



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic reports of States parties due in 2001**

**RUSSIAN FEDERATION\* \*\***

[18 August 2003]

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\* For the second report submitted by the Government of the Russian Federation, see CRC/C/65/Add.5; for the summary records of meetings at which it was considered by the Committee, and the Committee's concluding observations, see documents CRC/C/SR.564-565 and CRC/C/15/Add.110 respectively.

\*\* In accordance with the information transmitted to States parties regarding the processing of reports, the present document was not formally edited before being sent to the United Nations.

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1. Principal regulatory instruments adopted in the period 1997 - November 2002, implementing the principles of the Convention on the Rights of the Child in the Russian Federation
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## INTRODUCTION

1. The Russian Federation's second periodic report on the implementation of the Convention on the Rights of the Child in the period 1993-1997 was considered on 23 September 1999 at the twenty-second session of the Committee on the Rights of the Child.
2. This report has been prepared pursuant to article 44, paragraph 1 (b), of the Convention in accordance with the general guidelines regarding the form and contents of the periodic reports to be submitted by States parties (CRC/C/58) on the basis of material supplied by federal ministries and departments whose remit includes the situation of children and ensuring and implementing their rights, information from the authorities of members of the Russian Federation, official statistics, special studies and information from organizations concerned with children's problems.
3. Part I contains general information on the country and its population, the political system and the main trends of changes in the situation of children during the period 1998-2002. The main part of the analytical material consists of eight sections and includes information on the measures adopted by the Russian Federation in implementation of the Convention on the Rights of the Child during the period under review in accordance with the international obligations that it has accepted, on the progress achieved, difficulties encountered and further steps planned for future application of the provisions of the Convention.
4. In accordance with the provisions of paragraph 8 of the General Guidelines regarding the Form and Content of Periodic Reports to be submitted by States Parties under article 44, paragraph 1 (b) of the Convention, information submitted in the Russian Federation's second periodic report is not repeated in this report, but references are made to paragraphs of that report where necessary.
5. The annexes contain a list of laws and other regulatory instruments adopted in implementation of the principles of the Convention on the Rights of the Child since submission of the second periodic report, reflecting changes in the situation of children, and statistical data on this subject for the period under review.

### I. GENERAL INFORMATION CONCERNING THE RUSSIAN FEDERATION

6. Data on administrative division and political structure are provided in paragraphs 5, 14 and 15 of the second periodic report.
7. The fall in Russia's population that started in 1992 is continuing. At the beginning of 2002, the permanent population of the Russian Federation amounted to 144 million, a reduction of 2.8 million, or 1.9 %, since 1998, and it is continuing to decline in 2002. It is estimated that the permanent population on 1 September 2002 was 143.3 million. The decline in the population is due to natural decrease, amounting to 6.5 persons per thousand in 2001.
8. Because of the low birth rate, the number of children is declining all the time: in the period 1998-2001 the number of children under 18 fell by 4.2 million to a total of 31.6 million, or 22 % of the population, by the beginning of 2002 (compared with 24.4 % at the beginning of 1998).

9. A regular all-Russian population census was carried out, after a long interval, in October 2002, but its results, including data on family structure in the Russian Federation, will be processed only in the period 2003-2004. Until processing of the population census data is completed, the national and family structure of the population, and the level of education, can be assessed only through data of the 1989 census and the microcensus of 1994 (see paras. 7-10 of the second periodic report).

10. The building of a market economy in the period under review was marked by contradictory trends. Whereas in 1997 signs of macroeconomic stability with slower inflation rates were emerging in the economy of the Russian Federation, the country was drawn from the beginning of 1997 into a deep and prolonged financial and economic crisis, the acute phase of which started in August 1998. This led to sharp price increases, a fall in budgetary income at all levels and in currency receipts, a significant decline in commodity resources and a fall in real incomes and living standards.

11. Up to 1999, the manifestations of crisis in the economy and the limited financial possibilities prevented the full financing of social and cultural needs. The Government's main efforts during these years were directed at maintaining the essential network of social and cultural institutions, and financing federal budgetary expenditure on payment of wages, grants, pensions and allowances. The following areas were regarded as being priorities and were secured: stabilization of the financing of the social sphere and social programmes already adopted, overcoming distortions in the structure of budgetary expenditure on requirements in education, health, culture and social security, increasing this expenditure, and ensuring a realistic level of wages for workers in the budgetary sphere and of grants, pensions and allowances.

12. The measures adopted, including the pursuit of a carefully thought-out monetary and credit policy, resulted in qualitatively new conditions and prerequisites for resolving the fundamental problems of Russia's economic and social development. The trend in basic macroeconomic indicators became positive. For example, real GDP rose by 14.5 % as against 1999. At the same time, starting in 2000, the structure of GDP use showed a trend of faster growth rates of end-use by domestic households, which rose by 18.8 % in the period 2000-2001.

13. On average, federal budget expenditure on the wages of workers in the social and cultural sector has more than tripled since 1999. So far as investment in the social sector is concerned, fixed-capital investment in health rose by 43.3 %, and in education by 20.6 %, in the period 1999-2001. In terms of the population's welfare, the effects of the 1998 crisis have been practically overcome. For example, the level of real wages in 2001 was 98 % of the 1997 level, and wages continued to rise in 2002. At the same time, wage arrears were substantially reduced, from 52.6 billion roubles on 1 January 1998 to 35.4 billion roubles on 1 October 2002. The number of unemployed, calculated according to the ILO methodology, fell from 8.9 million, or 12.3 of the economically active population, in 1998 to 6.3 million, or 8.9 % of the economically active population, in 2001 and is continuing to decline (at the end of November 2002 it amounted to 5.1 million, or 7.1 % of the economically active population).

14. The efforts undertaken resulted in a further reduction in infant mortality (from 17.2 per thousand births in 1997 to 14.6 in 2001 and 13.8 for January-September 2002), and in child mortality (including mortality of children under 5, from 21.1 in 1997 to 18.4 in 2001). Vaccination of children against diphtheria, whooping-cough, poliomyelitis, measles, tuberculosis and other diseases is proceeding smoothly. Access is being maintained for children to children's pre-school establishments and free general secondary education and to children's health services. Social services for the family and children are continuing to be developed and are playing an increasingly important role in preventing family tribulation, with increased attention being devoted to the quality of services provided; the process of reforming the network of establishments for disabled children has been started; children's educational reform continues; and legislation is being developed on ensuring the rights and interests of children, with increasing efforts being devoted to its implementation, both through allocation of the necessary resources and through the creation of appropriate mechanisms for implementing legislative standards.

15. At the same time, the depth and scale of the social and economic changes that have taken place, their rapidity and consequent lack of resources, the complexity for a substantial part of the population of adapting to the new conditions, the historically short period of time available to strengthen institutions that have been and are being newly created and meet the requirements of the market economy and the democratization of social life – all these mean that problems remain in the major spheres of children's activity. They continue to include the dysfunction of some families, often accompanied by violence, including violence towards children, leading to neglect and child delinquency and to the rise of social orphanhood. An acute problem is the use by minors of alcohol and drugs and the deterioration in children's state of health. A long-term problem is poverty among families with children which, despite all the measures adopted, has so far not been reduced.

16. The Russian Federation, recognizing the need to move steadily towards fuller implementation of the provisions of the Convention and, on that basis, to improve the situation of children, has largely developed the machinery for practical measures in defence of the rights of children and is carrying them out on the basis of the National Action Plan for Children for 1995-2000, the Government's Action Plan in the area of social policy and modernization of the economy for 2000-2001, and the Medium-term Programme of Social and Economic Development of the Russian Federation for 2002–2004.

## **II. GENERAL MEASURES OF IMPLEMENTATION** **(arts. 4, 42 and 44, para. 6)**

17. Information on national legislation adopted up to 1997 to implement the Convention is contained in paragraphs 30-35 and 37-41 of the second periodic report and its annex. During this period, the full legal basis for securing the rights of children in the new social and economic conditions was established. In 1998-2000 the legislation on securing the rights and interests of children was further developed with a view to making it correspond more fully to the principles and provisions of the Convention and to creating the legal conditions for preventing social misfortune among children. To this end, the federal laws on immunoprevention of infectious diseases (1998), narcotic drugs and psychotropic substances (1998), the sanitary and epidemiological welfare of the population (1999), ratification of the Convention concerning Equal Opportunities and Equal Treatment for Men and Women

Workers: Workers with Family Responsibilities (1999) and the laws on amendments and additions to the Labour Code of the Russian Federation (1999), principles of compulsory social insurance (1999) and approval of the federal programme of educational development adopted in application of that ILO Convention, etc., were adopted.

