed against minors:

- The penalties for offences against the sexual inviolability of minors have been increased:
  - Life imprisonment has been introduced for particularly serious crimes against young children under the age of 14;
  - Crimes against the sexual inviolability of young children under the age of 14 carry no possibility of a suspended sentence;
  - The period of a sentence for such crimes that must be served before the offender is eligible for parole has been increased to four fifths;
  - Compulsory medical intervention may be ordered for persons who have committed crimes against the sexual inviolability of young children and those

suffering from paedophilia who are of sound mind, including once they have been released from places of detention;

- The principle of assuming that the perpetrator knew the age of the victim has been introduced by removing the test of knowing that the victim is a minor from all definitions of crimes;
- The principle of assuming that children under the age of 12 are helpless if a crime is committed against their sexual inviolability or if any acts committed against them are classified as being of a sexual nature has been introduced;
- The commission of crimes against children by a parent or other individual who has legally assumed the obligations of raising a minor or by a teacher or other worker at an institution for education, upbringing or treatment or other establishment is classified as an aggravating circumstance;
- Committing crimes of a sexual nature as a group or the presence of two or more child victims of such crimes are also included among the classification elements;
- An additional penalty in the form of forfeiting the right to occupy certain posts or to engage in certain activities (for up to 20 years) has been introduced for crimes of a sexual nature.

110. Under Federal Act No. 64-FZ of 6 April 2011 on Administrative Supervision for Individuals Released from Places of Detention (as amended by Federal Act No. 432-FZ of 28 December 2013), in order to prevent repeat offending against the sexual inviolability of minors, a special legal regime has been introduced establishing administrative supervision for adults who:

- Are being or have been released from places of detention and have unspent or unquashed convictions for the above crimes (art. 3 (2));
- Are suffering from a disorder of sexual preference (paedophilia) that does not exclude responsibility and have committed the above crimes against a minor under the age of 14 (art. 3 (2) (1)).

111. Such individuals are subject to the applicable administrative supervision irrespective of the form of guilt, the severity of the crime and whether or not it is a repeat offence, and supervision cannot be terminated early.

## II. Statistical data

112. Statistical information is supplied on the basis of data from the Principal Centre for Information and Analysis of the Ministry of Internal Affairs (a federal correctional department).

113. Detailed information on crimes committed against minors in 2012, 2013 and 2014 is given in the annex to this report. Information on crimes involving the sale of children, child prostitution and child pornography disaggregated by the sex and nationality of the victims is not available.

### A. Sale of children

114. In 2014, 44 crimes were recorded against minors under article 126 of the Criminal Code ("Abduction of a person"), which is 17.0 per cent lower than in 2013 (53 people) and 29.0 per cent lower than in 2012 (62 people).

115. The number of minors recognized as victims of crimes under article 126 of the Criminal Code (“Abduction of a person”) in 2014 was 60 (59 in 2012 and 58 in 2013).

#### Article 126 of the Criminal Code (“Abduction of a person”)

	2012	2013	2014	% change from 2012	% change from 2013
Number of crimes against minors recorded under article 126 of the Criminal Code for the reporting year	62	53	44	-29.0	-17.0
Number of minors recognized as victims	59	58	60	+1.7	+3.4

116. In 2014, 11 crimes against minors under article 127.1 of the Criminal Code (“Human trafficking”) were recorded in the Russian Federation, which is 42.1 per cent lower than in 2012 and 2013 (19 people); the number of minors recognized as victims under this article fell by 23.8 per cent by comparison with 2012, to 16 people, although it increased by a factor of 2.6 compared with 2013.

117. In 2014, one person was convicted under article 154 of the Criminal Code (“Illegal adoption”) in the Russian Federation (none had been convicted in 2012 or 2013).

118. No crimes against minors were recorded under:

- Article 127.2 of the Criminal Code (“Use of slave labour”);
- Article 154 of the Criminal Code (“Illegal adoption”).

119. Statistics are not kept on the following:

- The transfer of children’s organs for profit;
- The sale of children or transfer of children for sexual exploitation;
- The sale of children involving their removal from the territory of the Russian Federation to other States or from other States onto the territory of the Russian Federation.

## B. Child prostitution

120. In 2014, the following were recorded in the Russian Federation:

- 55 crimes against minors under article 240 of the Criminal Code (“Involving a person in prostitution”), which is 7.8 per cent higher than in 2012 and 37.5 per cent higher than in 2013; the number of minors recognized as victims of crimes under this article rose by 36.8 per cent by comparison with 2012, to 52 people, and by a factor of 2.2 compared with 2013;
- 36 crimes against minors under article 241 of the Criminal Code (“Organizing prostitution”), which is 9.1 per cent higher than in 2012 and 24.1 per cent higher than in 2013; the number of minors recognized as victims of crimes under this article rose by 11.8 per cent by comparison with 2012, to 19 people, and by 90.0 per cent compared with 2013.

121. In 2014, two people were convicted under article 240.1 of the Criminal Code, (“Receiving sexual services from a minor”) in the Russian Federation.

### C. Child pornography

122. In 2014, the following were recorded in the Russian Federation:

- 996 crimes under article 242.1 of the Criminal Code (“Generation and distribution of materials or articles with pornographic images of minors”), which is 79.8 per cent higher than in 2012 but 37.9 per cent lower by comparison with 2013; the number of minors recognized as victims of crimes under this article rose by 7.5 per cent by comparison with 2012, to 86 people, but fell by 38.6 per cent compared with last year;
- 45 crimes under article 242.2 of the Criminal Code (“Use of a minor for the purposes of generating pornographic materials or articles”), which is 7.5 times higher than in 2012 but 25.0 per cent lower by comparison with 2013.

123. In 2014, 175 people were convicted in the Russian Federation under article 242.1 of the Criminal Code (“Generation and distribution of materials or articles with pornographic images of minors”), which is 2.3 times higher than in 2012 and 32.6 per cent more than in 2013. Of these, 49 were given custodial sentences and 117 were given suspended custodial sentences.

124. The number of people convicted for crimes under article 242.2 of the Criminal Code (“Use of a minor for the purposes of generating pornographic materials or articles”) was four, which is twice as many as in 2013 (none were convicted in 2012).

### D. Spread of child pornography on the Internet

125. Between 1 November 2012 (when Federal Act No. 139-FZ of 28 July 2012 amending the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development and Individual Legal Acts of the Russian Federation restricting access to illegal information on the Internet came into force) and 1 August 2015, the Federal Oversight Service handled more than 195,900 complaints from citizens and organizations concerning the presence of various kinds of prohibited information on websites.

126. During the same period, more than 69,400 entries were made in the Unified Register concerning Internet resources (URLs) on which the presence of illegal information was confirmed. Of these, more than 10,600 were made on the basis of decisions by the Federal Oversight Service (concerning information containing elements of child pornography).

127. In connection with the non-deletion of illegal information, access to 9,400 Internet resources (URL addresses) is currently blocked. Of these, more than 2,700 involve information containing elements of child pornography.

## III. General measures to implement the Optional Protocol

128. In order to implement the Optional Protocol to the Convention on the Rights of the Child, a number of normative legal acts have been passed (see section I.D of this report).

129. Russian criminal legislation is formulated taking into account international legal instruments intended to protect children from criminal abuse involving the sale of children, child prostitution and child pornography; in applying the provisions of criminal law to their examination of specific cases, therefore, the courts base their work on the general international principles concerning the need to ensure that children are protected and safe. The Supreme Court provides guidance to the lower courts in this regard, including in

Plenary Decisions No. 5 of 10 October 2003 on the General Courts' Application of the Generally Recognized Principles and Norms of International Law and International Treaties of the Russian Federation and No. 16 of 4 December 2014 on Judicial Practice in Cases of Crimes against the Sexual Inviolability and Sexual Freedom of the Individual.

#### **A. State bodies assigned the tasks of implementing the Optional Protocol and coordinating activities among the relevant agencies**

130. The State bodies responsible for ensuring that the rights and legal interests of children in the Russian Federation are protected are also listed in section I.F of this report.

131. The task of implementing the Optional Protocol is assigned to specialized federal executive authorities and the executive authorities of the constituent entities of the Russian Federation, which provide guarantees of the rights of the child and implement State policy for children, including undertaking activities in the fields of education, health care, social protection, social services, assisting in the social adaptation and social rehabilitation of children, providing employment and ensuring occupational safety, preventing neglect and delinquency, organizing respite for children and families, organizing State support for civil society associations (organizations) and other non-commercial organizations, and other areas, in accordance with the legislation of the Russian Federation.

132. The Presidential Commissioner for Children's Rights and the children's rights commissioners of the constituent entities of the Russian Federation, within their respective mandates, as established by the relevant Presidential decree, ensure protection for the rights and legal interests of children, including victims of crimes involving the sale of children and sexual and other forms of exploitation.

133. In accordance with Decree No. 81 of the Ministry of Communications and Mass Media of the Russian Federation of 16 April 2014 establishing the Public Council of the Ministry of Communications and Mass Media of the Russian Federation, one of the tasks of this Council is to ensure coordination between the Ministry, civil society associations and organizations and citizens of the Russian Federation, including on matters relating to preventing the spread of child pornography.

134. The Ministry of Communications and Mass Media is working closely with public organizations, in particular the Safe Internet League and the Friendly Ru-Net Fund, which were set up to fight paedophilia and child pornography on the Internet through self-organized activities by the professional community, those who participate in the Internet market and ordinary users. Every year, the Safe Internet League organizes a Safe Internet Forum to highlight problems of child and adult safety on the Internet, in which representatives of sectoral and State bodies, including the Ministry of Communications and Mass Media, are invited to take part.

#### **B. Disseminating the information contained in the Optional Protocol and training relevant specialists**

135. The information contained in the Optional Protocol is disseminated through a legal education system established at federal and regional level and also through awareness-raising activities by the children's rights commissioners of the constituent entities of the Russian Federation, including building on the potential of the expert, public and children's committees set up under the children's commissioners.

136. The text of the Optional Protocol has been published in the legislative digest of the Russian Federation (2014, No. 7, p. 633) and also posted, on 28 November 2013, on the official Internet portal for legal information: <http://www.pravo.gov.ru>.

137. The Ministry of Internal Affairs is working with a constantly changing victim group among the adolescent population, including through the media. Issues relating to protecting children, who now make up a significant proportion of Internet users, from threats linked to the use of malicious telecommunications technologies to search for potential victims are being given special attention. In particular, in 2012 the Lessons in Internet Safety campaign was launched, as part of which, in April 2013, meetings were organized and held at general schools in Moscow between fifth- and sixth-grade pupils and “cyberpolice”, who told the children about rules for Internet use and basic safety principles. Using modern telecommunications technologies has enabled a lecture on cybersecurity to be webcast to all schools in the capital, reaching an audience of some 80,000 people.

138. Lessons in Internet Safety involves not only protecting children from threats arising in cyberspace but also helping them to adapt to life in the modern information society, giving them the skills to prevent them becoming victims of cybercrime. Such programmes are helping to build constructive dialogue between the police, society and the State and local authorities in this sphere. Lessons of this kind are continuing.

139. In 2013, the Ministry of Education and Science wrote to the education authorities of the constituent entities of the Russian Federation recommending additional measures to protect children from sexual abuse and sexual exploitation, including organizing training for education workers at educational establishments on how to stop minor students from becoming involved in sexual exploitation and prevent sexual abuse of children and adolescents studying in preschool, general and vocational educational establishments. Vocational training and additional qualifications for such specialists are available within secondary, higher and post-graduate vocational education. In recent years, various regions of the country have introduced modern technologies for prevention and rehabilitation work with disadvantaged families and children, and the system for training and improving the qualifications of the specialists who work with them is being improved.

140. Information on progress and results in implementing the Optional Protocol is evaluated by monitoring enforcement and analysing statistical data, including crime rates within the Russian Federation.

### **C. Strategies for eradicating the sale of children, child prostitution and child pornography and protecting the victims of such crimes**

141. Presidential Decree No. 761 of 1 June 2012 approved the National Strategy on Action for Children 2012-2017 and established the Presidential Coordinating Council to implement it.

142. The main tasks of the Coordinating Council are:

- (a) To identify ways, forms and phases for implementing the National Strategy;
- (b) To discuss practice in implementing the National Strategy;
- (c) To submit suggestions to the President on identifying priority directions for State policy for children.

143. The National Strategy, and the regional strategies for children adopted on the basis thereof by the constituent entities of the Russian Federation, envisage the adoption of a range of national and regional programmes to prevent violence against children, the creation of mechanisms for early identification on the basis of interdepartmental cooperation, and the development and introduction of standards for providing specialized prevention services to prevent child cruelty and help rehabilitate victims.

144. The framework for state family policy in the Russian Federation for the period to 2025, approved by the Government in August 2014 (No. 1618-r), provides for a series of preventative measures, including those necessary to prevent children from being targeted and, in particular, from becoming involved in the sale of children.

145. Some of the main elements of the national security strategy for the period to 2020, approved by Presidential Decree No. 537 of 12 May 2009, are:

- Strengthening the role of the State as a guarantor of the security of the individual, especially children and adolescents, carrying out normative legal regulation to prevent and fight crime, increasing the effectiveness of protection for the rights and legal interests of Russian citizens abroad and expanding international cooperation in law enforcement (para. 38);
- Making the activities of law enforcement agencies more effective and creating a unified State system to prevent crime, especially among minors (para. 39);
- Strengthening the preventative aspects of health care, improving guidance on staying healthy, safeguarding the family as the fundamental unit of society and protecting motherhood, fatherhood and childhood (para. 75);
- Creating conditions that encourage people to engage in creative self-expression by improving the system of cultural and educational activities and organizing leisure activities and mass supplementary arts education for children.