18. Measures to protect the rights of children in a difficult situation in life with a view to better guaranteeing the interests of the child are being carried out on the basis of the amendments and additions adopted during the period under review to the Family Code (in the section relating to protection of the interests of children in international adoption and the introduction of an additional form of bringing up orphaned children in a family environment – 1998), the Labour Code (relating to the social and economic support of adoptive parents – 1999), the federal law on social protection of the disabled in the Russian Federation (relating to raising the upper age of disabled children to 18 – 1999), and a number of amendments and additions to laws on allowances for families with children, including provisions to increase allowances. New federal laws were adopted on concessionary interurban travel for children needing treatment in sanatoria and spas (1998), fundamentals of the system for preventing child neglect and juvenile crime (1999) and a national databank concerning homeless children (2001).

19. The federal law on basic guarantees of the rights of the child in the Russian Federation, adopted in 1998, is of strategic importance in the establishment of the theory and practice of protecting the rights of children. In particular, it provides that the aims of national policy in the interests of the child are realization of the rights of children provided for in the Russian constitution, the inadmissibility of discrimination against them, and the restoration of their rights when they are violated. The law stipulates that national policy in the interests of the child is a priority area in the activities of Russian State authorities.

20. Implementation of the Convention on the Rights of the Child is one of the priorities in the current review of national legislation. For instance, guarantees protecting the rights of children, in particular against economic exploitation, in accordance with the standards of international law are contained in the new Labour Code of the Russian Federation (adopted in 2001, entered into force on 1 February 2002); as part of the reform of the tax laws, a standard has been included relating to social tax deductions (part of income made tax-free) for parents in connection with children's upbringing, medical treatment and education; children's rights to social services have also been taken into account in the reform of pension laws. Standards guaranteeing the inheritance rights of children, including those born out of wedlock, have been retained in Part III of the Civil Code (adopted in 2001).

21. The special needs of children were taken into account in the adoption of a set of legal instruments (laws, Russian Government orders, methodological documents) relating to the social support of poor families (federal laws on minimum living standards in the Russian Federation – 1997, overall consumption basket for the Russian Federation – 1999, and State social assistance – 1999).

22. As required by the concluding observations of the Committee on the Rights of the Child, special attention has been given to reforming legislation on the administration of justice in cases involving juveniles and the protection of children against any form of violence and abuse. Progress in this area was helped by the adoption in March 2001 of the federal law on

amendments and additions to the Criminal Code, the Code of Criminal Procedure, the Punishment Code and other legislative instruments of the Russian Federation. The new Code of Criminal Procedure, adopted in 2001 (entered into force from July 2002) establishes a large number of procedural guarantees for juveniles in the light of United Nations international standards and norms concerning justice relating to juveniles.

23. With the adoption of the new Administrative Offences Code (2001, entered into force from July 2002), sanctions on parents for non-fulfilment or improper fulfilment of their obligations regarding the maintenance and upbringing of juveniles were strengthened. In addition, a standard was introduced for the first time in national legislation establishing responsibility for obtaining income from prostitution, if such income arises from the activity of another person involved in the prostitution, that is, from pimping. This is a further element in combating the involvement of juveniles in prostitution.

24. The system of legal resources protecting the interests of children was further developed in the period under review. As well as the Commissioner for Human Rights in the Russian Federation, the institution of commissioners for children's rights is being expanded at the regional level. As at September 2002, the functions of commissioners for children's rights had been established in 15 members of the Russian Federation, including the Chechen Republic. All regional commissioners have the right to monitor observance of children's rights in children's establishments, and they do in fact perform these functions.

25. In accordance with the concluding observations regarding the need to establish an independent Ombudsman for children's rights at the federal level, large-scale research was carried out in Russia, with UNICEF support, to study this matter. The results showed that as a first step, in a federal State with extensive territory, it is advisable to develop the institution of commissioners for children's rights at the level of the members of the Russian Federation. This approach ensures that the commissioner is accessible to children according to their place of residence and allows for a more operational reaction to any violation of children's rights, as well as the establishment of truly independent monitoring of children's establishments in the region. The necessary level of independence of these commissioners can be achieved on the basis of regional laws, as is indeed happening in practice. Although the first commissioners were appointed by decision of heads of administration, they have recently been appointed through legislative instruments.

26. The main lines of State social policy for improving the situation of children in the Russian Federation to the year 2000 (National Action Plan for Children), approved by Presidential Decree (see para. 42 of the second periodic report) have been implemented throughout the country. A plan containing specific measures for the gradual implementation of the National Plan has twice been approved by the Russian Government (in 1996 and 1998).

27. In accordance with the provisions of the final document of the twenty-seventh special session of the General Assembly, on the situation of children, entitled "A world fit for children", preparation of a new action plan for children up to 2010 is being completed. Pending its adoption, a short-term Action Plan to improve the situation of children in the Russian Federation in 2001-2002, approved by a Government regulation, has been implemented in Russia since 2001. The plan includes specific measures for assistance to families for children's maintenance and upbringing; protection of children's health; assistance for children requiring

special State care; legal child protection; and international cooperation to strengthen protection of the rights of children.

28. The coordination machinery established at the federal level in previous years (para. 43 of the second periodic report) has proved its viability.

29. At the same time, in accordance with the concluding recommendations, the responsibilities of the federal and regional levels of administration are being defined so as to provide for the best possible protection of children's rights. This work is being done as part of the improvement of inter-budgetary relations and reform of the division of powers between federal and regional authorities and municipal bodies in the application of social and economic policy. The principal aim is fully to meet national obligations, including the obligation to improve the situation of children.

30. A great deal of attention was devoted in the period under review to the mobilization of resources to achieve greater implementation of the standards of the Convention. The new opportunities offered by the economic growth that has been recorded are being used for priority funding of national policy in the interests of children in the areas of upbringing, education, protection of health, culture, physical culture and sport, social services and social protection of the family and children. The share of federal-budget expenditure on education, health and culture has steadily increased in the period since the 1998 financial crisis. Compared with the previous year, expenditure on the social and cultural sector rose by 56 % in 2000, 61.6 % in 2001 and 39.2 % in 2002. The increase is occurring not only in absolute terms but also in terms of the share of total expenditure in the federal budget and proportion of GDP. Thus, whereas the share of such expenditure in total federal-budget expenditure was 10.3 % in 1999, it amounted to 10.4 % in 2000 and 13.0 % in 2001. It is expected to account for 2.2 % of GDP in 2002, as against 1.4 % in 1999.

31. Expenditure on education rose substantially, outpacing all other sectors in the social sphere and the economy as a whole. The Government's Action Plan in the area of social policy and modernization of the economy for 2000-2001 and the Medium-term Programme of Social and Economic Development of the Russian Federation for 2002-2004 declare that the modernization of education, aimed at the creation of conditions enabling citizens to exercise their right to an education whose structure and quality meet the requirements of the economy and civil society, is one of the most important national development priorities. Budgetary funding of education in 2000 was 50 % higher in 2000 than in 1999, and the increase over the previous year was 52 % in 2001 and 49 % in 2002. Expenditure in the consolidated budget on education exceed that on defence for the first time in 2002.

32. One of the most important areas of implementation of the provisions of the Convention in the period under review was work on combating neglect and abandonment, including stronger measures at all levels to prevent family tribulation, organization of productive activities for children, looking after their studies, creativity, physical culture and sport, and re-socialization of neglected and homeless children and their families.

33. In the period under review, an important tool for carrying out national social policy to improve the situation of children was the presidential programme "Children of Russia", which made it possible to combine the work of a number of federal executive agencies and regional

legislative and executive bodies to attain a single aim – the establishment of favourable conditions for children’s overall development and for ensuring their vital activities.

34. Federal targeted programmes to improve the situation of children in the Russian Federation were approved by Government order No. 1207 of 19 September 1997. They include: “Disabled children”, “Development of social services for families and children”, “Prevention of neglect and juvenile delinquency”, “Orphaned children”, “Gifted children”, “Development of all-Russian ‘Orlenok’ and ‘Okean’ centres”, “Children of the North”, “Children of families of refugees and displaced persons”, “Children of Chernobyl”, “Safe motherhood” and “Development of the baby food industry”. By Presidential Decree No. 290 of 15 January 1998 on the presidential programme “Children of Russia”, these programmes were combined in the “Children of Russia” programme, which was accorded presidential status.

35. The priority attached to resolving children’s problems is evidenced by the increase in programme funding and full funding. In 1998, only the programme “Gifted children” was 100 % funded, but the 1999 figures showed that virtually all the federal targeted programmes were fully financed. Total funding increased by almost 2.2 % in 2000 compared with 1998 (1492.68 million roubles against 694.7 million roubles).

36. When the “Children of Russia” programme expired, a Government ordinance of 25 August 2000 approved 10 federal targeted programmes to improve the situation of children in 2001-2002. Four of them (“Disabled children”, “Orphaned children”, “Gifted children” and “Prevention of neglect and juvenile delinquency”) were accorded presidential status by Presidential Decree No. 1328 of 16 November 2001. Substantially increased funding was provided for the programmes approved for 2001-2002. Under the 2001 budget, total expenditure on implementing programmes of the “Children of Russia” programme was increased by 23.4 % compared with 2000, including increases of 41.6 % for the “Development of social services for families and children”, 40.3 % for “Safe motherhood”, 28.8 % for “Disabled children”, 26 % for “Prevention of neglect and juvenile delinquency” and 20.2 % for “Orphaned children”. The programmes were fully funded in 2001, and funds additional to those planned were allocated to implementation of the programmes from supplementary budgetary income. As a result, funding of the “Disabled children” programme was 3 times higher, and that of the “Prevention of neglect and juvenile delinquency” programme 2.2 times higher, in 2001 than in 2000. These programmes were also fully funded in the first nine months of 2002.