#### **D. Civil society's contribution to efforts to eradicate the sale of children, child prostitution and child pornography**

146. Civil society's contribution to efforts to eradicate the sale of children, child prostitution and child pornography comprises the following:

- Participation by representatives of civil society and private sector organizations in the activities of the expert and public committees established under the Presidential Commissioner for Children's Rights, the chambers of the Federal Assembly, the Government and the federal executive authorities;
- Participation by representatives of civil society and private sector organizations in the activities of State Duma working groups preparing and examining draft federal laws on preventing the sale and exploitation of children;
- Thematic forums, conferences and round tables;
- Activities by non-commercial organizations working to prevent the sale of children, child prostitution and child pornography and provide assistance to victims (the Far-East Centre for the Development of Civil Initiatives and Social Partnership (an autonomous non-commercial organization) and the St. Petersburg Red Cross Centre for International Cooperation);
- Targeted social projects and initiatives to prevent the sale of children, child prostitution and child pornography (the Poisk Propavshikh Detei [search for missing children] volunteer centre (<http://poiskdetei.ru/>), the Russian Alliance against



Commercial Sexual Exploitation of Children, the Ne Dopusti! [don't let them!] project, etc.);

- Founding specialized civil society organizations to prevent the sale of children, child prostitution and child pornography.

147. In December 2008, the Ne Dopusti! project was launched in Russia as a comprehensive social project to protect children from abduction, illegal exploitation and cruel treatment. The project is organized by the Civil Society Chamber of the Russian Federation, the Internet Technology Centre (ROTSIT), a regional civil society organization, and Soprotivlenie [resistance], an interregional civil society organization defending human rights. One of the main aims of the project is to use the possibilities offered by advanced technology to keep children protected and safe, encouraging them to develop their full potential. Ne Dopusti! is part of the Global Missing Children's Network of the International Centre for Missing and Exploited Children (ICMEC), the International Association of Internet Hotlines (INHOPE) and the European Network of Internet Awareness Centres for Children (Insafe).

148. In 2009, the Ministry of Internal Affairs collaborated with the Safe Internet League and the Friendly Ru-Net Internet Development Fund, whose hotlines allow any Internet user to report prohibited information contained in Internet resources. As a result, and thanks to these hotlines, illegal content with elements of "child" pornography was deleted from more than 74,800 Russian Internet resources from 2009 to June 2015 (according to information from the Safe Internet League).

149. Presidential Decree No. 404 of 26 March 2008 created the Fund to Support Children Living in Difficult Circumstances (hereinafter the Fund).

150. The main activities of the Fund are to take a range of measures to support children and families with children living in difficult circumstances and to encourage Russian and foreign physical and legal persons to fund measures to support children and families with children living in difficult circumstances.

151. The aim of the Fund's activities is to assist in implementing the measures set out in Presidential decrees and decisions, Government initiatives, and plans for implementing the National Strategy, the framework for State family policy and the demographic policy framework and improving the situation of children and families with children.

152. The Fund provides assistance to children suffering from sexual abuse. In particular, it develops programmes to ensure that the necessary assistance is given to minors who are victims of crimes of a sexual nature, including social reintegration, physical and psychological rehabilitation, helping their close relatives, developing models for working with cases of sexual violence and providing assistance that takes account of the needs of the child, and introduces them into departmental activities. Focusing on a specific group of minor victims of crimes of a sexual nature has enabled methods for working with this group to be devised and introduced and rehabilitation services that take the needs of such children into account to be developed.

153. In the constituent entities of the Russian Federation, the necessary services are being set up to bring criminal prosecutions in cases of sexual violence against children (providing specialized premises for carrying out investigations, preparing court areas and assigning specialists to accompany the child through the process of giving evidence).

154. In 2014, with support from the Fund in the North-Western, Volga and Far-Eastern federal regions (the cities of Veliky Novgorod, Nizhny Novgorod and Vladivostok), interregional seminars were held on the introduction and dissemination of effective technologies and methods for preventing child cruelty and violence against children and providing assistance to minors who are victims of crimes of a sexual nature and their close

relatives. The regional commissioners for children's rights, the heads of executive authorities working in social protection, health care and education, law enforcement bodies, managers and specialists from units of various departments, and public organizations took part in these activities (more than 200 participants).

155. Given the importance of receiving urgent assistance, since 2010 the Fund has been running a project to organize the national children's hotline, which uses the single number 8-800-2000-122. By calling this number on a landline or mobile phone from any settlement, children, adolescents, their parents and other citizens can receive direct emergency psychological help from trained specialists straight away.

156. The children's hotline is run on the basis of the principles of anonymity, confidentiality and providing a free service.

157. From 1 September 2010 to 31 June 2015, the hotline received more than 5.2 million calls from children and parents. These included 85,500 calls about cruel treatment, of which 7,000 concerned sexual violence against children.

158. With a view to taking action against child cruelty and making it unacceptable in society, the Fund organized a national information campaign in 2010 in conjunction with the Ministry of Health and Social Development.

159. A national public movement called *Rossia - bez zhestokosti k detyam!* [Russia without child cruelty!] has been organized. This movement currently brings together more than 221,000 citizens, among whom are well-known politicians, public figures, entertainers and sportsmen. Every year, events against violence and cruelty are held involving tens of thousands of Russians, journalism competitions are held, and social adverts are prepared and distributed portraying the unacceptability of cruelty and violence against children.

## **E. Role of ombudsmen for children's rights in implementing the Optional Protocol and monitoring progress in implementation**

160. So far, the institution of a children's ombudsman has been introduced and is operating in Russia at federal level, in the person of the Presidential Commissioner for Children's Rights, and at regional level in the 85 constituent entities of the Russian Federation. In many regions, municipal and school commissioners for children's rights are also operating successfully, along with commissioners for the rights of those involved in the educational process.

161. As part of the implementation of Federal Act No. 193-FZ of 27 June 2010 on an Alternative Procedure for Resolving Disputes with the Participation of an Intermediary (Mediation Procedure) and the framework (No. 1430-r of 30 July 2014) for developing, by 2017, a network of mediation services with the aim of providing restorative justice for children, including those who have committed crimes that present a danger to the public but who have not reached the age of criminal responsibility in the Russian Federation, methodology is currently being prepared on the use of mediation procedures to resolve family disputes with the aim of healing socially disadvantaged families with children and eradicating domestic violence. In many regions of the country, a network of reconciliation services for educational establishments is being formed.

162. Establishing a national network of children's ombudsmen in all regions of the country has had a significant impact on enforcing federal and regional legislation in accordance with the Convention on the Rights of the Child and other generally accepted principles and norms of international law, including those enshrined in the Optional Protocol.

163. Protecting, guaranteeing and restoring the rights of children who are victims of human trafficking or sexual, economic or other forms of exploitation is one of the most important areas of activity for children's rights commissioners at all levels of State administration. Information received by the ombudsmen on the most serious cases of violations of the rights of a child crime victims (including in the areas of human trafficking and sexual exploitation) is given special follow-up, and cooperation is established with the tracing and investigation agencies, the prosecution services, specialists, experts and, if necessary, the courts. This allows the results of work by law enforcement agencies and other bodies within the prevention system to be monitored, enables the rights of children who become victims to be restored promptly, facilitates their identification, safety, placement and protection and the provision of all necessary legal, social, medical, psychological and other assistance, and allows links with parents and those acting in their stead to be restored.

164. The Presidential Commissioner for Children's Rights is:

- The Russian Federation National Coordinator within the Council of Europe on protecting children's rights and eliminating all forms of violence against children; and
- The Russian Federation National Coordinator within the Council of Baltic Sea States (CBSS) on the protection of children from exploitation and human trafficking.

165. From June 2012 to June 2013, the Presidential Commissioner for Children's Rights chaired the Expert Group on Children at Risk (EGCR) of the CBSS, where matters relating to the protection of children from criminal abuse, including crimes committed using the Internet, were addressed.

166. Priority areas of action for the CBSS EGCR, in which the Commissioner is taking part, include: protecting children from all forms of sexual violence and sexual exploitation; guaranteeing the right of child migrants to protection; protecting children who become victims of human trafficking; and early intervention and prevention as a means of ensuring the right of the child to protection from all forms of violence and neglect.

167. Taking account of the specific priorities of the CBSS EGCR, the following strategic directions were identified as priority areas for the Russian Federation for 2012-2013 on the initiative of the Presidential Commissioner for Children's Rights: guaranteeing and protecting the rights of children when parents who have (or had) different nationalities live apart; preventing the sale of children and the sexual or other exploitation of children, including exploitation using information and telecommunications networks; and ensuring that children enjoy information security and are protected from information harmful to their health and development.

168. The Presidential Commissioner for Children's Rights works constantly with the Ministry of Education and Science, the Ministry of Internal Affairs, the Investigative Committee and the Office of the Procurator General to protect and restore the rights of Russian children adopted abroad and prevent cases of cruelty or neglect by foreign adoptive parents.

169. Over the last five years, the Presidential Commissioner for Children's Rights has received more than 1,300 applications from citizens trying to trace missing children, more than one third of which concern disputes over children's upbringing between parents who live apart.

170. In 2014, with the aim of incorporating the efforts of organizations and civil society into work to trace missing children and prevent and eliminate crimes of a violent and sexual nature, including those committed using the Internet, an association of organizations and citizens named the National Monitoring Centre to Assist Missing Children and Child

Victims (hereinafter the National Monitoring Centre) was founded on the initiative of the Presidential Commissioner for Children's Rights to provide assistance to missing children and child victims.

171. In accordance with Government Directive No. 167-r of 5 February 2015, the National Monitoring Centre, in cooperation with specialized federal State agencies and the children's rights commissioners of the constituent entities of the Russian Federation, local government authorities, the media, non-governmental organizations and civil society associations, carries out its activities in the field of tracing and providing assistance to minors who have disappeared or voluntarily left home or institutions, including those who are victims of crime.

172. Children's rights commissioners participate in the preparation of draft federal legislation on enhancing liability for crimes against minors and protecting the rights of children who are victims of crime and in the careful examination of relevant bills.

## **IV. Preventing the sale of children, child prostitution and child pornography**

### **A. Measures to prevent the sale of children, child prostitution and child pornography**

173. Under article 9 (1) of the Optional Protocol, States parties adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the Protocol. Particular attention is to be given to protecting children who are especially vulnerable to such practices.

174. The Russian Federation is adopting and strengthening normative legal acts intended to combat the sale of children, child prostitution and child pornography (see section I.D of this report). These normative legal acts are implemented by the State bodies listed in section I.F of this report. Measures to inform the public about Russian Federation legislation on the sale of children, child prostitution and child pornography are outlined in section B of this report. A number of administrative measures have been developed in the Russian Federation. In particular, the duties of the Presidential Commissioner for Children's Rights have been approved and strategies, programmes and plans have been adopted (see section III.C of this report).

175. In the Russian Federation, measures are being taken to implement State policy to: benefit particularly vulnerable categories of children, including neglected children; resolve issues of social support and social services for these children, prevent neglect, homelessness, delinquency and antisocial behaviour by minors and identify and eliminate the reasons and circumstances that cause them to occur; ensure protection for the rights and legal interests of minors; provide social and educational rehabilitation for minors in precarious social circumstances; and identify and reduces cases in which minors become involved in crime and antisocial activities (art. 2 of Federal Act No. 120-FZ of 24 June 1999 on the Foundations of the System for the Prevention of Child Neglect and Juvenile Delinquency).

176. In particular, with regard to the following categories of minors, individual prevention work is being undertaken, i.e. activities to promptly identify minors and families in precarious social circumstances and to provide them with social and educational rehabilitation and (or) prevent them from committing crimes and antisocial activities:

- Neglected or homeless children;

- Children engaged in vagrancy or begging;
- Children in social rehabilitation centres for minors, social shelters, centres for helping children without parental care, special educational and care centres and other institutions for minors in need of social assistance and (or) rehabilitation;
- Children using narcotic or psychotropic substances without instructions from a doctor or using stupefying or alcoholic substances.

177. The organizations and departments of the system for preventing neglect and juvenile delinquency are responsible for ensuring respect for the rights and legal interests of minors, protecting them from all forms of discrimination, physical or psychological violence, verbal abuse, ill-treatment, sexual or other exploitation, identifying minors and families in precarious social circumstances, and promptly informing the trusteeship and guardianship authorities, law enforcement agencies and other State bodies of such cases.

178. Under article 122 of the Family Code, officials of institutions (preschool education establishments, general education establishments, medical facilities and other organizations) and other citizens who know that a child is in need of protection (in the event of parental death, removal of parental rights, restriction of parental rights, parents being declared incompetent, parental illness, long-term parental absence, parents refusing to bring up children or to protect their rights and interests, including refusal to remove children from educational or medical establishments, organizations providing social services or similar organizations, parental action or omission creating conditions that endanger the life or health of the children or obstruct their normal education and development, and also in other cases where there is an absence of parental care) must report this to the trusteeship and guardianship authorities for the area where the children are actually located.

179. Within three working days of receiving such information, the trusteeship and guardianship authorities must investigate the child's living arrangements and, if the child is found to be lacking the care of parents or relatives, must ensure that the rights and interests of the child are protected until the question of the child's placement is decided, and must also send any available information on the child to the relevant executive authorities of the constituent entity of the Russian Federation for initial entry in the regional database of children without parental care, sending it at the same time to the federal executive authority designated by the Government of the Russian Federation for initial entry in the federal database of children without parental care.

180. Within one month of the date on which the above information is received, the trusteeship and guardianship authority must send documentary information on the child without parental care to the relevant executive authority of the constituent entity of the Russian Federation for entry in the regional database of children without parental care so that a placement can be organized with a family of citizens of the Russian Federation within the territory of the constituent entity of the Russian Federation, simultaneously providing the information to the relevant federal executive authority so that it can be entered in the federal database of children without parental care.

181. Within three working days of being informed that a child may be transferred to a family for care, the managers of educational and medical establishments, organizations providing social services and other organizations where minors are cared for must inform the trusteeship and guardianship authority for the area where the establishment is located so that a family placement can be organized.

182. The trusteeship and guardianship authority must find a placement for the child within three months of receiving this information.

183. On receiving this information, the executive authority of the constituent entity of the Russian Federation organizes a placement for the child without parental care to be cared for in a family of citizens of the Russian Federation within the territory of the same constituent entity of the Russian Federation or, if this is not possible, within one month of receiving the information the federal executive authority designated by the Government of the Russian Federation assists in placing the child for care in a family of citizens of the Russian Federation within the Russian Federation.

184. It is an offence for managers of establishments or officials to fail to meet the obligations set out in article 122 of the Family Code, knowingly provide untrue information or take other action intended to conceal a child from being transferred to a family for care.

185. On 23 December 2010, Federal Act No. 387-FZ amending Article 22.1 of the Federal Act on the State Registration of Legal Persons and Individual Entrepreneurs and the Labour Code of the Russian Federation was adopted, with the aim of barring individuals who have (or have had) a criminal record or are (or have been) subject to criminal prosecution (except for those who have been rehabilitated) for crimes against the sexual inviolability of minors from working with children.

## **B. Measures to increase levels of public awareness of the harmful consequences of the sale of children, child prostitution and child pornography**

186. Various measures are being taken in the Russian Federation to increase public awareness of crimes involving the sale of children, child prostitution and child pornography, including information on the negative consequences of these crimes and ways to prevent them, such as:

- Information and awareness-raising activities by State bodies (the Presidential Commissioner for Children's Rights, the children's rights commissioners of the constituent entities of the Russian Federation, the Ministry of Internal Affairs, the Investigative Committee), including posting information on official Internet sites, holding thematic sessions at education establishments, organizing public activities, thematic public service advertising, etc.;
- Students in general education establishments covering relevant topics as part of their studies in the subjects "Foundations for a safe livelihood" and "Law";
- Conducting national and regional information campaigns;
- Information and awareness-raising activities by specialized non-commercial organizations working in children's rights protection;
- Publicizing relevant information in the media.

187. In order to increase levels of public understanding of the negative consequences of the sale of children, child prostitution and child pornography, the Ministry of Communications and Mass Media is analysing and evaluating media literacy among the population of the Russian Federation.

188. Since 2013, as part of a programme to develop media literacy, the Ministry of Communications and Mass Media has been promoting the introduction of media literacy courses and the foundations of media literacy into programmes of study at leading Russian higher education institutions, preparing materials covering the foundations of media literacy, conducting mass media information campaigns on media literacy and media education and getting regional authorities involved in promoting media literacy.

## **V. Responsibility for criminal and other offences involving the sale of children, child prostitution and child pornography**

### **A. Criminal responsibility for committing offences involving the sale of children, child prostitution and child pornography**

189. Under the Criminal Code of the Russian Federation, the following are criminal offences: coerced removal of human organs or tissues for transplantation (art. 120), abduction of a person (art. 126), unlawful deprivation of liberty (art. 127), human trafficking (art. 127.1), using slave labour (art. 127.2), violent acts of a sexual nature (art. 132), forced acts of a sexual nature (art. 133), sexual intercourse and other acts of a sexual nature with a person under the age of 16 (art. 134), lewd acts (art. 135), illegal adoption (art. 154), involving a person in prostitution (art. 240), receiving sexual services from a minor (art. 240.1), organizing prostitution (art. 241), illegal generation and distribution of pornographic materials or articles (art. 242), generation and distribution of materials or articles with pornographic images of minors (art. 242.2) and using minors for the purposes of generating pornographic materials or articles (art. 242.2).

190. For these offences, committing crimes against a minor is recognized as an aggravating or seriously aggravating circumstance entailing increased criminal liability. Equally, in the definitions of many of these offences, responsibility is differentiated depending on the age of the victim, and committing acts against a minor who is under the age of 16, 14 or 12, as appropriate, entails increased criminal liability. The highest degree of criminal liability is for adults with previous convictions for crimes against the sexual inviolability of minors.

191. Under the Criminal Code, it is also an offence to plan or attempt to commit these crimes (art. 30) and to participate in these crimes as an organizer, accomplice or instigator, whose liability is determined by the actual nature and degree of participation of each in the commission of the offence (art. 34).

192. A person who commits a crime on the territory of the Russian Federation is criminally liable in accordance with the Criminal Code.

193. Crimes committed within the limits of the territorial sea or airspace of the Russian Federation are recognized as having been committed on the territory of the Russian Federation. A person who commits a crime on a vessel registered in a Russian Federation port while on the high seas or in airspace outside the limits of the Russian Federation is criminally liable in accordance with the Criminal Code unless otherwise provided for in an international treaty of the Russian Federation. Criminal liability also applies to any person who commits a crime on a military vessel or military aircraft of the Russian Federation, irrespective of its location (art. 11 of the Code).

194. Citizens of the Russian Federation and stateless persons who are permanently resident in the Russian Federation who commit crimes outside the limits of the Russian Federation against the interests protected by the Criminal Code are criminally liable in accordance with the Criminal Code unless a court of another State has issued a ruling against the person in respect of the crime in question (art. 12 of the Code).

195. Under article 120 of the Criminal Code, coercion to remove human organs or tissues for transplantation using violence or the threat of violence is punishable by deprivation of liberty for up to 4 years and forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years. The same act committed against a person whom the perpetrator knows to be in a helpless state or materially or otherwise dependent on the perpetrator is punishable by deprivation of liberty for up to 5 years, with or without

forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years.

196. Abduction of a person, under article 126 of the Criminal Code, is punishable by forced labour for up to 5 years or deprivation of liberty for the same period. The same act committed against a person whom the perpetrator knows to be a minor is punishable by deprivation of liberty for between 5 and 12 years with or without restriction of freedom for up to 2 years. If the same acts are committed by an organized group or result through negligence in the death of the victim or in any other serious consequences, they are punishable by deprivation of liberty for between 6 and 15 years, with or without restriction of freedom for up to 2 years. In this case, a person who has voluntarily released an abductee is relieved of criminal liability unless his or her actions constitute another crime.

197. Under article 127 of the Criminal Code, unlawfully depriving a person of liberty other than by means of abduction is punishable by restriction of liberty for up to 2 years or forced labour for up to 2 years or arrest for between 3 and 6 months or deprivation of liberty for up to 2 years. The same acts committed against a known minor are punishable by forced labour for up to 5 years or deprivation of liberty for between 3 and 5 years. If the same acts are committed by an organized group or result through negligence in the death of the victim or in any other serious consequences, they are punishable by deprivation of liberty for between 4 and 8 years.

198. Under article 127.1 of the Criminal Code, human trafficking means the purchase or sale of a person or other transaction in respect of a person, and also the recruitment, transportation, transfer, harbouring or receipt of a person for the purposes of exploitation (exploiting the prostitution of third parties and other forms of sexual exploitation, slave labour (services), servitude). These acts are punishable by forced labour for up to 5 years or deprivation of liberty for up to 6 years. The same acts committed against a minor, including by a person abusing his or her official position, or involving the transfer of the victim across the State border of the Russian Federation or illegally holding the person abroad, or by using forged documents or by removing, concealing or destroying the victim's identification papers, or with the use or threat of force, or for the purposes of removing organs or tissues from the victim, or against a person whom the perpetrator knows to be in a helpless state or materially or otherwise dependent upon the perpetrator, are punishable by deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to 2 years. The same acts involving death through negligence, causing serious harm to the health of the victim or having other serious consequences, or committed by means that endanger the life or health of many people, or committed by an organized group are punishable by deprivation of liberty for between 8 and 15 years, with or without restriction of freedom for up to 2 years.

199. Under article 127.2 of the Criminal Code, using slave labour means the use of the labour of any person over whom power similar to the right of ownership is exercised, if such person, for reasons beyond his or her control, is unable to refuse to perform such work (services). Such acts are punishable by forced labour for up to 5 years or deprivation of liberty for the same period. The same acts committed against a minor, including by a person abusing his or her official position, or with the use or threat of blackmail or force, or by removing, concealing or destroying the victim's identification papers, are punishable by forced labour for up to 5 years or deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years. The same acts involving death through negligence, causing serious harm to the health of the victim or having other serious consequences, or committed by means that endanger the life or health of many people, or committed by an organized group, are



punishable by deprivation of liberty for between 8 and 15 years, with or without restriction of freedom for up to 2 years.

200. Under article 132 of the Criminal Code, violent activities of a sexual nature means sodomy, lesbianism or other acts of a sexual nature with the use or threat of force against the victim or others or by exploiting the victim's helpless state. Such acts are punishable by deprivation of liberty for between 3 and 6 years. The same acts committed by a group of people, by a group of people by prior agreement or by an organized group, aggravated by the threat of murder or causing serious harm to health, or committed with particular cruelty towards the victim or others, or causing the victim to contract venereal disease, are punishable by deprivation of liberty for between 4 and 10 years, with or without restriction of freedom for up to 2 years. If these acts are committed against a minor or result through negligence in serious harm being caused to the health of the victim or in the victim contracting HIV or in other serious consequences, they are punishable by deprivation of liberty for between 8 and 15 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years and with restriction of freedom for up to 2 years. All these acts, if they result through negligence in the death of the victim or if they are committed against a person under the age of 14, are punishable by deprivation of liberty for between 12 and 20 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years and with restriction of freedom for up to 2 years. Acts against a person under the age of 14 committed by a person with a criminal record for previous criminal offences against the sexual inviolability of a minor are punishable by deprivation of liberty for between 15 and 20 years, with forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years, or with deprivation of liberty for life.

201. Under article 133 of the Criminal Code, forced acts of a sexual nature means forcing a person to engage in sexual intercourse, sodomy, lesbianism or other acts of a sexual nature by means of blackmail or the threat of destruction, damage or removal of property or by exploiting the material or other dependency of the victim. Such acts are punishable by a fine of up to 120,000 roubles or the amount of the perpetrator's salary or other income for up to 1 year, or up to 480 hours of compulsory work, or up to 2 years of corrective labour, or forced labour for up to 1 year, or deprivation of liberty for the same period. The same acts committed against a minor are punishable by forced labour for up to 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years, or deprivation of liberty for up to 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years.

202. Under article 134 of the Criminal Code, sexual intercourse with a person under the age of 16 is punishable by up to 480 hours of compulsory work, or restriction of freedom for up to 4 years, or forced labour for up to 4 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years, or deprivation of liberty for up to 4 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 10 years. Sodomy or lesbianism with a person under the age of 16 by persons who have reached the age of 18 is punishable by forced labour for up to 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years, or deprivation of liberty for up to 6 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 10 years.

203. These acts, if committed against a person who has reached the age of 12 but has not reached the age of 14, are punishable by deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to 2 years. The same acts committed against two or more persons are punishable by deprivation of liberty

for between 8 and 15 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years. The same acts committed by a group of people, by a group of people by prior agreement or by an organized group are punishable by deprivation of liberty for between 12 and 20 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years and with or without restriction of freedom for up to 2 years.

204. If these acts are committed against a person who has reached the age of 12 but has not reached the age of 14 by a person who has a criminal record for previous criminal offences against the sexual inviolability of a minor, they are punishable by deprivation of liberty for between 15 and 20 years, with forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years, or with deprivation of liberty for life.

205. In accordance with the notes to article 134 of the Criminal Code, someone who has had sexual intercourse with a person under the age of 16 for the first time is not punished by the courts if it can be established that neither the person nor the crime committed continue to present a danger to society because the perpetrator has entered into marriage with the victim. If the age difference between the victim and the perpetrator is less than 4 years, the perpetrator is not given a custodial sentence for the act committed.

206. Under article 135 of the Criminal Code, the commission of lewd acts without violence by a person who has reached the age of 18 against a person under the age of 16 is punishable by up to 40 hours of compulsory work, or restriction of freedom for up to 3 years, or forced labour for up to 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 3 years, or deprivation of liberty for up to 3 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 10 years. The same acts committed against a person who has reached the age of 12 but has not reached the age of 14 are punishable by deprivation of liberty for between 3 and 8 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to 2 years. The same acts committed against two or more persons are punishable by deprivation of liberty for between 5 and 12 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 12 years. These acts, if committed by a group of people by prior agreement or by an organized group, are punishable by deprivation of liberty for between 7 and 15 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years and with or without restriction of freedom for up to 2 years. An act committed against a person who has reached the age of 12 but has not reached the age of 14 by a person who has a criminal record for previous criminal offences against the sexual inviolability of a minor is punishable by deprivation of liberty for between 10 and 15 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to 20 years.

207. Under article 154 of the Criminal Code, illegal acts in the adoption of children or in the transfer of children to trusteeship (guardianship) or to foster family care, if committed repeatedly or for pecuniary motives, are punishable by a fine of up to 40,000 roubles or the amount of the perpetrator's salary or other income for up to 3 months, or up to 360 hours of compulsory work, or corrective labour for up to 1 year, or arrest for up to 6 months.

208. Under article 240 of the Criminal Code, involving a person in prostitution or forcing a person to continue to engage in prostitution are punishable by a fine of up to 200,000 roubles or the amount of the perpetrator's salary or other income for up to 18 months, or restriction of freedom for up to 3 years, or forced labour for up to 3 years, or deprivation of liberty for the same period. The same acts committed with the use or threat of force, or involving the transfer of the victim across the State border of the Russian Federation, or unlawfully holding the victim abroad, or committed by a group of people by prior agreement, are punishable by deprivation of liberty for up to 6 years, with or without

restriction of freedom for up to 2 years. If these acts are committed by an organized group or against a minor they are punishable by deprivation of liberty for between 3 and 8 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to two years.

209. Under article 240.1 of the Criminal Code, the receipt of sexual services from a minor aged from 16 to 18 by a person who has reached the age of 18 is punishable by up to 240 hours of compulsory work, or restriction of freedom for up to 2 years, or forced labour for up to 4 years, or deprivation of liberty for the same period. In this article, sexual services are understood to mean sexual intercourse, sodomy, lesbianism or other acts of a sexual nature, a condition of the performance of which is monetary or any other remuneration of a minor or third party or the promise of remuneration of a minor or third party.