37. To ensure consistent targeted financing to resolve the most pressing problems of children through targeted programmes, Government ordinance No. 732 of 3 October 2002 approved the federal targeted programme “Children of Russia” for the period 2003-2006, consisting of the “Healthy child”, “Gifted children”, “Prevention of neglect and juvenile delinquency”, “Orphaned children” and “Disabled children” programmes. Despite the change in the programme’s content, the resources allocated to its implementation in the 2003 budget were maintained at virtually the 2002 level.

38. Funding of educational and health programmes was increased. The total funding of federal targeted programmes in the educational sphere in 2002 was more than twice as high as in 2001 and totalled 4.5 billion roubles (against 2.1 billion roubles in 2001).

39. The amount of resources allocated from the federal budget to children's leisure and health is steadily increasing (110.6 million roubles in 1998, 321.2 million roubles in 1999, 532 million roubles in 2000 and 1,151.2 million roubles in 2001).

40. Resources in the federal budget for pursuing a policy in the interests of children are supplemented by resources from the budgets of the members of the Russian Federation and extra-budgetary funds. For example, the Social Insurance Fund of the Russian Federation participates in funding restoration of the health of children of working citizens and children requiring special State care, increasing expenditure from compulsory social insurance for these purposes every year: it amounted to 2.2 billion roubles in 1998, 4.2 billion roubles in 1999, 7.16 billion roubles in 2000 and 9.68 billion roubles in 2001. This included expenditure on children requiring special State care amounting to 52.9 million roubles in 1998, 242.8 million roubles in 1999, 672.7 million roubles in 2000 and 787 million roubles in 2001 (see also para. 62 of the second periodic report).

41. In accordance with the concluding observations of the Committee on the Rights of the Child on the second periodic report, the Government has taken measures to seek new solutions to budgetary problems so as to ensure the payment of children's allowances, debt repayment and protection of the most vulnerable groups.

42. The introduction of direct payment of the monthly children's allowance in 1999 and the establishment of federal funding of the allowance in 2001 ensured the timely payment of allowances to the socially most vulnerable families with children, as well as the steady liquidation of debt related to the payment of the allowance. As a result, by November 2002 the debt had been reduced to 11.7 billion roubles, from 30.3 billion roubles in 1999. It is planned to extinguish the debt fully by the end of 2003.

43. The increase in resources allocated to policies in the interest of the child is being accompanied by greater monitoring of their purposeful and effective use on the basis of competitive programme implementation and strict financial monitoring in the State treasury system.

44. Designating 2001 as the Year of the Child helped to attract public attention to the problem of improving the situation of children and securing their rights and interests. The President and Government of the Russian Federation devote constant attention to improving the situation of children and especially to the most urgent problems in this area. The impetus to intensify the campaign against child neglect came directly from the President.

45. The attention given by the President to measures to help children is evidenced by the State awards granted to parents and teachers in family children's homes and to mothers and fathers with many children, and the allocation from the President's reserve fund of resources to help orphanages, children's homes and rehabilitation centres for disabled children, and specialized institutions for juveniles needing social rehabilitation.

46. The President's Security Council regularly reviews problems relating to the campaign against drugs and neglect and to reducing the level of poverty among families with children. During the period 1999-2002 the Russian Government twice considered such problems as

combating child abandonment, the situation of orphans, the effectiveness and extension of federal targeted programmes to improve the situation of children, and combating the worst forms of child labour and ratification of the relevant convention.

47. The practice of holding parliamentary hearings on problems relating to the situation of children, attended by various representatives of civil society, is being developed. For example, in the period 1998-2002 combating drug use among children and young people, sexual exploitation of children, payment of allowances to families with children, implementation of the "Children of Russia" programme and other questions were considered at parliamentary hearings.

48. Discussion of the situation of children and measures to improve it is growing in international, national, regional and professional conferences and various seminars, with the broad participation of State and non-governmental organizations of the Russian Federation and of its members, international experts and children themselves. To mark the tenth anniversary of the adoption of the Convention on the Rights of the Child, such conferences were held everywhere. The regular All-Russian Congress of Paediatricians was held in 2001. Seminars on various aspects of the institution of commissioner for children's rights have been held annually since 1998 in order to develop a model work description for commissioners. The Second Russian Congress "World of the family", which was attended by 800 representatives of more than 40 regions of Russia, was held in 2001 on the initiative of public organizations. In accordance with the results of the conference held in Moscow in April 2002 on cooperation between State and social structures in implementing a national strategy to combat HIV infection in the Russian Federation, it was decided to establish a public council on problems of HIV/AIDS as a coordinating and advisory body consisting of representatives of State structures and funds and public organizations. Active involvement is growing among children and young people: on the initiative of the all-Russian public organization "Youth unity", the Congress of Young Citizens of Russia was held in 2002 under the slogan "Russia needs me". The holding of the congress resulted in active work by the participants to create a databank of children's social initiatives that children and young people can pursue in their own regions.

49. Cooperation between State authorities and public associations and non-governmental organizations, which occurs at the federal, regional and local levels, is becoming increasingly important in implementing policies in the interests of the child on the basis of the Convention on the Rights of the Child. As of December 2002, 120 public associations (against 38 in 1997) with international or all-Russian status whose basic work is related to children's problems were registered at the Russian Ministry of Justice.

50. Everywhere in the regions and locally, public organizations are carrying out programmes – independently or with the support of State authorities or local self-administration – aimed at developing protection of children and providing them with the necessary assistance and support, including work to prevent drug abuse, material help for poor families, the campaign against child abandonment and work with disabled children. It is important that their activities are concentrated mainly at the place of residence of families with children, as a result of which they are effective and timely.

51. The past five years have seen the emerging development of the volunteer movement, whose members work on the streets without pay among homeless children and child drug

abusers, advise children and their parents on various matters and assist in the care and rehabilitation of disabled children in residential homes.

52. The traditional close cooperation between State bodies and trade unions, the Russian Children's Fund, the Russian Red Cross and the Federation of Children's Organizations is continuing.

53. A broad coalition of non-commercial non-governmental organizations working in the interests of children is forming in society, as was confirmed at the First All-Russian Conference of Non-Governmental Organizations "Civil society for the children of Russia", held in March 2001, which was attended by the representatives of more than 1,000 public associations from all parts of the Russian Federation. The authorities need the potential and experience of non-governmental organizations. In 2001 NGOs participated as equal partners together with representatives of federal agencies in the Civic Forum, at which the most urgent problems of Russia's current stage of development were discussed, including establishment of the juvenile justice system, the development of education and the forms and methods of social protection of children. As a result of the Forum NGOs became members of advisory bodies and working groups on various children's problems in the Russian Government and federal ministries.

54. During the period under review the targeted-programme approach became one of the chief methods of resolving the most important social problems, including problems of improving the situation of children. In addition to the "Children of Russia" programme, federal targeted programmes carried out in the period under review included the following: "Anti HIV/AIDS", "Vaccination prophylaxis", "Urgent measures to combat tuberculosis" and "Comprehensive measures against drug abuse and illegal drug dealing for the period 2002-2004". The "Youth of Russia" programme included the subprogrammes "Physical upbringing and health care of children, adolescents and young people in the Russian Federation" and "Young family". The federal targeted programme "Prevention of and combating social diseases (2002-2006)", including, inter alia, the subprogrammes "Measures to prevent sexually transmitted diseases", "Vaccination prophylaxis", "Urgent measures to prevent the spread in the Russian Federation of illness caused by the human immunodeficiency virus (anti-HIV/AIDS)" was approved and is being implemented in 2002. This shows the consistency and continuity of the policy in the interests of children, to the extent that the existing problems can be resolved through long-term efforts. The practice of preparing targeted programmes on the problems of childhood is widely followed in the members of the Russian Federation.

55. Russia's international cooperation aimed at promoting implementation of the aims of the Convention continued in the period 1998-2002. Cooperation with UNICEF, WHO, ILO, UNESCO, UNHCR, UNDP, the World Bank, the Council of Europe and other international organizations was strengthened and in most cases carried out on a programmed basis.

56. Work has continued on making children and adults aware of the provisions of the Convention on the Rights of the Child. A compilation of material, including the second periodic report and all associated material, replies to the supplementary questions and the concluding recommendations, was published and widely disseminated. The compilation also contained the text of the Convention and the General Guidelines regarding the Form and Contents of Periodic Reports. A second revised and expanded edition of the compilation of

Russian laws implementing the Convention and the national report of the Russian Federation to the special session of the General Assembly on the situation of children was issued in 2001.