210. Under article 241 of the Criminal Code, acts for the purpose of arranging the prostitution of third parties or keeping brothels or the systematic provision of premises for prostitution are punishable by a fine of 100,000 to 500,000 roubles or the amount of the salary or other income of the perpetrator for between 1 and 3 years, or forced labour for up to 5 years, or deprivation of liberty for the same period. The same acts committed by a person abusing his or her official position, or with the use or threat of force, or involving the use of minors for prostitution, are punishable by deprivation of liberty for up to 6 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 10 years and with or without restriction of freedom for up to 2 years. If these acts involve the use of persons under the age of 14 for prostitution, they are punishable by deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to 2 years.

211. Under article 242 of the Criminal Code, the illegal generation and (or) transfer across the State border of the Russian Federation for the purposes of distribution, public display or advertising, and the distribution, public display or advertising, of pornographic materials or articles are punishable by a fine of between 100,000 and 300,000 or the amount of the salary or other income of the perpetrator for a period of one to 2 years, or forced labour for up to 2 years, or deprivation of liberty for the same period. The distribution, public display or advertising of pornographic materials or articles among minors, or the involvement of a minor in the distribution of pornography by a person who has reached the age of 18, are punishable by deprivation of liberty for between 2 and 5 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 10 years. These acts, if committed by a group of people by prior agreement or by an organized group or using the media, including information and telecommunications networks (including the Internet), or deriving a large profit, are punishable by deprivation of liberty for between 2 and 6 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years. Large profits are considered to be profits exceeding 50,000 roubles.

212. Under article 242.1 of the Criminal Code, the generation, procurement, storage and (or) transfer across the State border of the Russian Federation for the purposes of distribution, public display or advertising, and the distribution, public display and advertising, of materials or articles with pornographic images of minors are punishable by deprivation of liberty for 2 to 8 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years. The same acts committed against a person under the age of 14, or by a group of people by prior agreement or an organized group, or deriving a large profit, or using the media, including information and telecommunications networks (including the Internet), are punishable by deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain

posts or to engage in certain activities for up to 15 years and with or without restriction of freedom for up to 2 years.

213. Under article 242.2 of the Criminal Code, using a minor for the purposes of generating pornographic materials or articles, specifically photographing, filming or videoing a minor for the purposes of generating and (or) distributing pornographic materials or articles or using a minor as an actor to take part in visual acts of a sexual nature, if committed by a person who has reached the age of 18, are punishable by deprivation of liberty for between 3 and 10 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 15 years. The same acts committed against two or more people, or by a group of people by prior agreement or by organized group, or against a person under the age of 14, or using information and telecommunications networks (including the Internet), are punishable by deprivation of liberty for between 8 and 15 years, with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to 12 years and with or without restriction of freedom for up to two years.

214. Compulsory measures of a medical nature under article 97 of the Criminal Code, which lays down the grounds for taking such measures, may be ordered by a court, including with respect to individuals who, when aged over 18, have committed a crime against the sexual inviolability of a minor under the age of 14 and who are suffering from a disorder of sexual preference (paedophilia) that does not exclude responsibility.

215. Under article 63 of the Criminal Code, sentencing takes account of aggravating circumstances, including the commission of a crime against a minor by a parent or other person who has legally assumed the obligations of raising a minor or by teaching staff or other workers in educational or medical establishments, organizations providing social services or other organizations responsible for supervising minors. However, if the particular aggravating circumstance is already recognized as an element of an offence under criminal law, it cannot in itself be taken into consideration a second time in determining the sentence.

216. The confiscation of property, including money and valuables obtained through offences committed, and weapons, equipment and other means of committing crime, is provided for under article 104.1 of the Criminal Code, including in relation to the commission of crimes such as human trafficking, the generation and distribution of materials or articles with pornographic images of minors, and using a minor for the purposes of generating pornographic materials or articles.

217. Under article 73 of the Criminal Code, a suspended sentence may not be handed down to a person convicted of crimes against the sexual inviolability of minors under the age of 14.

218. Under article 79 of the Criminal Code, parole may be granted only after the convicted person has served at least three quarters of the sentence handed down for crimes against the sexual inviolability of minors.

219. Under article 80 of the Criminal Code, the remainder of the sentence may be commuted to a less severe punishment after a person given a custodial sentence for crimes against the sexual inviolability of minors has served at least three quarters of the sentence, of four fifths of the sentence for crimes against the sexual inviolability of minors aged under 14.

220. Under article 82 of the Criminal Code, if a pregnant woman or a woman with a child under 14 or a man who is a single parent of a child under 14 is convicted of a crime, the court may postpone the sentence until the child reaches the age of 14, except for persons

convicted to restriction of freedom or deprivation of liberty for crimes against the sexual inviolability of minors under the age of 14.

221. Under article 66 of the Criminal Code, the length or amount of the penalty for attempting to commit a crime may not exceed three quarters of the maximum length or amount of the strictest penalty allowed under the relevant article of the Special Section of the Criminal Code for actually committing a crime. The death penalty and deprivation of liberty for life are not imposed for preparing or attempting to commit a crime.

222. Under article 67 of the Criminal Code, if a sentence is passed for a crime committed as an accomplice, the actual nature and degree of participation of the person in the commission of the offence, the significance of the accomplice in achieving the aims of the crime, and the accomplice's influence on the nature and degree of actual or potential harm are taken into account.

223. Under article 78 of the Criminal Code, a person is exempted from criminal liability if the following periods have elapsed since the date on which a crime was committed: 2 years for committing a minor crime; 6 years for a moderately serious crime; 10 years for a serious crime; 15 years for a very serious crime. The periods of prescription are counted from the date on which the crime is committed, up until the moment when the sentence handed down by the court becomes binding. If a person commits a second crime, the periods of prescription are calculated individually for each offence. The periods of prescription are suspended if a person who has committed a crime evades investigation or justice. In this case, the periods of prescription are reset from the moment when the person in question is arrested or surrenders. Whether periods of prescription are to apply to a person convicted of a crime that carries the death penalty or deprivation of liberty for life is decided by the court. If the court does not consider it possible to exempt the person in question from criminal liability on the grounds that the period of prescription has expired, then the death penalty and deprivation of liberty for life are not used.

224. Under article 15 of the Criminal Code, the criminal offences defined in the Criminal Code are categorized as minor, moderately serious, serious and very serious, depending on their nature and the degree of public danger that they pose. Minor offences are defined as deliberate and negligent acts, for which the maximum penalty allowed under the Criminal Code may not exceed deprivation of liberty for 3 years. Moderately serious offences are defined either as deliberate acts, for which the maximum penalty allowed under the Criminal Code may not exceed deprivation of liberty for 5 years, or negligent acts, for which the maximum penalty allowed under the Criminal Code may not exceed deprivation of liberty for 3 years. Serious offences are defined as deliberate acts, for which the maximum penalty allowed under the Criminal Code may not exceed deprivation of liberty for 10 years. Very serious offences are defined as deliberate acts, for which the Criminal Code provides either for deprivation of liberty for more than 10 years or for a more severe penalty.

225. In accordance with the penalties provided for in articles of the Criminal Code establishing liability for crimes against the individual, sexual inviolability and public decency committed against minors, the majority of the above crimes are classed as serious or very serious offences, while several of them fall into the category of moderately serious offences. Consequently, periods of prescription are fixed for prosecuting people for these crimes.

226. Based on the above, the acts listed in article 3 of the Optional Protocol are covered by the following articles of the Criminal Code of the Russian Federation:

<i>Optional Protocol (art. 3)</i>	<i>Criminal Code of the Russian Federation</i>
<p>1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:</p> <p>(a) In the context of sale of children as defined in article 2:</p> <p>(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:</p> <p>a. Sexual exploitation of the child;</p> <p>b. Transfer of organs of the child for profit;</p> <p>c. Engagement of the child in forced labour;</p> <p>(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;</p> <p>(b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;</p> <p>(c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.</p> <p>2. Subject to the provisions of the national law of a State Party, the same shall apply to an attempt to commit any of the said acts and to complicity or participation in any of the said acts.</p> <p>3. Each State Party shall make such offences punishable by appropriate penalties that take into</p>	<p>Articles 127.1 “Human trafficking”, 131 “Rape”, 132 “Violent acts of a sexual nature”, 133 “Forced acts of a sexual nature”, 134 “Sexual intercourse and other acts of a sexual nature with a person under the age of 16”, 135 “Lewd acts”</p> <p>Offence under articles 127.1 (2) (b) “Human trafficking” and 120 “Coerced removal of human organs or tissues for transplantation”.</p> <p>Offence under articles 127.1 (2) (b) “Human trafficking” and 127.2 (2) (b) “Use of slave labour”.</p> <p>Depending on the circumstances, offences may fall under articles 127.1 (2) (b) “Human trafficking” or 154 “Illegal adoption”.</p> <p>Offence under articles 127.1 (2) (b) “Human trafficking” and 240 “Involving a person in prostitution”.</p> <p>Offence under article 242.1 (2) “Generation and distribution of materials or articles with pornographic images of minors”.</p> <p>Under article 30, planning a crime means planning, preparing and obtaining the means or weapons to commit a crime, finding accomplices, agreeing to commit a crime or otherwise deliberately making arrangements to commit a crime, even if the crime is not completed for reasons beyond the control of the individual concerned. As a general rule, criminal liability only arises in the case of serious or very serious crimes.</p> <p>Attempting to commit a crime means deliberate actions (or omissions) by a person with the direct intention of committing a crime, even if the crime is not completed for reasons beyond the control of the individual concerned.</p> <p>See relevant paragraphs of this section of the report above.</p>

---

*Optional Protocol (art. 3)*

*Criminal Code of the Russian Federation*

---

account their grave nature.

4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, such liability of legal persons may be criminal, civil or administrative.

Bearing in mind the specific nature of the Russian legal system and the requirements of article 19 of the Criminal Code, the goal of holding legal persons to account for illegal acts is achieved by taking measures of an administrative legal nature (see para. 50 of this report).

5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

The Russian Federation participates in a number of multilateral and bilateral international treaties on adoption. Under the criminal and administrative legislation of the Russian Federation, it is an offence for officials and other persons to disregard the established procedure for adopting children.

---

## **B. Law enforcement agencies responsible for investigating crimes involving the sale of children, child prostitution and child pornography**

227. Initial investigation of criminal cases of crimes against the individual or the sexual inviolability of minors and crimes against public decency committed against minors takes the form of an initial investigation by investigators from the Investigative Committee of the Russian Federation, and in some cases by investigators from the internal affairs authorities of the Russian Federation.

228. Initial investigations are conducted by investigators from the Investigative Committee in criminal cases involving offences committed against minors under article 120 (“Coerced removal of human organs or tissues for transplantation”), article 126 (“Abduction of a person”), articles 127 (2) and 127 (3) (“Unlawful deprivation of liberty”), articles 127.1 (2) and 127.1 (3) (“Human trafficking”), articles 127.2 (2) and 127.2 (3) (“Use of slave labour”), article 132 (“Violent acts of a sexual nature”), article 133 (“Forced acts of a sexual nature”), article 134 (“Sexual intercourse and other acts of a sexual nature with a person under the age of 16”), article 135 (“Lewd acts”), article 240.1 (“Receiving sexual services from a minor”) and article 242.2 (“Using a minor for the purpose of generating pornographic materials or articles”) of the Criminal Code. Under article 151 (2) (1) (d) of the Code of Criminal Procedure, initial investigations in criminal cases involving serious or very serious offences committed by or against minors are conducted by investigators from the Investigative Committee.

229. Initial investigations are conducted by investigators from the internal affairs authorities in criminal cases involving offences committed against minors under article 127.1 (“Human trafficking”), article 127.2 (“Use of slave labour”), articles 240 (2) and 240 (3) (“Involving a person in prostitution”), articles 241 (2) and 241 (3) (“Organizing prostitution”) and article 242.1 (“Generating and circulating materials or articles with pornographic images of minors”) of the Criminal Code. An initial inquiry is conducted in criminal cases involving offences committed under article 154 (“Illegal adoption”), article 240 (1) (“Involving a person in prostitution”), article 241 (1) (“Organizing prostitution”) and article 242 (“Illegal generation and circulation of pornographic materials and articles”) of the Criminal Code.

**C. Effectiveness of the legislation of the Russian Federation in tackling crimes involving the sale of children, child prostitution and child pornography**

230. Russian law enforcement agencies are not encountering any fundamental problems in investigating criminal cases opened in respect of instances of the sale of children, child prostitution or child pornography. At the same time, work is continuing to improve criminal legislation establishing liability for crimes causing harm to public decency. In particular, the question of criminalizing the transport of materials and articles with pornographic images of minors is being considered, in terms of the transfer thereof not only across the State borders of the Russian Federation, but also within the country, by making the relevant amendments to article 242.1 of the Criminal Code. Transfer across the Russian border may be an aggravating circumstance in sentencing.

**D. Criminal liability of legal persons**

231. Only a physical person of sound mind who has reached the age specified in the Criminal Code (art. 19) can be held criminally liable. Bearing in mind the specific nature of the Russian legal system and the requirements of article 19 of the Criminal Code, the goal of holding legal persons to account for illegal acts is achieved by taking measures of an administrative legal nature (see para. 50 of this report).

**E. International treaties of the Russian Federation concerning adoption**

232. The Russian Federation is a party to the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of 7 October 2002 and to numerous bilateral international treaties on legal aid in civil, family and criminal cases that also lay down rules governing adoption.

233. The Russian Federation has concluded the following bilateral agreements:

- Treaty between the Russian Federation and the Kingdom of Spain on cooperation in the field of the adoption of children of 9 July 2014;
- Treaty between the Russian Federation and the French Republic on cooperation in the field of the adoption of children of 18 November 2011;
- Treaty between the Russian Federation and the Republic of Italy on cooperation in the field of the adoption of children of 6 November 2008.