57. The national report on the situation of children continues to be issued annually, and is now based on the law on basic guarantees of the rights of the child in the Russian Federation. At the same time, annual regional reports on the situation of children are prepared and issued in the members of the Russian Federation.

58. During the period under review, the provisions of the Convention were increasingly publicized at the level of the members of the Russian Federation, and publicity was especially active in regions that have established the post of commissioner for children's rights. The provisions of the Convention are published in a version adapted for children and there are television programmes with games and discussions for children of various ages, including children being brought up in various institutions.

59. This report has been prepared by an Interdepartmental Coordinating Committee on implementation by the Russian Federation of the Convention on the Rights of the Child and the World Declaration on the Survival, Development and Protection of Children. A broad range of specialists from the Ministries of Labour and Social Development, Education, Internal Affairs, Justice, the Economy, Foreign Affairs, Statistics and other ministries, and scientific and social organizations took part in the work. Independent experts on the rights of the child, juvenile justice and health care contributed to the preparation of the report. The draft report was considered in the Interdepartmental Committee and in a round table attended by representatives of scientific and social organizations. Official statistics, information documents and analyses from federal ministries and departments and from the executive authorities of members of the Russian Federation, and special studies were used in the preparation of the report.

60. As was the case for the two previous reports, it is planned to issue a separate edition of this report with the aim of informing the general public about the problems of implementing the rights of the child. Further steps will be taken to publicize the report, including posting it on the Internet.

### **III. DEFINITION OF THE CHILD (art.1)**

61. Information concerning the definition of the child in accordance with article 1 of the Convention is given in paragraphs 71-73 of the periodic report on the implementation of the Convention on the Rights of the Child in the period 1993-1997.

62. During the period under review the minimum age for being hired for work was raised from 15 to 16 by the Labour Code (2001). A ban was introduced on the retail sale of tobacco products to persons under the age of 18 (federal law on restricting the smoking of tobacco, art. 1). Sexual intercourse between a person over the age of 18 and a person known to be under 14 is punishable as a crime (Criminal Code of the Russian Federation, art. 134). On 26 July 2002 the State Duma adopted on first reading the federal law on amendments and additions to the Criminal Code of the Russian Federation, under which the minimum age for sexual relations is to be raised from 14 to 16.

#### **IV. GENERAL PRINCIPLES**

##### **A. Non-discrimination (art. 2)**

63. The legislation of the Russian Federation contains no provisions that are discriminatory on grounds of sex, race, nationality, language, origin, property status, place of residence, attitude to religion, beliefs, membership of public associations or other circumstances (see also paras. 74-87 of the second periodic report).

64. The Russian Federation is a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966, which was ratified in 1969. On 18 June 1998 Russia ratified the Council of Europe's Framework Convention on the Protection of National Minorities, and on 4 November 2000 it signed Protocol No. 12 (non-discrimination) to the European Convention on the Protection of Human Rights and Fundamental Freedoms. On 8 May 2001 Russia signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

65. Regulatory legal instruments have been adopted on matters relating to the prevention of intolerance and discrimination. The law on mass media (art. 4) prohibits the use of mass media to arouse national hatred and intolerance. The federal law on public associations (art. 16) prohibits the creation and activities of public associations whose aims and actions are directed at arousing social, racial, national or religious hatred.

66. A federal law on guarantees of the rights of indigenous peoples whose numbers are small in the Russian Federation has been adopted. The President of the Russian Federation has approved the Concept of State Policy for Ethnic Groups (1996). In 2001, the Russian Government approved the federal targeted programme "Establishment of tolerant awareness and prevention of extremism in Russian society (2001-2005)", which provides for measures to nurture tolerance and rejection of manifestations of nationalism and chauvinism.

67. The Labour Code of 2001 contains a number of articles aimed at the eradication of discrimination in the workplace. For example, article 3 provides that no one may be restricted in his labour rights and freedoms, irrespective of sex, race, skin colour, nationality, language, origin, property or social status, age, place of residence, attitude to religion, political beliefs or other circumstances unrelated to the working qualities of the employee.

68. Under the federal law on the legal status of aliens in the Russian Federation of 2002, foreign citizens and stateless persons enjoy the same rights as citizens of the Russian Federation irrespective of the purpose of their sojourn in the Russian Federation, except in the cases provided for in Russian law.

69. In accordance with the observations of the Committee on the Rights of the Child on the second periodic report (para. 25), special attention was devoted during the period under review to work intended to reduce economic and social disparities and prevent any discrimination against children or in their treatment, including disabled children.

70. The aims of ensuring universal access to, and the socially acceptable quality of, the major social benefits (principally medical and social services and general education), including those

for children, are set out in the programme of social and economic development of the Russian Federation in the medium term (2002-2004). Similar aims were set out in the Government's Action Plan for social policy and modernization of the economy in 2000-2001. Increasing protection of socially vulnerable households, including those with children, was identified as one of the tasks of transformation in the social sphere.

71. Because of continuing substantial differences in the level of material security of families with minor children, and in order to support low-income families whose per capita income is below the poverty line, the federal law on State social assistance of 1999 sets out the right of this category of families to additional material assistance. This makes it possible to provide low-income families with the minimum acceptable living standard to maintain and bring up their children.

72. During the period under review, steps were taken to provide effective rehabilitation for disabled children and reintegrate them properly into society. The network of social and rehabilitation establishments for disabled children, which constitute a real alternative to placing disabled children in residential homes, is being actively expanded. Particular attention has been devoted to reform of children's boarding homes within the social protection system, the introduction of new methods of treatment and rehabilitation of children, social and environmental adaptation and preparation for independent life.

### **B. Best interests of the child (art. 3)**

73. The principle of ensuring the best interests of the child and the need to take priority account of it in measures affecting children is enshrined in codified and other federal laws (see para. 88 of the periodic report for 1993-1997). The federal law on basic guarantees of the rights of the child in the Russian Federation, in which State policy in the interests of children is recognized as a priority area in the work of State authorities, was adopted in 1998. The State recognizes childhood as an important stage in human development and proceeds from principles of the priority to be accorded to preparing children for a full life. The standards contained in the earlier Labour Code (KZoT) relating to observance of the best interests of minors in the workplace have been retained in the 2001 Labour Code.

74. The principle of the best interests of the child is given priority when the parents divorce, in making arrangements for abandoned children, in the allocation of budgetary appropriations, in following procedures for refugees and displaced persons, in the social security system, and in placing children in various child-care establishments (see also paras. 90-91 and 93-97 of the second periodic report).

75. During the period under review, as part of the reform of legislation on criminal procedure and enforcement of criminal punishment, standards have been adopted to humanize the system of the administration of justice for juveniles. For example, the new Code of Criminal Procedure of 2001 contains a special procedure for passing sentence without a court hearing (art. 40), which may be used to preserve the health of a juvenile with a fragile nervous system. A juvenile can be taken into preventive custody only if he is suspected of or being charged with a serious or extremely serious offence. In other cases this restrictive measure can be applied only in exceptional cases. Educational colonies are to be divided into those with strict and those with general discipline.

76. The paediatric health-care system is being maintained and improved in order better to serve the best interest of the child in health matters. The strategic aim in improving mother and child services is consistently to strengthen establishments and polyclinics, to pursue specialization of in-patient establishments and to provide maximum in-patient services for children requiring them.

77. Russia has a highly developed network of specialized higher and secondary educational establishments to train specialists in childcare, among them senior medical workers, including paediatricians, various kinds of educators, psychologist teachers and branch officials of the Ministry of Internal Affairs. Social work, a relatively new speciality in Russia, continues to be developed. Specialists studying in medical, teacher-training and other higher and secondary educational establishments receive special training for work with children. The overall level of theoretical and practical training of social service specialists is being raised. A great deal of experience of working with children has been accumulated in various areas. Relevant world experience is being used to improve the quality of specialist training. Social work is being developed as a science, with family and children's problems as its subject matter.

### **C. The right to life, survival and development (art. 6)**

78. A system aimed at implementing guarantees of children's right to life and ensuring their survival and development to the maximum extent possible has been established in the Russian Federation. Special measures have been adopted to ensure the life and development of children affected by radiation disasters.

79. An important condition for achieving positive results in the organization of medical assistance for children is the implementation of the Programme of State guarantees of free medical care for citizens of the Russian Federation. The Programme has been approved annually since 1998 by a resolution of the Russian Government. It establishes the types and scale of medical care provided for children from the budget (first aid, medical care in socially significant types of disease, costly forms of assistance) and from resources of compulsory medical insurance. Preventive medicine was included in the Programme for the first time in 2001 (see also paras. 109-113 of the second periodic report).