**F. Preventing illegal adoption**

234. Issues relating to illegal adoption are also covered in paragraphs 33-37, 99-105 and 117-118 of this report.

235. Under the criminal and administrative legislation of the Russian Federation, it is an offence for officials or other persons to violate the established procedure for the adoption of children, including attempts by intermediaries to persuade mothers or pregnant women to give up their children for adoption, or for services relating to adoption to be advertised by unauthorized persons.

236. In the constituent entities of the Russian Federation, psychological and social assistance services are being set up within women's health centres and maternity units with



the aim of providing targeted assistance to women who have decided to give birth but who are living in difficult circumstances or who are in precarious social circumstances.

237. In 2014, 11 regional social programmes were operating: four under the Nikomu Ne Otdam [I won't give you away to anyone] Fund and seven under the Novaya Semya [new family] Fund.

238. The Fund to Support Children Living in Difficult Circumstances has funded Nikomu Ne Otdam projects in the Astrakhan, Kaluga, Kurgan and Tula provinces, enabling the following to be set up within social protection and health-care departments: 23 services to prevent rejection of newborns; three mobile services; two family clubs; one resources and methods centre; two social hostels for women with newborns and young children; and two short-stay groups for children.

239. As a result, a positive trend has been observed: in 2014, the number of mothers rejecting newborns fell by 13.4 per cent compared with 2013. Over the same period, the number of parents deprived of parental rights in connection with refusal to remove their child from a maternity home (facility) or other treatment centre, upbringing institution, social protection institution or similar institution without good reason rose by 15.7 per cent

## **G. Extradition of persons subject to criminal proceedings in connection with crimes involving the sale of children, child prostitution or child pornography**

240. Persons accused of committing crimes are extradited on the basis of federal laws and international treaties of the Russian Federation.

241. Issues relating to the extradition of persons to face criminal charges or to serve a sentence are governed by chapter 54 of the Code of Criminal Procedure.

242. There is no special procedure for extraditing persons who are subject to criminal prosecution for crimes involving the sale of children, child prostitution or child pornography.

243. Under article 61 of the Constitution, a citizen of the Russian Federation may not be extradited to another State.

244. Under article 13 of the Criminal Code, citizens of the Russian Federation who have committed crimes within the territory of another State are not subject to extradition to that State. Foreign citizens and stateless persons who have committed crimes outside the borders of the Russian Federation and are on the territory of the Russian Federation may be extradited to a foreign State to face criminal charges or to serve a sentence in accordance with an international treaty between the Russian Federation and the State in question.

245. Under article 460 of the Code of Criminal Procedure, the Russian Federation may request a foreign State to extradite a person to face criminal charges or to serve a sentence on the basis of an international treaty between the Russian Federation and the State in question or a written undertaking from the Procurator General of the Russian Federation concerning the future extradition of persons to that State in accordance with the legislation of the Russian Federation, based on the principle of reciprocity.

246. A request to extradite a person on the basis of reciprocity is met if: in the case of extradition to face criminal charges, the acts in connection with which the extradition is requested constitute criminal offences under the laws of both States that carry either a penalty of deprivation of liberty for at least 1 year or a more severe penalty; or, in the case of extradition to serve a sentence, the person has been sentenced to deprivation of liberty for at least 6 months.

247. The legal framework for extraditing persons who are subject to criminal prosecution for crimes involving the sale of children, child prostitution and child pornography comprises:

- The United Nations Convention against Transnational Organized Crime of 15 November 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing it;
- The Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005;
- The European Convention on Extradition of 13 December 1957;
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007;
- The Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of 22 January 1993.

248. There does not have to be an extradition treaty in place between the requesting and requested States, as a person may be extradited on the basis of the principle of reciprocity.

249. If no extradition treaty exists between States parties to the Optional Protocol, the Protocol is applied in accordance with the legal framework for fulfilling requests from other States parties (unless there are obstacles to extradition, such as citizenship of the Russian Federation).

250. Since it ratified the Optional Protocol, the Russian Federation has concluded a number of extradition treaties (see para. 309 of this report).

251. There have been no refusals by the Russian Federation to extradite persons in connection with crimes involving human trafficking, child prostitution and child pornography.

252. From October 2013 to July 2015, 12 requests from foreign States to extradite persons to face criminal charges for crimes involving the sale of children, child prostitution and child pornography were met.

253. International cooperation to prevent, suppress, identify and uncover crimes involving human trafficking, particularly the sale of children, is covered by:

- The Agreement among member States of the SCO on cooperation in the fight against crime of 11 June 2010;
- The Agreement among member States of the CIS on cooperation in the fight against trafficking in persons, organs and tissues of 25 November 2005;
- The Agreement among Governments of member States of the Organization of the Black Sea Economic Cooperation on cooperation to fight crime, especially in its organized forms, of 2 October 1998;
- The Agreement between the Government of the Russian Federation and the Government of the Kingdom of Belgium on cooperation to fight crime of 20 December 2000;
- The Agreement between the Government of the Russian Federation and the Government of the Republic of Italy on cooperation to fight crime of 5 November 2003;
- The Agreement between the Government of the Russian Federation and the Government of the Czech Republic on cooperation to fight crime of 8 December 2011.

## **H. Removal and confiscation of materials and proceeds obtained through the sale of children, child prostitution and child pornography**

254. Under article 81 (1) of the Code of Criminal Procedure, articles that have been used as tools, equipment or other means of committing a crime or that bear traces of the crimes for which criminal acts were intended, money, valuables and other property obtained through the commission of a crime, and other articles and documents that may serve as a means of detecting a crime and establishing the circumstances of a criminal case are recognized as material evidence. During criminal proceedings, these articles are examined, recognized as material evidence and attached to the criminal file to which the decision in question relates. If a judgment is handed down, or if a ruling or decree to terminate a criminal case is issued, the question of material evidence must be decided. In this case, the tools, equipment or other means of committing a crime belonging to the accused are either confiscated, transferred to the relevant department or destroyed; articles prohibited for handling are transferred to the relevant department or destroyed; articles that do not appear valuable and have not been requested by the party are destroyed, but may be returned to the interested parties or departments upon request.

255. In the event of crimes being committed involving the sale of minors, child prostitution and child pornography, the money, valuables and other property obtained through such crimes are confiscated in line with article 104.1 of the Criminal Code (“Confiscation of property”).

256. There is no consolidated jurisprudence on the issue of confiscating the proceeds of crimes involving the sale of children, child prostitution and child pornography. The Supreme Court’s plan of work for the second half of 2015 includes embarking on a draft plenary decision on jurisprudence in applying the norms of criminal and criminal procedure law regulating the grounds and procedures for seizing and subsequently confiscating property. In the course of preparing this draft, it is proposed that the relevant jurisprudence be examined and consolidated.

## **VI. Rights of participants in criminal proceedings**

257. The Russian Federation takes appropriate measures to protect the rights and interests of children who fall victim to the practices prohibited under the Optional Protocol at all stages of criminal cases.

### **A. Rights of child victims and child witnesses during criminal proceedings**

258. Victims may be physical persons who have suffered physical, property or moral damage caused by a crime or legal persons, if a crime causes harm to their property or business reputation. The decision to recognize a person as a victim is taken by means of a decree issued by the person conducting the initial inquiry, the investigator, the procurator or the judge (art. 42 (1) of the Code of Criminal Procedure).

259. A witness is a person to whom any circumstances having a bearing on the investigation and prosecution of a criminal case may be known and who is called to give evidence (art. 56 (1) of the Code of Criminal Procedure).

260. The rights of child victims and child witnesses may be separated into general rights, which all victims and witnesses enjoy, and additional rights. The inclusion in the Code of Criminal Procedure of additional guarantees for child victims and child witnesses reflects the vulnerability of children and the need to adapt relevant procedures in a criminal case to meet the specific needs of the child.

**General rights of victims and witnesses**

261. The general rights of victims in a criminal case are set out in article 42 (2) of the Code of Criminal Procedure. The victim is entitled to know what charges have been brought against the accused, to testify, to refuse to testify against himself or herself or against his or her spouse or other close relatives, who are defined in article 5 (4) of the Code of Criminal Procedure (if the victim agrees to testify, he or she must be warned that the testimony may be used as evidence of a criminal act, including in the event that the victim subsequently retracts his or her statement), to give evidence, to make suggestions and raise objections, to testify in his or her native language or in a language he or she knows well, to use the services of an interpreter free of charge, to have a representative, to take part, with the permission of the person conducting the initial inquiry or the investigator, in investigative activities carried out at his or her suggestion or at the suggestion of his or her representative, to see and make observations on the records of investigative activities in which he or she has taken part, to be made aware of any request for expert reports and of the conclusions thereof, to be made acquainted with the outcome of preliminary investigations, including in the event that the criminal case is terminated, and with all materials in the criminal case, to copy out any information and any amount of information from the criminal case, to make copies of materials in the criminal case, including by technical means (if various victims are involved in a criminal case, each of them is entitled to be made acquainted with those materials in the criminal case that concern harm caused to him or her), to receive copies of decisions to bring a criminal prosecution, recognize him or her as a victim, refuse restrictive measures against the accused, such as remanding him or her in custody, terminate the criminal case, suspend the criminal case, establish jurisdiction in the criminal case or order a preliminary or judicial hearing, to receive copies of rulings of the court of first instance and of courts of appeal or cassation, to receive upon request copies of other procedural documents affecting his or her interests, to participate in judicial examination of the criminal case in the courts of first and second instance, cassation and appeal, to lodge objections to any ruling without going through the usual judicial examination, and also, in those instances provided for in the Code of Criminal Procedure, to participate in judicial hearings at which the court examines issues relating to the execution of the sentence, to participate in judicial debate, to present the prosecution case, to be made acquainted with the records of judicial hearings and to make observations on them, to file complaints concerning the activities (or omissions) and decisions of the person conducting the initial inquiry, the investigator, the procurator and the judge, to challenge rulings, decisions and orders of the court, to be made aware of any complaints or representations made under the criminal case and to comment on them, to request safety measures, in accordance with article 11 (3) of the Code of Criminal Procedure, on the basis of decisions or orders of the court made at the request of the victim or his or her legal or other representative before consideration of the merits is completed, to be informed when a perpetrator sentenced to deprivation of liberty is transferred to the place where the sentence will be served, including when a perpetrator is moved from one correctional facility to another, leaves the facility where a custodial sentence is being served, or will be released from a place of detention, to be informed if a court is considering matters related to the execution of the sentence with regard to the perpetrator being excused from punishment, the sentence being postponed or the custodial element of the sentence being commuted to a less severe penalty, and to exercise other powers provided for under the Code of Criminal Procedure.

262. The general rights of witness are set out in article 56 (4) of the Code of Criminal Procedure. The witness is entitled to refuse to testify against himself or herself or against his or her spouse or other close relatives, who are defined in article 5 (4) of the Code of Criminal Procedure (if the victim agrees to testify, he or she must be warned that the testimony may be used as evidence of a criminal act, including in the event that the victim

subsequently retracts his or her statement), to give evidence, to make suggestions and raise objections, to testify in his or her native language or in a language he or she knows well, to use the services of an interpreter free of charge, to challenge the interpreter taking part in the questioning, to make requests and file complaints concerning the actions (or omissions) and decisions of the person conducting the initial inquiry, the investigator, the procurator and the judge, to have a lawyer present during questioning, in accordance with article 189 (5) of the Code of Criminal Procedure, and to request the safety measures provided for in article 11 (3) of the Code of Criminal Procedure.

#### **Additional rights and guarantees for child victims and child witnesses during criminal proceedings**

263. Under article 45 (2) of the Code of Criminal Procedure, in order to protect the rights and legal interests of victims who are minors or who, because of their physical or psychological state, are unable to defend their rights and legal interests independently, the legal or other representatives of such persons are obliged to participate in criminal proceedings.

264. Under Federal Act No. 432-FZ of 28 December 2013 amending Individual Legal Acts of the Russian Federation to Improve the Rights of Victims in Criminal Proceedings, a new section 2 (1) was added to article 45 of the Code of Criminal Procedure. Under this paragraph, which came into force on 1 January 2015, at the request of the legal representative of a minor under the age of 16 who has been the victim of a crime against the sexual inviolability of a minor, the person conducting the initial inquiry, the investigator or the court must ensure that the victim is represented by a lawyer. In this case, the costs of engaging the lawyer will be covered by the federal budget.

265. Section 2 (2) of article 45 of the Code of Criminal Procedure stipulates that, by order of the person conducting the initial inquiry, the investigator, the judge or the court, the legal representative of a victim who is a minor may be excluded from participation in the criminal case if there are grounds to suppose that his or her actions are detrimental to the interests of the minor. In such cases, a different legal representative of the minor is permitted to take part in the criminal proceedings.

266. Since 1 January 2015, a new version of article 191 (1) of the Code of Criminal Procedure has applied, under which a teacher or psychologist must be present during questioning, identity parades, identifications and verification of evidence involving the participation of a minor victim or witness who is under the age of 16 (14 in the previous version) or who has reached the age of 16 but is suffering from psychological problems or developmental delay. If the above investigative activities involve the participation of a minor who has reached the age of 16, a teacher or psychologist is invited to observe the investigator. If the victim or witness is under 7 years old, these investigative activities must not be continued for more than 30 minutes without a break, or for more than one hour altogether; if the minor is aged between seven and 14, they must not be continued for more than one hour without a break or more than two hours altogether; if the minor is aged over 14, they must not be continued for more than two hours without a break or more than four hours per day altogether. The legal representative of the minor victim or witness is entitled to be present during these investigative activities.

267. The use of video recording or filming is compulsory during investigative activities involving the participation of a minor victim or witness, except in cases where the minor victim or witness or the minor's legal representative objects. Videoed or filmed materials are kept in the criminal case files (art. 191 (5) of the Code of Criminal Procedure).

**Ensuring the safety of children who have been victims of the sale of children, child prostitution or child pornography and of members of their families and witnesses who may be put under pressure of any kind**

268. If there is sufficient data to suggest that the victim, witness or other participants in a criminal case or their close relatives, relatives or close associates have been threatened with murder, violence, destruction of or damage to property or other dangerous illegal actions, the court, procurator, head of the investigating agency, investigator, body carrying out the initial inquiry and person carrying out the initial inquiry take the measures provided for in law to protect the safety of the above persons, within the limits of their respective mandates (art. 11 of the Code of Criminal Procedure).

269. If it becomes necessary to ensure the safety of the victim, his or her representative, a witness, close relatives, relatives or close associates, the investigator is entitled to exclude details identifying such persons from the record of any investigative activity in which the victim, his or her representative or a witness participates (art. 166 of the Code of Criminal Procedure).

270. If there is a threat of violence, extortion or other criminal activity against a victim, witness or their close relatives, relatives or close associates, the monitoring and recording of telephone and other conversations is permitted at the written request of these persons or, in the absence of such a request, on the basis of a judicial decision (art. 186 of the Code of Criminal Procedure).

271. In order to ensure the safety of a person making an identification, an identity parade may, if the investigator so decides, be held in a manner that prevents visual contact between the person making the identification and those presented for identification (art. 193 of the Code of Criminal Procedure). If examination of a criminal case involving crimes against the sexual inviolability and sexual freedom of the individual or other offences may lead to the disclosure of information about intimate aspects of the lives of the participants in the case or investigation that may be damaging to their honour and dignity, or if required in the interests of ensuring the safety of the participants in a judicial examination, their close relatives, relatives or close associates, the judicial examination may be held in closed session, on the basis of a decision or ruling of the court (art. 241 of the Code of Criminal Procedure).

272. Under article 2 of Federal Act No. 119-FZ of 20 August 2004 on State Protection for Victims, Witnesses and Other Parties to Criminal Proceedings, State protection is provided, including for victims, witnesses and claimants and their representatives, close relatives, relatives and close associates.

273. Persons given protection may be subject to one of the following safety measures or to several simultaneously:

- (1) Personal protection and protection for dwelling and property;
- (2) Special individual protection measures, communications and danger warnings;
- (3) Ensuring the confidentiality of information on the person under protection;
- (4) Moving to a new place of residence;
- (5) Providing different documents;
- (6) Change of appearance;
- (7) Change of place of work (service) or study;
- (8) Temporary accommodation in a safe place;

(9) Additional safety measures in respect of a protected person in custody or in a correctional detention facility, including transfer from one custody or detention facility to another;

(10) Other safety measures provided for in the legislation of the Russian Federation (art. 6 (1) of the Federal Act on State Protection for Victims, Witnesses and Other Parties to Criminal Proceedings).

## **B. Ensuring the best interests of the child within the criminal justice system**

274. The standards for dealing with minors who come into contact with the courts are underpinned by the principles of applying special legislation to all persons under the age of 18; prohibiting discrimination against the child and the child's family; giving priority attention to ensuring the child's best interests; inadmissibility of delays in resolving procedural matters relating to the child; humane treatment and respect for the inalienable dignity of the child's person, taking into account the needs of people of that age; assistance with reintegration and helping the child to play a useful role in society; the child's freedom to express his or her views regarding the conduct of the investigation; prohibiting unlawful or arbitrary deprivation of liberty; and placing children under arrest or in custody only as a last resort.

275. Under article 6.1 of the Code of Criminal Procedure, criminal proceedings should take a reasonable period of time. Circumstances pertaining to the organization of the work of the body conducting the initial inquiry, the investigating body, the procurators' offices and the courts or the examination of a criminal case at different levels cannot be taken into consideration as grounds for exceeding reasonable time limits for completing criminal proceedings. If, after a criminal case comes to court, the case is not examined for an extended period and the judicial process is prolonged, the interested parties are entitled to apply to the president of the court with a request for examination of the case to be accelerated. A request for examination of a case to be accelerated is considered by the president of the court within no more than five days from the date of submission of the request to the court. Based on the outcome of this consideration, the president of the court issues a reasoned judgment, in which a deadline may be set for a judicial hearing in the case and (or) other procedural actions may be taken to hasten examination of the case.

276. Victims and witnesses aged under 16 are not excluded from responsibility for refusing to give a statement or for knowingly giving false information. When such victims and witnesses are informed about their procedural rights, which are set out in articles 42 and 56 of the Code of Criminal Procedure, respectively, the need to tell the truth is impressed upon them (art. 191 (2) of the Code of Criminal Procedure).

277. The investigator is entitled not to permit the legal and (or) other representatives of a minor victim or witness to take part in questioning of the minor if it would not be in the minor's interests. In this case, the investigator makes arrangements for a different legal representative of the minor victim or witness to take part in questioning (art. 191 (3) of the Code of Criminal Procedure). This means, *inter alia*, that a statement made during the initial inquiry and recorded on audio or video media may be presented during the judicial examination, or that questioning may be filmed in the absence of the minor victim or witness. However, if the need arises, there is the possibility of questioning the minor victim or witness a second time, but only on the basis of a reasoned decision taken by the court at the request of the parties or on its own initiative.

278. In order to ensure the safety of a person making an identification, an identity parade may, if the investigator so decides, be held in a manner that prevents visual contact between

the person making the identification and those presented for identification (art. 193 of the Code of Criminal Procedure).

279. Judicial examinations may be held in closed session to prevent the disclosure of information on children participating in criminal proceedings, as well as to ensure their protection.

280. Under article 432 of the Code of Criminal Procedure, convicted minors whom the court has spared punishment may be sent to special closed education and upbringing establishments. The transfer of a minor from the care of parents, trustees, guardians or other trusted individuals or officials of a specialist children's institution where the minor is located is classed as a procedural restriction measure under article 105 of the Code of Criminal Procedure, which may be carried out in respect of a minor suspected of or charged with an offence.

281. Minor victims who have been deprived of the care of parents or those acting in their stead may be sent to specialist children's institutions by the trusteeship and guardianship authorities on general grounds, in accordance with family legislation.

### **C. Measures to ensure the inviolability of private life and prevent disclosure of the identities of child victims**

282. Article 161 (3) of the Code of Criminal Procedure stipulates that it is prohibited to disclose information on the private life of a minor victim under the age of 14 without the consent of the minor's legal representative.

283. Moreover, under article 4 (6) of Federal Act No. 2124-I of 27 December 1991 on the Mass Media, it is forbidden to publish in the media, including information and telecommunications networks, information on minors who have suffered as a result of illegal actions (or omissions), including surnames, first names, patronymics, photo or video footage of such minors, their parents or other legal representatives, date of birth of the minor, recordings of the minor's voice, place of permanent or temporary residence, place of study or work, or other information directly or implicitly enabling the minor to be identified, except in certain circumstances (arts. 41 (4)(1)-41 (4) (3)).

### **D. Determining the age of a child during criminal proceedings in cases where the victim's outward appearance or other characteristics suggest he or she is under 18 but the actual age is unknown**

284. Under article 196 (5) of the Code of Criminal Procedure, if it becomes necessary to establish the age of a victim when this is significant to the criminal case and documents confirming the victim's age are unavailable or dubious, forensic examination must be ordered and undertaken.

### **E. Measures taken to ensure legal, psychological and other training for individuals working with victims of crimes involving the sale of children, child prostitution and child pornography**

285. During the pretrial investigation in criminal cases involving crimes against the sexual inviolability of a minor, a teacher or psychologist must be present during questioning, identity parades, identifications and verification of evidence involving the participation of a minor victim or witness who is under the age of 16 or who has reached the age of 16 but is suffering from psychological problems or developmental delay (art. 191



of the Code of Criminal Procedure). If a judicial hearing involves the participation of victims and witness aged under 14 or, if ordered by the court, those aged between 14 and 18, a teacher is present. Interviews with minor victims and witnesses with physical or psychological disabilities are always conducted in the presence of a teacher (art. 280 of the Code of Criminal Procedure).

286. Under article 5 of the Code of Criminal Procedure, a teacher means an education worker employed to care for and educate students at an educational establishment or an establishment providing care.

287. During interviews with a minor witness (or victim), a teacher assists the investigator (or person conducting the initial inquiry) in establishing psychological contact with the interviewee, correctly evaluating his or her behaviour and evidence, and safeguards the psychological health of the adolescent from the potential trauma of an unfamiliar situation.

288. Information on the training of specialists working with the victims of crimes involving the sale of children, child prostitution and child pornography is given in section III.B of this report.

#### **F. Ensuring that persons accused of crimes involving the sale of children, child prostitution and child pornography enjoy the right to a fair and impartial trial**

289. Under article 6 of the Code of Criminal Procedure, criminal proceedings are intended to protect the rights and legal interests of persons and organizations that have been victims of crimes and to protect the individual from unlawful and wrongful accusations and conviction and from the restriction of his or her rights and freedoms. Criminal prosecution and the just punishment of those found guilty meet the requirements of criminal justice in the same measure as do refusing to bring criminal prosecutions against the innocent, sparing them punishment, and rehabilitating anyone who has suffered wrongful criminal prosecution.

290. Under articles 8 and 81 of the Code of Criminal Procedure, the courts alone administer justice in criminal cases in the Russian Federation. No one may be found guilty of a crime or sentenced to a criminal punishment except by a court judgment and in accordance with the procedure established in the Code of Criminal Procedure. A defendant may not be deprived of the right to have his or her case heard by the court and judge to whom competence is granted under the Code of Criminal Procedure. In dispensing justice in criminal cases, judges are independent and are subject only to the Constitution and to federal law. Judges examine and rule in criminal cases in circumstances that preclude external influence on them. Interference by State bodies, local government authorities, other bodies, organizations, officials or citizens in the activities of judges in administering justice is prohibited and is an offence, as established in law.

291. In accordance with the presumption of innocence provided for in article 14 of the Code of Criminal Procedure, a defendant is considered innocent until he or she is proven guilty of a crime in the manner established in the Code of Criminal Procedure and that guilt is confirmed by a court judgment that has come into force. A suspect or defendant is not obliged to prove his or her innocence. The burden of proving guilt and refuting the evidence presented in support of the suspect or defendant's innocence lies with the prosecution. Any doubts as to the defendant's guilt that cannot be removed in the manner established in the Code of Criminal Procedure are interpreted to the benefit of the defendant. A guilty verdict may not be based on supposition.

292. The verdict of the court must be lawful, reasoned and just. A verdict is recognized as lawful, reasoned and just if it is handed down in accordance with the requirements of the Code of Criminal Procedure and based on the correct application of criminal law (art. 297 of the Code of Criminal Procedure).

293. Anyone charged with a crime is considered innocent until he or she is proven guilty of a crime in the manner established in the Code of Criminal Procedure and that guilt is confirmed by a court judgment that has come into force (art. 49 (1) of the Constitution). The provision in article 8 (2) of the Code of Criminal Procedure that no one may be found guilty of a crime or sentenced to a criminal punishment except by a court judgment and in accordance with the procedure established in the Code of Criminal Procedure corresponds to this principle.

294. Under article 19 (1) of the Code of Criminal Procedure, the actions (or omissions) and rulings of the court, procurator, leader of the investigating authority, investigator, or body and person conducting the initial inquiry may be appealed in the manner established in the Code of Criminal Procedure.

295. Under article 53 of the Federal Act on the Police, complaints may be filed with a higher authority or official, the procuratorial authorities of the Russian Federation or the courts in respect of actions (or omissions) by a police officer that violate the rights and legal interests of a citizen, State or municipal authority, public association or religious or other organization.

296. Under article 1 (2) (4) of Federal Act No. 2202-I of 17 January 1992 on the Procuratorial Services of the Russian Federation, in order to uphold the rule of law, harmonize and strengthen the legal system, protect human and civil rights and freedoms and defend the legitimate interests of society and the State, the procuratorial services of the Russian Federation carry out oversight, including supervising compliance with the law by the organs carrying out operational investigative activities, inquiries and pretrial investigation.

#### **G. Providing the necessary assistance to victims of crimes involving the sale of children, child prostitution or child pornography, including full social reintegration and physical and psychological recovery**

297. Under article 7 (1) of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation, the State authorities of the Russian Federation, the state authorities of the constituent entities of the Russian Federation and officials of these authorities, within their respective mandates, assist the child in exercising and defending his or her rights and legal interests, taking into account the age of the child and within the limits of the child's degree of competence, as established by the legislation of the Russian Federation, by adopting relevant normative legal acts, undertaking methodological, information and other activities with the child to explain his or her rights and duties and the procedure for defending rights established in the legislation of the Russian Federation, and by encouraging the child to fulfil his or her duties and supporting the practice of enforcing the law in the area of defending the rights and legal interests of children.

298. Specialized civil society associations (such as the Sestry [sisters] Centre to Help Victims of Sexual Violence (Moscow), the Centre against Violence and Human Trafficking (Perm) and the Fatima Women's Crisis Centre (Kazan)), in particular, play an active role in terms of defending the rights of minors.

299. The Russian Constitution guarantees equality of human and civil rights and freedoms regardless of sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances (art. 19 (2)). Foreign citizens and stateless persons enjoy the same rights as the citizens of the Russian Federation and bear the same duties, except as provided for in federal law or international treaties of the Russian Federation (art. 62 (3)).

300. Under article 15 (4) of Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation, in regulating procedures external to the courts concerning the participation of children and (or) protection of their rights and legal interests and in taking decisions on penalties that may be applied to minors convicted of offences, officials of the State and local authorities must act in accordance with the generally accepted principles and norms of international law, the norms set out in international treaties of the Russian Federation, including in terms of the humane treatment of minors and providing them with qualified legal assistance, and the legislation of the Russian Federation. It is compulsory to ensure that priority is given to the personal and social welfare of the child, to adapt law enforcement measures (actions) to allow for the child's participation and reflect the child's interests, and to take account of the child's age and social situation.