80. Russia has a procedure for recording deaths and a practice of compulsory post-mortems on dead children. The procedure for recording deaths of children, including the indication of the cause of death, was based up to 1999 on Ministry of Health order No. 1300 of 19 November 1984 on further improvements to the keeping of medical records certifying births and deaths. With a view to further improving the recording of natural population movements, the Ministry of Health issued order No. 241 of 7 August 1998 on improvement of medical records certifying births and deaths following the changeover to MKB-X, which approved the statistical report forms "Medical death certificate" (No. 103/u-98), "Medical birth certificate" (No. 106/u-98) and "Medical certificate of perinatal death" (No. 106-2/u-98). On the basis of medical death certificates, registry offices prepare death records, copies of which are sent together with the medical certificates to bodies of the Russian State Statistical Committee, where they are processed and statistical reports are prepared in accordance with the concise list of causes of death based on the tenth revision of the International Classification of Diseases, Injuries and Causes of Death. All cases of children's death in hospital are analysed at medical

conferences, while deaths elsewhere are assessed through an expert judicial and medical appraisal.

81. In accordance with the concluding observations of the Committee on the Rights of the Child on the periodic report of the Russian Federation for the period 1993-1997 (paras. 26 and 27), measures have been taken to prevent child killings and suicides. An important role in achieving these aims is played by establishments providing social services to families and children (social assistance centres for families and children, psychological and educational assistance helplines, social rehabilitation centres for juveniles, abandoned children's help centres, social shelters for children and adolescents), whose activities include work with "at risk" families and children, operational intervention in crisis situations, and provision of advisory services to help children, adolescents and families. In the period from 1997 to 2001, the total number of these establishments rose from 979 to 1,409, while the number of children and adolescents receiving various kinds of assistance from them increased from 950,000 to 1,770,000.

82. With a view to the further development and improvement of specialized assistance for persons in crisis situations, a suicide service has been established within the health-care system, including "telephone confidential", social and psychological help centres and a department of crisis situations. The service is being expanded to medical establishments.

83. The number of registered killings by mothers of newborn babies has fallen, from 216 in 1998 to 204 in 2002). Juvenile death rates from premeditated self-harm remain high. Reasons for child and adolescent suicide include family tribulation, reduction in the family's educational function, and problems at school in relations with peers.

#### **D. Respect for the views of the child (art. 12)**

84. In the legislation in force in the Russian Federation, respect for the views of the child is reflected in the Constitution, the Family Code and a number of other laws. As part of the basic human rights and freedoms belonging to the individual from birth, everyone is guaranteed freedom of thought and of speech (see para. 66 of the initial report).

85. Under the Family Code a child has the right to express an opinion when any matter affecting his interests is decided in the family, as well as the right to be heard during legal proceedings (see also para. 119 of the second report).

86. Russian legislation provides for measures aimed at ensuring the right of juveniles to express their views when brought before a court, and also when being sent to a child-care establishment and during time spent there.

87. In a number of cases the wish of a child who has attained the age of 10 years has legal force (see also para. 120 of the second periodic report).

88. Under the federal law on education, children and adolescents have the right to take part in the administration of education. The federal law on basic guarantees of the rights of the child in the Russian Federation stipulates that, from the fifth class, pupils have the right, directly or through their elected representatives, to petition the administration of educational

establishments to conduct, together with the elected representatives of the students, a disciplinary investigation into the work of employees of the educational establishment. If the students are not in agreement with the administration's decision, they have the right, through their elected representatives, to seek the support and help of State authorities (see also para. 123 of the second report).

89. The vocational training of specialists working with children (teachers, branch officials of the Ministry of Internal Affairs, and social and medical workers) includes a study of the provisions of the Convention on the Rights of the Child, and of the provisions of Russian legislation enshrining the rights of the child. In recent years, social organizations have been included in the educational process; they organize special courses, training and seminars to teach specialists the fundamental aspects of the defence of children's rights.

90. Special sections encouraging professionalism in the observance and monitoring of children's rights have been introduced in teaching programmes for the training of senior teachers; the relevant sections have been introduced in teacher-training curricula and special courses on children's and human rights have been established in higher educational establishments; and teaching programmes on the Convention on Human Rights have been prepared. Special programmes are offered for teachers of history and social sciences. The Ministry of Education has approved scientific and methodological aids for teachers providing instruction on the Convention on the Rights of the Child.

91. School pupils learn about the Convention on the Rights of the Child as part of the "Civics" course.

92. Children's opinions, needs and interests are taken into consideration in identifying additional educational disciplines, in the organization of activity outside school and in the children's social movement. Children and adolescents have an opportunity to express their views in children's and young people's television broadcasts and through children's and young people's public associations.

## **V. CIVIL RIGHTS AND FREEDOMS**

93. Basic human rights and freedoms, including the right of every individual to citizenship, free expression of opinion, inviolability of the home and private life, personal and family privacy, confidentiality of correspondence, access to information, the right not to be subjected to torture, violence or other inhuman or degrading treatment or punishment, freedom of thought, conscience and religious belief, and freedom of association and peaceful assembly are enshrined in the Constitution of the Russian Federation. Constitutional standards are given concrete expression in relation to children in the Family Code, the Criminal Code, the Code of Criminal Procedure, the Punishment Code and federal laws on basic guarantees of the rights of the child in the Russian Federation, on public associations and on State support for youth organizations and children's associations, and in other instruments.

### **A. Name and nationality (art. 7)**

94. The procedure for registering the birth of a child and establishing his given name, patronymic and family name, including adopted children and children of refugees and asylum-

seekers, the right of a child, as far as possible, to know his parents and the right to parental care are enshrined in family laws (see also paras. 132-137 of the second periodic report).

95. Procedures for registering the birth of a child are specified in the federal law on civil status instruments of 1997, including registration of births in remote areas and of foundlings.

96. The new federal law on citizenship of the Russian Federation of 2002 contains standards of the law previously in force relating to ensuring the right of children to acquire citizenship, particularly if the child would be stateless otherwise. The basic criteria for a child to acquire citizenship are the nationality of the parents and the child's place of birth. One of the fundamental principles of citizenship of the Russian Federation is to encourage its acquisition by stateless persons living in the Russian Federation. The legal provisions are intended to ensure that no child should be left stateless. A child may acquire the nationality of both parents.

97. A child in the territory of the Russian Federation whose parents are unknown becomes a Russian citizen if the parents do not declare themselves within six months of his being found. Where the parents change their nationality, or if the child is adopted, the citizenship of the child is established in such a way that the child is not left stateless. The consent of a child older than 14 is required for him to acquire or renounce citizenship of the Russian Federation.

#### **B. Preservation of identity (art.8)**

98. The Russian Family and Criminal Codes stipulate liability for child substitution, unlawful adoption and infringement of adoption privacy. The number of cases of infringement of adoption privacy registered in the Russian Federation was 42 in 1998, 38 in 1999, 28 in 2000, 26 in 2001 and 23 in 2002 (see also paras. 90-99, 143-146, 152-156 and 184-187 of the second periodic report).

#### **C. Freedom of expression (art.13)**

99. A child's right to freedom of expression is governed by general civil legislation (see para. 142 of the second periodic report).

#### **D. Freedom of thought, conscience and religion (art. 14)**

100. The Constitution guarantees to every citizen freedom of thought, conscience and religious worship, including the right to practise any religion individually or with others, or not to profess any faith, to choose, hold and disseminate religious and other beliefs and to act in accordance with them (see paras. 144-148 of the second report).

101. At the beginning of 2001 there were 20,441 religious organizations covering almost 60 faiths in the Russian Federation, of which 405 were centrally administered and 19,420 local, 136 were religious educational establishments and 385 were monasteries.

### **E. Freedom of association and of peaceful assembly (art. 15)**

102. Citizens of the Russian Federation are guaranteed the possibility of exercising their right to associate and to establish, operate, reorganize and dissolve public associations. Freedom is guaranteed for the activities of public associations. No one may be forced to join or remain in any association (see para. 150 of the second periodic report).

103. The rights of children to freedom of association and peaceful assembly are enshrined in the federal law on basic guarantees of the rights of the child. Article 9 of this law stipulates that the administrations of educational establishments are not entitled to place any obstacle in the way of the establishment of pupil's associations, on the initiative of pupils over 8 years of age, except for children's associations that are founded or established by political parties and children's religious organizations. In their free time pupils may, from the fifth class, hold assemblies and meetings on issues relating to the defence of their rights that may have been infringed. The administrations of educational establishments are not entitled to place any obstacle in the way of such assemblies and meetings, including those held on the premises of the establishment.

104. At the beginning of 2002 five youth and children's associations with international and nationwide status were registered with the Ministry of Justice.

### **F. Protection of privacy (art. 16)**

105. Under the Family Code children have the right to protection of their rights and legitimate interests. These rights and legitimate interests are protected by the parents (or persons acting in loco parentis), the child-care authorities, the Procurator's Office and the courts. The federal law on basic guarantees of the rights of the child in the Russian Federation contains specific guarantees protecting the rights of the child in the Russian Federation (see articles 153-154 of the second periodic report).

### **G. Access to appropriate information (art. 17)**

106. The access of children to appropriate information is governed in the legislation currently in force in the Russian Federation by the federal law on mass media, the RSFSR law on languages of peoples of the RSFSR, and the federal law on participation in the international exchange of information.