301. Children who are not citizens of the Russian Federation are thus given assistance with social reintegration, physical and psychological recovery and reclaiming their identity on the same footing as children who are citizens of the Russian Federation.

302. The Russian Federation participates in the following international treaties on repatriating children who become victims of crimes involving human trafficking, child prostitution and child pornography and on mutual assistance in reclaiming their identity or resettling their families and assessing the feasibility of returning the child to his or her family or social surroundings compared with other forms of social reintegration:

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000;
- The Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005; and
- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007.

## **H. Compensation for recognized victims**

303. Under article 42 of the Code of Criminal Procedure, a victim is a person who has suffered physical, property or moral damage caused by a crime. The victim is compensated for property damage caused by the crime and for costs incurred in connection with taking part in the pretrial investigation and court case, including the costs of representation, in accordance with the requirements of article 131 of the Code of Criminal Procedure. If the victim seeks financial compensation for moral damages caused, the amount of compensation is determined either by the court, when it considers the criminal case, or through the civil justice system.

304. If it is established that a crime has caused property damage, the investigator or person conducting the initial inquiry must take steps to determine the assets of the suspect, defendant or persons who, in accordance with the legislation of the Russian Federation, are liable for the damage caused by the suspect or defendant, the value of which is paid in

compensation for the property damage caused, and to seize these assets (art. 160.1 of the Code of Criminal Procedure).

305. The operative part of a ruling must contain, inter alia, any decision in a civil suit for damages under article 309 (2) of the Code of Criminal Procedure (art. 309 (1) (1) of the Code of Criminal Procedure).

306. If it is necessary to produce additional accounts in connection with a civil suit, meaning that judicial examination needs to be suspended, the court may, for civil purposes, recognize the right to satisfy the civil suit and transfer the question of the amount of compensation in the civil suit for consideration under civil procedures (art. 309 (2) of the Code of Criminal Procedure).

## **VII. International cooperation**

307. In addition to the Optional Protocol, the Russian Federation is party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 2 December 1949, the Slavery Convention, as amended by the Protocol of 7 December 1953, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 7 September 1956, and the various international treaties mentioned above.

308. Cooperation is continuing to develop between Russia and the Council of Europe. The question of acceding to the Council of Europe Convention on Action against Trafficking in Human Beings is being given priority consideration as one of the current directions for developing a legal framework to protect individuals from crimes of this nature, including within the framework of existing regional associations to which the Russian Federation belongs. Thus, under sub-item 1.5 of the Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2014-2018, approved by a resolution of the Council of CIS Heads of State of 25 October 2013, for the 2014-2015 period CIS member States were asked to accede to, or ensure that the necessary internal procedures were introduced to allow for the entry into force of, the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005.

309. The Russian Federation plays an active part in United Nations activities to prevent and suppress trafficking in persons, is a member of the Group of Friends United against Human Trafficking established at the initiative of Belarus, and supports the Global Plan of Action to Combat Trafficking in Persons adopted in General Assembly resolution 64/293.

310. The spread of pornographic materials with images of minors on the Internet is being tackled in particular under the auspices of the OSCE, CSTO, Interpol and CIS, with the aim of implementing initiatives to develop and improve the exchange of information in the fight against crimes in the sphere of information technology and preventing the Internet from being used for illegal ends.

311. Within the framework of the OSCE, Russia takes part in the activities of the Alliance against Trafficking in Persons and endorses the aims and tasks of the Action Plan to Combat Trafficking in Human Beings and supplementary documentation on preventing the sale of children.

312. Russia participates in the activities of the CBSS Task Force against Trafficking in Human Beings under the ADSTRINGO project.

313. Russia takes part in activities of an international nature on the prevention of human trafficking carried out by the International Organization for Migration.

314. The Russian Federation contributes financially to international efforts to combat human trafficking. It earmarks US\$ 200,000 annually from the conditional part of its voluntary contribution to the budget of the Office of the United Nations High Commissioner for Human Rights for projects by the International Training Center for Migration and Combating Trafficking in Human Beings for staff from CIS member States, operating in Minsk (Republic of Belarus). In July 2015, with Russian funding, the Center held a seminar on the topic “Combating trafficking in persons, in particular for the purposes of sexual exploitation and forced labour, and sexual abuse of children on the Internet: threats and challenges, best practice and lessons learned”.

315. Furthermore, the Russian Federation is taking steps to provide international development aid, including financial and economic assistance for developing States, which may be viewed as a measure to eliminate the causes behind the increasing scale of human trafficking. The overall amount of resources allocated to international development aid is more than \$700 million per year, of which around \$150 million is channelled through the United Nations.

316. In particular, guided by its framework for State policy on international development aid, the Russian Federation is taking a range of measures to ensure food security, help vulnerable population groups, build the capacity of recipient countries to fight terrorism and organized crime, and support health care and education. The majority of projects carried out with Russian support, including through the United Nations, are intended to bolster social stability in recipient countries and promote their economic development, thereby contributing to eliminating the reasons why children become vulnerable to the threat of crime.

317. As an element of strengthening international cooperation, the Russian Federation has concluded the following international extradition treaties since ratifying the Optional Protocol (24 September 2013):

- Extradition Treaty between the Russian Federation and the Argentine Republic of 12 July 2014;
- Extradition Treaty between the Russian Federation and the United Arab Emirates of 25 November 2014;
- Treaty between the Russian Federation and the Republic of Turkey on Mutual Legal Assistance in Criminal Cases and Extradition of 1 December 2014;
- Extradition Treaty between the Russian Federation and the Republic of Panama of 29 May 2015;
- Treaty between the Russian Federation and the Kingdom of Spain on cooperation in the field of the adoption of children of 9 July 2014.

318. Representatives of the Office of the Procurator General are participating in the drafting of international extradition treaties with Australia, Bahrain, Cambodia, Cameroon, Costa Rica, the Democratic People’s Republic of Korea, Germany, Israel, Jamaica, the Lao People’s Democratic Republic, Lebanon, Peru, Sri Lanka, Turkey and Zimbabwe.

319. In order to improve cooperation among CIS member States in combating human trafficking, the secretariat and the Scientific Research Centre of the Coordinating Council of Procurators General of CIS Member States devised and adopted the Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2014-2018.

320. The Programme sets out a range of measures based on the principles and norms of international law, model legislation of CIS member States, an analysis of the root causes of crime and forecasts of how the situation will develop in CIS member States, and the results

of scientific research into the practice of combating trafficking in persons, including children.

321. The main tasks of the programme include: further expanding and strengthening the international legal basis for cooperation among CIS member States, improving and harmonizing their national legislation in the area of preventing trafficking in humans, including children, and providing assistance to victims; undertaking agreed procedural activities, preventative and operational investigation measures and special operations; managing the information and scientific aspects of cooperation; and cooperating in the training of staff and improving specialists' qualifications.

322. Based on international treaties among CIS member States, principally the agreement on cooperation among the member States of the CIS in the fight against trafficking in persons, organs and tissues, the Russian Federation drafted model laws on preventing human trafficking and providing assistance to victims of human trafficking, which have been adopted by the CIS Interparliamentary Assembly along with recommendations on unifying and harmonizing the legislation of CIS member States in the area of combating human trafficking, which contain stand-alone sections on protecting the rights of child victims of human trafficking and preventing them from being sexually or otherwise exploited.

323. In 2009, the CIS Interparliamentary Assembly adopted a model act on the protection of children from information that may be harmful to their health and development for CIS member States, drafted with the direct involvement of the Russian Federation, the aims of which are for member States to achieve the goals enshrined in their legislation and the tasks set out in State information policy, for the legislation of CIS member States to be harmonized, and for international cooperation in the area of ensuring information security for minors to be strengthened. The task it sets out is the introduction of unified legislative guarantees and organizational and legal mechanisms to protect children from information that may be harmful to their physical and psychological health and moral, spiritual, psychological, physical and social development, including via the spread of print, audio and audio-visual materials and electronic and computer games that promote pornography, and information that facilitates targeting children and involving them in human trafficking.

324. Under the Programme for Cooperation among the Member States of the Commonwealth of Independent States to Combat Human Trafficking 2011-2013, the model criminal code and code of criminal procedure for CIS member states were amended and supplemented in the areas of combating trafficking in persons, including children.

#### **International cooperation through the Office of the Procurator General of the Russian Federation**

325. In 2015, activities were also organized through IOM, such as a seminar on the identification of victims of human trafficking by law enforcement agencies and referral mechanisms (Ashgabat, 13-14 May 2015) and an international scientific and practical conference on increasing the effectiveness of cooperation among CIS member States and agencies in preventing human trafficking (Moscow, 10-11 February 2015).

326. In the outcome document of the February IOM conference, it was recommended that participants implement and fully support measures to identify socially vulnerable groups of citizens, increase the effectiveness of targeted legal, social, economic and other measures to protect them, identify and eliminate circumstances that encourage homelessness and deviant behaviour among children, and prevent juvenile delinquency.

327. In order to exchange experience in the field of preventing trafficking in persons, including children, the relevant measures are included in the programme for cooperation

between the Office of the Procurator General of the Russian Federation and the procuratorial services of foreign States.

### **International cooperation through the Investigative Committee of the Russian Federation**

328. In St. Petersburg in April 2013, under the leadership of the chairman of the Investigative Committee, an international scientific and practical conference was held to highlight the problems of combating human trafficking. Representatives of 20 countries and six international organizations, together with teaching and research staff from leading Russian higher education establishments, officers from foreign law enforcement agencies, and NGOs and civil society associations, took part in the conference (some 170 people in total). The conference considered current issues in the fight against human trafficking, looked at examples of law enforcement practice, discussed the specific nature of investigating criminal cases in this category, and heard the views of representatives of the scientific community on the topic.

329. As part of the international ADSTRINGO project (Addressing Trafficking for Labour Exploitation through Improved Partnerships, Enhanced Diagnostics and Intensified Organisational Approaches), from 2013 to 2014 the Investigative Committee and the Ministry of Foreign Affairs, in collaboration with the Anna National Centre for the Prevention of Violence, held a number of regional seminars on combating human trafficking (June and August 2013 in Kaliningrad, December 2013 in Perm, February 2014 in Kazan and July 2014 in Novosibirsk). The closing seminar was held in December 2014 at the headquarters of the Ministry of Foreign Affairs in Moscow. Representatives of the procuratorial services, the Investigative Committee, the Ministry of Internal Affairs and the Federal Migration Service, along with judges with experience of examining criminal cases connected with human trafficking, took part in these seminars. Based on the results of the project, participants in the closing session confirmed the need to develop a national plan (strategy) to prevent human trafficking and to form an interdepartmental committee, which would be given the task of examining the feasibility of ratifying the Council of Europe Convention on Action against Trafficking in Human Beings.

330. On 17 June 2014, under the auspices of the Investigative Committee, a scientific and practical seminar was held on improving interdepartmental and international cooperation in combating human trafficking. Representatives of the Ministry of Internal Affairs, the Federal Security Service, the Federal Migration Service, the Office of the Procurator General, the Ministry of Foreign Affairs, the OSCE secretariat and various scientific departments took part in the seminar.

331. The Investigative Committee works to conclude cooperation agreements with the law enforcement agencies of foreign States, under which one of the areas for cooperation is preventing human trafficking. In particular, the following international treaties have been signed:

- Cooperation agreement between the Investigative Committee of the Russian Federation and the Ministry of Public Security of China;
- Cooperation agreement between the Investigative Committee of the Russian Federation and the Investigative Committee of the Republic of Belarus;
- Cooperation agreement between the Investigative Committee of the Russian Federation and the Police of the Kingdom of Norway.

**International cooperation through the Ministry of Internal Affairs of the Russian Federation**

332. Bearing in mind the transnational and transboundary nature of crimes involving the generation and distribution of child pornography, the Ministry of Internal Affairs participates actively in international cooperation, both bilateral and multilateral.

333. Government Decree No. 653 of Russian Federation of 29 June 1995 (amended 12 April 2010) confirmed the model agreement on cooperation between the Ministry of Internal Affairs of the Russian Federation and the competent departments of other Governments, article 2 (1) of which stipulates that the parties will work together to prevent, identify, suppress and uncover crimes connected with trafficking in persons, particularly women and children, and human organs and tissues, including crimes committed by organized groups or criminal gangs (criminal organizations).

334. Beginning in 2012, the Ministry of Internal Affairs has concluded the following bilateral agreements:

- Cooperation agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the Republic of Moldova of 11 September 2012;
- Cooperation agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the Republic of Nicaragua of 1 October 2012;
- Cooperation agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the Islamic Republic of Iran of 22 January 2013;
- Cooperation agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the State of Palestine of 27 January 2014;
- Cooperation agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Internal Affairs of the Syrian Arab Republic of 27 April 2015.

335. In 2014, on the initiative and under the aegis of the Ministry of Internal Affairs, the agreement on cooperation among CIS member States on the return of minors to their State of permanent residence of 7 October 2002 was extended.

336. The Ministry of Internal Affairs is working to ensure operational cooperation with specialist sub-units of foreign law enforcement agencies with a view to preventing, identifying, suppressing and uncovering crimes in the field of information technology.

337. The Ministry's own groundwork and the accumulated experience of foreign colleagues have allowed for large-scale operational investigation exercises to be organized at high level, and every year since 2011 such an exercise has been carried out under the name Sorniak [weed] with the aim of restricting the spread of materials with pornographic images of minors on the Internet through peer-to-peer networks. The main tasks of this initiative are to identify and document criminal activity among persons who circulate and generate materials of a pornographic nature that involve minors using the Internet (including peer-to-peer networks), to carry out operational investigation activities to establish the identities of wrongdoers and charge them with criminal offences, to investigate materials of a pornographic nature received, and to launch operational actions in criminal cases. In 2014, a total of 1,376 instances of "child" pornography on peer-to-peer networks in 75 of the country's regions were identified on the Russian segment of the Internet through the Sorniak initiative.



338. Through the National Point of Contact of the Special Technical Measures Bureau of the Ministry of Internal Affairs and the National Central Bureau for Interpol, 116 notifications were sent to 44 States concerning 341 users of foreign Internet resources found to have child pornography content. Fourteen replies were received from 10 States, of which six were positive (the facts were confirmed).

339. In the first six months of 2015, 403 instances of child pornography being circulated on peer-to-peer networks in 74 of the country's regions were identified on the Russian segment of the Internet.

340. Of the 152 criminal cases launched, 138 were based on indications of crimes under article 242.1 of the Criminal Code ("Generating and distributing materials or articles with pornographic images of minors"), three under article 242.2 ("Using a minor for the purpose of generating pornographic materials or articles") and 11 under article 132 ("Violent acts of a sexual nature").

341. It should be noted that in 2015 a trend was observed towards a modest reduction in the number of local peer-to-peer file-sharing networks, linked to the entry into force of amendments to the legislation of the Russian Federation with respect to the obligations of those who organize information sharing to monitor the spread of content.

342. In documented cases of materials with pornographic images of minors being circulated, a significant number of instances of wrongdoers using IP addresses belonging to ranges allocated to communications operators outside the Russian Federation have been observed. In these cases, the law enforcement agencies of the respective foreign countries are informed through the National Point of Contact and National Central Bureau for Interpol. In 2015, these channels were used to send 47 information notifications to 23 States concerning 209 foreign users circulating materials with pornographic content involving minors.

#### **International cooperation through the Presidential Commissioner for Children's Rights**

343. The Presidential Commissioner for Children's Rights has helped to prepare interregional bilateral agreements between Murmansk province and Finnmark county (Norway) on protecting the rights and legal interests of the child. The trusteeship and guardianship authorities of the two States work together by exchanging information and notifying each other of their legal position on specific issues.

344. Representatives of the Commissioner played an active role in Russian-Finnish seminars on cooperation in the area of family law and protecting children's rights held in March 2011 and October 2013 in Helsinki and Moscow. The Commissioner is included in a Russian-Finnish list of contact points in the field of defending children's rights.

345. As an associate member of the European Network of Ombudspersons for Children, the Commissioner has participated in 18 sessions of the Network and in its conference on The Impact of Poverty and Austerity on Children's Rights, at which he gave a paper entitled "Protecting the rights of socially vulnerable groups of children in Russia: the current situation" (22-23 October 2014, Edinburgh, United Kingdom).

346. In his closing speech on the results of the work of the Network's session, the Commissioner recommended that all European countries draft and adopt a comprehensive strategic plan to combat child poverty and social insecurity and exclusion, which should form part of national plans of action on the protection of children's rights, with a clear time frame for implementation, a set of aims and objectives, and an implementation and monitoring mechanism.

347. The Commissioner took part in the regular annual OSCE Human Dimension Implementation Meeting, presenting a paper on protecting the rights of child refugees and forced migrants within the territory of the Russian Federation at a session on the rights of migrants, including refugees and displaced persons (1-3 October 2014, Warsaw).

348. As part of the 27th regular session of the Human Rights Council of the United Nations General Assembly (22-24 September 2014, Geneva, Switzerland), the Commissioner gave a paper entitled “Good practices in preventing violence against children: emerging international issues and challenges” at a panel discussion on mobilizing international efforts to end violence against children: a global call to make the invisible visible.

349. In 2012, representatives of the Commissioner participated in the ordinary meeting of the CBSS Expert Group on Children at Risk (EGCC) back-to-back with the CBSS Task Force Against Trafficking in Human Beings (15-16 March 2012, Berlin); the international conference on children at risk in the context of child welfare (3-4 May 2012, Vilnius); the international conference on the ROBERT and Partners project (23-24 May 2012, Berlin); and the CBSS EGCC expert meeting on providing care for homeless children (28 September 2012, Stockholm).

350. The Commissioner’s speech to the international regional conference on Strengthening Child Protection Systems to Protect Children from Neglect, Abuse, Violence and Exploitation, organized by the UNICEF Regional Office for Central and Eastern Europe and the CIS (10 November 2014, Minsk), outlined a system-wide approach to organizing State prevention of cruel treatment, violence and exploitation of children.

351. A representative of the Commissioner participated in the Not for Sale - Joining Forces Against Trafficking in Human Beings conference on the problems of combating human trafficking (organized by the Council of Europe and the OSCE in conjunction with the Austrian Ministry of Foreign Affairs (17-18 February 2014, Vienna) and gave a paper on “Legal protection for child victims of human trafficking in Russia”.

352. Since 2014, the Commissioner has been a member of the Council of Europe Network of National Coordinators on the committee formed to draft the Council of Europe Strategy for the Rights of the Child 2016-2019.

353. In this capacity, the Commissioner (or his representatives) have participated in:

- The second plenary meeting of the European Committee for social cohesion, human dignity and equality (18-20 November 2014, Strasbourg, France);
- The meeting of the Council of Europe committee to draft the Council of Europe Strategy for the Rights of the Child 2016-2019 (13-14 November 2014, Strasbourg, France).

354. Work on drafting the Council of Europe Strategy for the Rights of the Child 2016-2019 and other areas of international cooperation is currently under way, in close collaboration with the Ministry of Internal Affairs.

## Annex

### Information on the number of recorded crimes and the number of victims who are minors

	2012	2013	2014	% of 2012	% of 2013
1. Number of crimes committed against minors recorded under article 127.1 of the Criminal Code	19	19	11	-42.1	-42.1
2. Number of minors recognized as victims	21	6	16	-23.8	+166.7
3. Number of crimes committed against minors recorded under article 127.2 of the Criminal Code	0	0	0	-	-
4. Number of minors recognized as victims	0	0	0	-	-
5. Number of crimes recorded under article 154 of the Criminal Code	0	0	0	-	-
6. Number of crimes committed against minors recorded under article 240 of the Criminal Code	51	40	55	+7.8	+37.5
7. Number of minors recognized as victims	38	24	52	+36.8	+116.7
8. Number of crimes recorded in the reporting year under article 240.1 of the Criminal Code	-	-	3	-	-
9. Number of crimes committed against minors recorded under article 241 of the Criminal Code in the reporting year	33	29	36	+9.1	+24.1
10. Number of minors recognized as victims	17	10	19	+11.8	+90.0
11. Number of crimes recorded under article 242.1 of the Criminal Code (“Generation and distribution of materials or articles with pornographic images of minors”)	554	1 603	996	+79.8	-37.9
12. Number of minors recognized as victims	80	140	86	+7.5	-38.6
13. Number of crimes recorded under article 242.2 of the Criminal Code (“Use of a minor for the purposes of producing pornographic materials or articles”)	6	60	45	+650.0	-25.0
14. Number of minors recognized as victims	Not included in Ministry of Internal Affairs form No. 455				

## Information on convictions and types of penalty for crimes against minors

		2012	2013	2014	% of 2012	% of 2013
<b>Article 154 of the Criminal Code</b>	Total convictions	0	0	1	-	-
	Deprivation of liberty	0	0	0	-	-
	Suspended custodial sentence	0	0	0	-	-
	Termination on non-exculpatory grounds	0	0	0	-	-
	Terminations on non-exculpatory grounds as a proportion of total convictions	0	0	0	-	-
	for reconciliation with victim	0	0	0	-	-
	in connection with repentance	0	0	0	-	-
<b>Article 240.1 of the Criminal Code</b>	Total convictions	-	-	2	-	-
	Deprivation of liberty	-	-	0	-	-
	Suspended custodial sentence	-	-	2	-	-
	Termination on non-exculpatory grounds	-	-	0	-	-
	Terminations on non-exculpatory grounds as a proportion of total convictions	-	-	0	-	-
	for reconciliation with victim	-	-	0	-	-
	in connection with repentance	-	-	0	-	-
<b>Article 242.1 of the Criminal Code</b>	Total convictions	75	132	175	+133.3	+32.6
	Deprivation of liberty	8	37	49	+512.5	+32.4
	Suspended custodial sentence	61	88	117	+91.8	+33.0
	Termination on non-exculpatory grounds	0	0	0	-	-
	Terminations on non-exculpatory grounds as a proportion of total convictions	0	0	0	-	-
	for reconciliation with victim	0	0	0	-	-
	in connection with repentance	0	0	0	-	-
<b>Article 242.2 of the Criminal Code</b>	Total convictions	0	2	4	-	+100.0
	Deprivation of liberty	0	1	4	-	+300.0
	Suspended custodial sentence	0	1	0	-	-100.0

---

	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>% of 2012</i>	<i>% of 2013</i>
Termination on non-exculpatory grounds	0	0	0	-	-
for reconciliation with victim	0	0	0	-	-
in connection with repentance	0	0	0	-	-

---

## **List of basic normative legal acts of the Russian Federation giving effect to the principles of the Optional Protocol to the Convention on the Rights of the Child**

### **Codes**

1. Criminal Code of the Russian Federation of 13 June 1996, No. 63-FZ (version of 13 July 2015, as amended 16 July 2015).
2. Code of Criminal Procedure of the Russian Federation of 18 December 2001, No. 174-FZ (version of 13 July 2015).
3. Code of Administrative Offences of the Russian Federation of 30 December 2001, No. 195-FZ (version of 13 July 2015, as amended 14 July 2015).
4. Family Code of the Russian Federation of 29 December 1995, No. 223-FZ (version of 13 July 2015).

### **Federal law**

5. Federal Act No. 81-FZ of 19 May 1995 on State Benefits for Citizens with Children.
6. Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees of the Rights of the Child in the Russian Federation.
7. Federal Act No. 120-FZ of 24 June 1999 on the Foundations of the System for the Prevention of Child Neglect and Juvenile Delinquency.
8. Federal Act No. 178-FZ of 17 July 1999 on State Social Provision.
9. Federal Act No. 119-FZ of 20 August 2004 on State Protection for Victims, Witnesses and Other Parties to Criminal Proceedings.
10. Federal Act No. 387-FZ of 23 December 2010 amending Article 22.1 of the Federal Act on the State Registration of Legal Persons and Individual Entrepreneurs and the Labour Code of the Russian Federation.
11. Federal Act No. 436-FZ of 29 December 2010 on the Protection of Children from Information that May Be Harmful to their Health and Development.
12. Federal Act No. 3-FZ of 7 February 2011 on the Police.
13. Federal Act No. 64-FZ of 6 April 2011 on Administrative Supervision for Individuals Released from Places of Detention.
14. Federal Act No. 252-FZ of 21 July 2011 amending Individual Legal Acts of the Russian Federation in connection with the Adoption of the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development.
15. Federal Act No. 323-FZ of 21 November 2011 on the Public Health Care System.
16. Federal Act No. 14-FZ of 29 February 2012 amending the Criminal Code of the Russian Federation and Individual Legal Acts of the Russian Federation to Enhance Liability for Crimes of a Sexual Nature Committed against Minors.

17. Federal Act No. 27-FZ of 1 April 2012 amending Article 22.1 of the Federal Act on the State Registration of Legal Persons and Individual Entrepreneurs and Articles 331 and 351.1 of the Labour Code of the Russian Federation.
18. Federal Act No. 139-FZ of 28 July 2012 amending the Federal Act on the Protection of Children from Information that May Be Harmful to their Health and Development and Individual Legal Acts of the Russian Federation.
19. Federal Act No. 50-FZ of 5 April 2013 amending Individual Legal Acts of the Russian Federation to Restrict the Spread of Information on Minors Suffering Harm as a Result of Illegal Actions (or Omissions).
20. Federal Act No. 58-FZ of 5 April 2013 amending Individual Legal Acts of the Russian Federation to Prevent the Sale and Exploitation of Children, Child Prostitution, and Activities Connected with the Generation and Distribution of Materials or Articles with Pornographic Images of Minors.
21. Federal Act No. 99-FZ of 7 May 2013 amending Individual Legal Acts of the Russian Federation in connection with the Adoption of the Federal Act on the Ratification of the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data.
22. Federal Act No. 167-FZ of 2 July 2013 amending Individual Legal Acts of the Russian Federation on Matters Relating to the Placement of Orphans and Children without Parental Care.
23. Federal Act No. 380-FZ of 28 December 2013 amending the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation.
24. Federal Act No. 432-FZ of 28 December 2013 amending Individual Legal Acts of the Russian Federation to Improve the Rights of Victims in Criminal Proceedings.
25. Federal Act No. 126-FZ of 5 May 2014 amending Individual Legal Acts of the Russian Federation in connection with the Accession of the Russian Federation to the Convention on the Civil Aspects of International Child Abduction.

### **Decrees of the President of the Russian Federation**

26. Decree No. 404 of the President of the Russian Federation of 26 March 2008 on the Creation of a Fund to Support Children Living in Difficult Circumstances.
27. Decree No. 986 of the President of the Russian Federation of 1 September 2009 on the Presidential Commissioner for Children's Rights.
28. Decree No. 761 of the President of the Russian Federation of 1 June 2012 on the National Strategy on Action for Children 2012-2017.
29. Decree No. 1688 of the President of the Russian Federation of 28 December 2012 on Various Measures to Implement State Policy to Protect Orphans and Children without Parental Care.

### **Normative legal acts of the Government of the Russian Federation**

30. Government Directive No. 1662-r of 17 November 2008 on the Framework for Long-Term Social and Economic Development in the Russian Federation for the Period to 2020.
31. Government Decree No. 1101 of 26 October 2012 on the Unified Register of Domain Names and Web Page Indices for the Internet Information and

Telecommunications Network and Network Addresses Allowing the Identification of Sites on the Internet Information and Telecommunications Network that Contain Information which It Is Prohibited to Distribute in the Russian Federation (a Unified Automated Information System).

---