107. General trends in the development of children's publications are an increase in the number of titles together with lower circulation, an improvement in the print quality of publications, and differentiation according to age groups and readers' interests and requirements. The range of handbooks and popular scientific, practical and educational publications for children of all ages is being expanded, and there has been renewed activity in children's religious literature. Educational material predominates in literature published for children, while literary tales and folklore are the main categories in artistic works. The number of books for very young children has increased in recent years. Private publishing houses account for 94 % of children's books by number of titles and 98 % by print run.

108. Positive changes in the publication of books for children are promoted by the federal law on State support for the mass media and publishing in the Russian Federation and the implementation of the federal programme of support for Russian publishing in 1996-2001, under which the State supports the publication of books for children. A total of 162 children's publishing houses received subsidies in the period 1996-2001. One of the priorities of the programme was to publish literature both for specialists working in correctional educational establishments and to help families bringing up children with developmental abnormalities. The large-scale charity events "Books in children's homes and colonies" and "Books for rural libraries" were held under the programme.

109. The subprogramme "Support for Russian printing and publishing in 2002-2005" of the federal targeted programme "Russian culture (2002-2005)" supports children's publishing. Books for children and young people that encourage high moral and patriotic qualities, humanism, behavioural culture and human dignity and a healthy lifestyle are regarded as socially significant literature. It is planned to publish books for disabled children, correctional books and books for children with mental or physical handicaps.

110. As of 2000, 86 newspapers and 36 magazines for young people and 77 newspapers and 129 magazines for children were registered in the Russian Federation. The circulation of the largest children's newspapers exceeds 100,000 copies, average circulation being between 1,000 and 5,000 copies. The subject matter of publications has been expanded substantially, there are various children's and young persons' periodicals depending on sex and age, and newspapers and magazines have appeared for girls, for the very young, for family reading, etc. A completely new aspect of periodicals for children has emerged – issues prepared by children and adolescents themselves. The main problems of the children's press are still its lack of accessibility for many young Russians and the paucity of nationwide publications.

111. To ensure access to information for children belonging to ethnic minorities or the indigenous population, State support has been given to publications issued in the languages of indigenous nationalities or ethnic minorities living in members of the Russian Federation. In the period September 1999 to January 2002 alone, support was given to 76 publications.

112. With the commercialisation of television, the unprofitable nature of broadcasts for children has led television networks to minimize the number of children's programmes. The proportion of children's programmes shown on the television channels rose slightly in the period under review, amounting in 2001 to 5.8 % on ORT, 3 % on RTR, 3.9 % on TVT, 0.8 % on NTV and 10.4 on the Culture Channel. Children's television is becoming more dynamic and varied. Children's programmes have been broadcast on satellite and cable channels.

113. In accordance with the federal law on the federal budget, financial support for electronic mass media has since 2000 been organized on a competitive basis, in the form of the allocation of financial resources for the establishment and/or dissemination of socially significant and national programmes. More than 40 projects for children and adolescents received support in 2000-2001.

114. The system of free libraries continues in the Russian Federation. Russia has more than 62,000 school libraries, 4,500 specialized children's libraries and about 50,000 municipal libraries whose readers include children and young people as well as adults.

115. Matters relating to protection of the child against information and material that harm his welfare and from the harmful effects of mass media are governed by the federal laws on advertising, mass media, and basic guarantees of the rights of the child in the Russian Federation. For example, article 14 of the federal law on basic guarantees of the rights of the child in the Russian Federation provides for protection of the child against information that harms his health or moral and spiritual development and stipulates that disseminating printed and audio-visual material that inflicts such harm is an offence.

116. With a view to improving legislation governing the activities of the mass media in relation to protection of the child against information that harms his health or moral and spiritual development, amendments to article 41 of the federal law on mass media were adopted in 2000 prohibiting publishers from disclosing, in the material disseminated by them, any information directly or indirectly referring to the character of a juvenile having committed or being suspected of an offence or having committed an administrative infringement or anti-social act, without the consent of the juvenile himself or his legal representative. The law also stipulates that publishers may not disclose in their material any information directly or indirectly referring to the character of a juvenile declared to be an injured party, without the consent of the juvenile himself or his legal representative.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

117. The Constitution of the Russian Federation states that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Russian criminal legislation guarantees security of the person (see articles 162 and 419 of the second periodic report).

118. The Russian Federation is a signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 (ratified on 3 March 1987). Russia ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and acceded to Protocols No. 1 and 2 of that Convention on 28 March 1998. Experts from the European Committee for the Prevention of Torture have carried out more than 10 inspection visits to the Russian Federation, including the Northern Caucasus. The Committee's comments and recommendations are taken into account by the Russian judicial authorities and prison administrations.

119. The Russian Federation operates a system in which bodies of the Procurator's Office are called upon to supervise the observance of human rights of citizens, including those in prison, during a militia investigation and in children's homes and other establishments. Bodies of the Procurator's Office carry out systematic checks on the observance of legality in the work of children's homes and boarding establishments: as a result of these checks, steps are taken to restore any children's rights that have been infringed. The Commissioner for human rights in the Russian Federation also has the right to carry out monitoring functions. In 1998-2002 he visited a number of prisons and children's boarding establishments. In members of the Russian Federation where the post of commissioner for children's rights has been established, these officials also carry out the necessary monitoring of the observance of children's right not to be

subjected to torture or other cruel, inhuman or degrading treatment or punishment, especially in relation to children in boarding and penitentiary establishments.

## **VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance (art.5)**

120. The principal duty and right to bring up and protect children lies with the family and parents. In Russian legislation the parental right to exercise guidance in accordance with the developing capabilities of the child is enshrined in the Family Code (chapter 8, Rights and duties of parents regarding the upbringing of children), the federal law on education and the RSFSR law on languages of peoples of the RSFSR. Detailed information on this subject is contained in paragraphs 163-170 of the second periodic report.

121. Since the National Population Census was carried out only in October 2002, new data on family structure cannot be obtained before 2004. However, current population statistics suggest that the decline in the birth rate has led to a reduction in the number and proportion of large families. The number of single-parent families is rising. The number of children born to unmarried mothers expressed as a proportion of total births rose from 25.3 in 1997 to 28.8 in 2001. At the same time, the trend for fathers to acknowledge children born out of officially registered wedlock is continuing. In 2001, 48 % of children born out of wedlock were acknowledged by their fathers in the registration of the child. Another reason for the increase in the number of single-parent families is the increase in divorces, as well as the high mortality rate of males of working age.

122. One of the main tasks carried out by family counselling services is to ensure the free development of children's individual abilities and inclinations in cooperation with their adult teachers. Various forms of family and child counselling services have been developed and are now in widespread use in Russia.

123. At the end of 2002, 3,080 establishments of various kinds providing services to families and children were in operation, including 41 psychological and educational advice bureaux. Advice on bringing up a child can be given to the family or one of the parents at each establishment providing social services to families and children. Thus, more than 15 million counselling sessions took place on psychological and educational problems. More than 350 educational establishments for children needing psychological-educational and medico-social care, at which counselling is also given to parents, were opened in the reporting period 1998-2000. The number of such establishments had reached 850 by the end of 2002.

### **B. Parental responsibilities (art.18, paras. 1-2)**

124. Under Russian legislation, parents are responsible for the upbringing and development of their children. Detailed information on this subject is contained in paragraphs 171-176 of the second periodic report.

125. In 1997, Russia ratified ILO Convention No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities. In implementation of its provisions, a number of amendments were made to the Code of Labour

Laws, and in particular leave was introduced for adoption of a child or children, with payment of the average wage during this time from social insurance funds. Leave may be granted to one of the adoptive parents at their choice. This standard has been retained in the new Labour Code adopted in 2001, which contains a new chapter 41, Special factors governing the work of women and persons with family responsibilities. As was the case previously, the Labour Code prohibits the assignment of pregnant women to night and overtime work, work on holidays and business trips. At the same time, provision is made for a more flexible approach to the involvement of women with children under 3 years of age in these types of work: they may be sent on a trip only with their written consent and on condition that this is not contrary to medical recommendations. The same rights have been extended to workers with disabled children up to the age of 18. All privileges granted to women in relation to maternity also apply to men bringing up a child without the mother and to guardians (foster-parents) of minors. Full equality of workers as between the father and the mother is provided for in relation to leave granted in connection with the upbringing of a child. Measures to protect workers with children if they are dismissed have also been retained.

126. Starting in 2001, allowances to citizens with children have been raised: from 1 January 2001 they were increased on average by 20 %, while from 1 January 2002 allowances for the birth of a child and during leave to care for a child up to the age of 18 months were raised by 2.5-3 times.

127. Despite the economic crisis, access to children's pre-school establishments was maintained, and the proportion of children using their services increased during the period under review, from 54 to 57 % of children of the appropriate age.

128. Laws on assistance to poor families have been adopted and are being implemented, and this is of substantial importance to the most vulnerable groups of families with children (large families, single-parent families and those with disabled children).

129. At the same time, the limited availability of financial resources means that for the time being the needs of all families with children for the necessary support cannot be met. The principal recipients of regular material support in various forms are poverty-stricken families.

### **C. Separation from parents (art. 9)**

130. Matters relating to separation from parents are dealt with in the Family Code, the Criminal Code, the Code of Criminal Procedure and the Punishment Code (see also paras. 177-178 of the second periodic report).

131. Various measures to prevent family tribulation, aimed at minimizing the effects of family disruption, social rehabilitation of the family and retention of the child in his biological family, have been adopted. In addition to the work of establishments providing social services to families and children, in cases where parents or minors' legal representatives are not fulfilling their obligations regarding their upbringing, education and/or maintenance, and/or are having a negative impact on their behaviour or treating them cruelly, the task of carrying out preventive work is assigned to all bodies and institutions of the system for prevention of neglect and juvenile crime, under federal law No. 120-F3 of 24 June 1999 on fundamentals of the system of prevention of neglect and juvenile crime.

132. These bodies and institutions are: commissions on juvenile affairs and protection of juveniles' rights; administrative bodies for the social protection of the population and establishments providing social services, including specialized establishments for minors needing social rehabilitation; educational administrative bodies and educational establishments, including open and closed special establishments for education and upbringing; youth affairs bodies and their institutions; administrative health bodies and health-care establishments; employment service bodies; and agencies of the Ministry of Internal Affairs, including departments for minors' affairs.

133. The new Administrative Offences Code contains heavier penalties for parents and guardians who do not fulfil their obligations to maintain and bring up minors, cause minors to drink spirits or use drugs, allow juveniles to appear in public places in a state of alcoholic intoxication, etc.

134. There were 489,200 successful civil actions for deprivation of parental rights in 2001, and the number of children removed from their parents (with deprivation of parental rights and without deprivation of parental rights in cases of threat of violence or cruelty, and also of improper care) was 59,800 in 2001.

135. Parents are given information about a child if he is detained by law-enforcement bodies. Under articles 46.2 and 96 of the Code of Criminal Procedure, which entered into force on 1 July 2002, the investigator must inform close relatives within 12 hours of the detention of a minor.

#### **D. Family reunification (art. 110)**

136. A minor's leaving the country is governed by the federal law on procedure for leaving and entering the Russian Federation (see also paras. 189-195 of the second periodic report).

137. On 7 October 2002, with a view to achieving family reunification with children and preventing child neglect, Russia signed the Agreement on cooperation among States members of the Commonwealth of Independent States regarding the return of minors to the States of their permanent residence. This agreement will enter into force after ratification by three member States.

#### **E. Illicit transfer and non-return (art. 111)**

138. The illicit transfer and non-return of children is a criminal offence in current Russian legislation.

139. There are very few cases of one parent taking a child out of the country without the consent of the other. As a rule, each case is made the subject of court proceedings. Russia resolves disputes in this area with a number of countries bilaterally on the basis of existing intergovernmental agreements.

#### **F. Recovery of maintenance for the child (art. 27, para.4)**

140. Recovery of maintenance for a child is dealt with in the existing Russian legislation by the Family Code.

141. A child has the right to be maintained by his parents and by other members of the family. Parents are responsible for the upkeep of their minor children. Detailed information on this subject is given in paragraphs 198-201 of the second periodic report.

142. If parents do not provide resources for the upkeep of a child, recovery of maintenance payments is obligatory. Persistent refusal to pay maintenance is a criminal offence. Additional measures are available to help children who do not receive maintenance from their parents. The amount of the monthly children's allowance is increased by 50 % for children whose parents refuse to pay maintenance or in other cases provided for in Russian legislation where recovery of maintenance is impossible.

143. The process of concluding bilateral agreements with other countries on legal assistance in family affairs is continuing.

#### **G. Children deprived of a family environment (art. 20)**

144. In the existing Russian legislation the rights of children deprived of a family environment and the responsibilities of institutions and organizations to protect those rights are set out in the Civil Code, the Family Code, the federal laws on additional guarantees for the social protection of orphans and children left without parental care and State databank on children left without parental care. To protect the rights of orphans and children left without parental care in the home, amendments to the Housing Code and the federal law on privatization of the housing stock in the Russian Federation have been adopted.

145. The following types of care for children left without parental care are set out in the Family Code: adoption, as the preferred form for arranging a child's upbringing in a family; care of the child by an individual (guardian, foster parent); foster family; home for children left without parental care. Detailed information on legislation and measures being adopted to implement the Convention as regards the rights of orphans is contained in paragraphs 202-210 of the second periodic report.

146. At the end of 2001 the number of children left without parental care was 685,100, an increase of 10 % over 1998. Under existing laws, as was the case previously, the preferred form of care for children left without parental care is to arrange for their upbringing in a family.

	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>
Children left without parental care (at the end of the year)	620 155	638 184	662 750	685 132
Of which:				
Brought up by a family (adopted, guardian)	450 677	463 475	482 455	501 687
Brought up in boarding establishments and studying in vocational training colleges	169 438	174 709	180 295	183 445

147. During the period under review, the legal and organizational conditions were established in the Russian Federation for preventing family tribulation and thereby reducing the number of orphans in society, expanding the possibilities for bringing up children left without parental care in a family environment, and improving the conditions under which orphans are cared for in boarding establishments. More resources are now being allocated to financial payments for maintenance of children being brought up by guardians and in foster families. As a result, the number of children placed in the family of a guardian for upbringing is rising annually (from 68,000 in 1998 to almost 78,000 in 2001), the number of children being brought up in foster families rose from 3,500 in 1999 to 5,200 in 2000, and in 2001 children's family homes, which were added to the list of types of care for orphans in 2000, already housed 400 orphans.

148. Members of the Russian Federation have been given the right to introduce types of care for children left without parental care additional to those provided for in federal legislation.

149. A network of specialized institutions for juveniles needing social rehabilitation (shelters for children and adolescents, social rehabilitation centres for juveniles, and assistance centres for children left without parental care) is being developed in order to provide effective shelter for children left without parental care, to remove them from an adverse family environment that threatens their life and development, and to carry out social rehabilitation work with families and the child in such cases. The number of these institutions exceeded 1,000 by the end of 2002. Of 129,200 children in the permanent units of establishments providing social services for families and children, 80,400 were returned to their biological families following improvement of family circumstances, 4,000 were adopted or placed in guardianship, and 16,200 were placed in State boarding establishments.

150. Boarding establishments are being broken up into smaller units so as to make living in them more like the family environment; new types of boarding establishment have been set up (30 cadets' boarding schools, 9 boarding schools with initial flight training). Organizing the leisure and rehabilitation of orphans together with children growing up in their biological family helps their development and acquisition of vital skills.

151. The Russian Government carried out a comprehensive review of the situation of orphans in March 2002, as a result of which it approved the Programme of measures to prevent orphanhood in society and improve the situation of children left without parental care for the

period 2001-2002. A subprogramme “Orphans” was included in the federal targeted programme “Children of Russia” for the period 2003-2006.

#### **H. Adoption (art.21)**

152. In the existing Russian legislation matters relating to adoption are governed by the Family Code, the Administrative Offences Code, the Criminal Code and the Code of Civil Procedure of the RSFSR (from 2003 – the Code of Civil Procedure of the Russian Federation). Detailed information on the legal bases of adoption is given in paragraphs 211-219 of the second periodic report.

153. Measures to implement the Convention with respect to protection of the rights and interests of children in adoption were expanded through legislative amendment of the procedure for adoption of orphans, including adoption by foreign nationals (Federal law No. 94-F3 of 27 July 1998 on amendments and additions to the Family Code of the Russian Federation). The law stipulates that adoption is the preferred form of care for children left without parental care, states that the presence of the adopter during court proceedings on adoption is compulsory, requires a decision by a child-care authority as to whether the adoption is justified and meets the interests of the child, prohibits intermediation in adoption except by bodies specially authorized by foreign governments or adoption agencies, and states that such bodies and agencies may not pursue commercial ends; and confirms the priority of the parents in the adoption of a child.

154. In order to develop the legal provisions and with a view to regulating matters relating to the adoption of children who are citizens of the Russian Federation by Russian and foreign nationals permanently resident outside the Russian Federation and by stateless persons, the Rules for adoption of children and monitoring the conditions of their life and upbringing in the families of adopters in the territory of the Russian Federation and the Rules for registration by consular institutions of the Russian Federation of children who are citizens of the Russian Federation and are adopted by foreign nationals and stateless persons were approved by Government resolution No. 275 of 29 March 2000.

155. Government resolution No. 268 of 28 March 2003 established the machinery for monitoring the residence of children who are citizens of the Russian Federation and are adopted by foreign nationals and Russian nationals permanently resident outside the Russian Federation, in collaboration with organizations working in the field of adoption and accredited in the Russian Federation. Representatives of foreign organizations send to the executive authorities of a member of the Russian Federation written reports, prepared by the competent authority of the State in which the child lives, on the conditions in which children live and are brought up in adoptive families. The reports are submitted every six months for the first year and annually in the second and third years.

156. Federal law No. 44-F3 on the State databank on children left without parental care was adopted on 19 October 2001. It provides that data on children left without parental care may be disseminated for the purpose of informing the Russian population through the publication of non-confidential information on children in the mass media or by other means.

157. Thus, in accordance with the concluding observations, sufficient guarantees have been established to prevent the illicit transfer and trafficking of children out of the State and the potential misuse of intercountry adoption for the purpose of trafficking.

158. The number of children adopted by foreign nationals is quite stable (5,647 in 1998, 5,777 in 2001) and represents 22-25 % of all adoptions.

159. No cases of using adoption for purposes of human trafficking have so far been recorded. There is no evidence of the transportation of Russian children abroad for further economic exploitation (illegal work at construction sites, industrial enterprises, farms etc.). At the same time there are some cases of sexual exploitation of Russian minors abroad, but the main method of getting them out of the country is not adoption but travel on tourist visas.

160. Offences relating to intercountry adoption recorded in the Russian Federation consist of internal corruption, i.e. bribery of Russian officials by foreign nationals wishing to adopt a Russian child.

161. On 7 September 2000 the Russian Federation signed the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, adopted on 29 May 1993 at the seventeenth session of the Hague Conference on International Private Law. Preparations for ratification of the Convention are now being completed.

#### **I. Periodic review of placement (art. 25)**

162. In accordance with article 25 of the Convention, information on the periodic review of placement and all conditions relating to placement of children for purposes of care, protection or psychological treatment, is given in paragraphs 220-223 of the second periodic report. The standards and rules referred to continue to be fully applied.

163. In 2002 the Ministry of Labour, which runs boarding homes for disabled children, approved the Methodological recommendations on the organization of the activities of State (municipal) institutions known as residential homes for mentally backward children. They state that such homes carry out individual rehabilitation programmes, prepared by establishments of the State medico-social assessment service, for disabled children. Individual rehabilitation programmes cover a specific period, after which the child is re-examined.

164. Together with the strengthening of monitoring by departments and the Procurator's Office of conditions in which children are kept in specialized institutions, opportunities are provided for independent monitoring of the situation of children in these institutions in members of the Russian Federation where the post of commissioner for children's rights has been established.

#### **J. Abuse and neglect (art. 19), physical and psychological recovery and social reintegration (art. 39)**

165. The measures to protect children from violence described in paragraphs 224-231 of the second periodic report have continued to be implemented in Russia.

166. The Government pays particular attention to problems of violence, neglect and abuse of children in the family and outside it.

167. On 27 May 1998 the Plenum of the Supreme Court of the Russian Federation adopted a resolution on the application of legislation by the court in settling disputes relating to the upbringing of children. This order clarifies the concept of “violence against children”, which comprises not only physical and mental violence or offences against their sexual inviolability, but also the use of inadmissible methods of upbringing (abusive, neglectful or degrading treatment of children, humiliation or exploitation of children). When such treatment is identified, action is taken against the parents under the Family Code by restricting, or depriving them of, their parental rights. In so doing, in the interests of protecting the upbringing of the child in his biological family, it is recommended that deprivation of parental rights should only be used in extreme cases and that the right of temporary removal of the child should be exercised in order to carry out rehabilitation measures in respect of the family (children and parents). In order to reduce the number of unfounded refusals by courts to hear applications for deprivation of parental rights, the Supreme Court has drawn up a list of establishments and organizations that can bring actions of this kind, including rehabilitation centres for juveniles, social assistance centres for the family and children, social shelters for children and adolescents, and others. This has amplified procedural guarantees of the right of children to protection from cruel treatment and violence.

168. The legal basis constituting the foundation of the protection of juveniles’ rights against all forms of physical and mental violence was expanded in the period under review. The Code of Administrative Offences broadened to the maximum extent possible the fundamentals of parental administrative liability for non-fulfilment of their responsibilities in the upbringing, education and protection of children. Cruelty to children is part of the concept of “improper fulfilment of parental duty”. The administrative liability introduced supplemented the criminal liability existing under article 56 of the Criminal Code. Making parents liable under administrative law made it possible to react more effectively to illegal behaviour towards children and to stop it at the outset. At the same time, more widespread use is being made of criminal liability for failure to fulfil responsibilities in children’s upbringing associated with abuse (the number of cases of indictments for these offences rose from 1,969 in 1998 to 2,973 in 2000).

169. Under the federal law on education, discipline in an educational establishment is maintained on the basis of respect for the human dignity of the students. The use, even once, of educational methods based on physical and/or psychological violence against the person of a pupil is considered grounds for dismissing the employee of the establishment on the initiative of the administration before expiry of his or her contract.

170. The set of legal guarantees protecting children against any form of abuse sanctioned by parents or by educators and teachers was expanded in the federal law on fundamentals of the system for prevention of neglect and juvenile crime, adopted in 1999. This law lists institutions and organizations that are obliged to declare children living in conditions of family tribulation, to consider whether to take legal steps against the parents and to carry out further social monitoring of such families until their circumstances become normal. This is done by all members of the system for prevention of neglect and juvenile crime, including sub-

departments of the Ministry of Internal Affairs, educational, health and social protection institutions, and child-care authorities.

171. In 2001, agencies of the Ministry of Internal Affairs worked with 289,800 parents (guardians, foster-parents) who had failed to fulfil their obligations concerning the upbringing of children, or fulfilled them improperly. A total of 253,000 negligent parents were the subject of administrative measures, as against 248,000 in 2000 and 237,800 in 1999).

172. The federal law on fundamentals of the system for prevention of neglect and juvenile crime gives officials of closed special institutions for education and upbringing the right, in exceptional cases and within the minimum time necessary, to apply measures of physical restraint (physical force) to students, provided they are not degrading. These measures are permitted only for the purpose of stopping students from committing socially dangerous acts or acts that are prejudicial to their lives or health, or of forestalling any other danger that directly threatens the lawful interests of other persons or the State. The pupil concerned must be verbally informed in advance of an intention to apply measures of physical restraint (physical force), giving him sufficient time to stop the unlawful behaviour. Cases in which any delay in applying these measures creates an indirect danger to the life or health of juveniles or any other persons, or may involve other serious consequences, are exceptions recognized by law. Officials of the closed special establishment for education and upbringing must immediately inform the local branch of the Procurator's Office when such measures have been applied to students.

173. Cruel treatment of children is the principal cause of juvenile delinquency. More than 43,900 children and adolescents were notified of a local or federal inquiry in 2001, 12 % more than in 2000. A total of 41,200 juveniles (98 % of those notified of an inquiry) were the subject of an investigation. Of these, 29,900 had left home and 12,800 had voluntarily left State institutions.

174. The federal targeted programme "Prevention of neglect and juvenile crime" has been implemented since 1997 as part of the presidential programme "Children of Russia". Under this programme, methods for the social rehabilitation of vagrant children, most of whom have been victims of various forms of abuse, are being developed, support is being given for the development of a network of specialized institutions for juveniles in need of social rehabilitation, and the material and technological foundation of these institutions is being strengthened.

175. In accordance with Government resolution No. 154 on additional measures for greater prevention of vagrancy and neglect of children of 13 March 2002, an interdepartmental operational unit has been set up to coordinate the work of federal executive agencies aimed at combating vagrancy, homelessness and crime among juveniles. In the eight months during which the unit has been operating, agencies of the Ministry of Internal Affairs detained 406,000 vagrant and homeless juveniles, of which 327,000 were handed over to their parents, the remainder being sent to various children's establishments.

176. The federal law on the Procurator's Office of the Russian Federation bestows on procurators broad powers aimed at protecting the rights and freedoms of juveniles, including powers in the areas of criminal court procedure and enforcement of punishment. The

Procurator's Office verifies that juvenile law is being carried out and that the rights and freedoms of children are being respected by federal and regional executive bodies, representative bodies (legal representative bodies) of members of the Russian Federation, local organs of self-government, management and monitoring bodies and their officials, and directors of commercial and non-commercial enterprises.

177. Effective measures enabling procurators to react to declared cases of illegal acts relating to children were adopted in 2001. Procurators lodged 11,492 applications, issued 20,740 reports and brought 25,420 court actions concerning violation of the rights of juveniles, the figures for 2000 being 9,876, 18,342 and 23,392 respectively. As a result of procurators' reports on violations of juveniles' rights and freedoms, 536 criminal cases were brought, 6,235 persons were punished under administrative law, 5,048 persons were convicted of disciplinary offences and 192 of material offences. These figures were substantially higher than those for 2000. Of 12,508 illegal infringements of children's rights, 10,601 were cancelled or amended as a result of procurators' protests.

178. The keeping of juveniles in educational colonies is being more broadly monitored by bodies of local self-government and public agencies. The federal law on basic guarantees of the rights of the child in the Russian Federation stipulates that public associations (organizations) and other non-commercial organizations, including international associations (organizations), through their branches in the Russian Federation, shall carry out their activities to protect the rights of children in a difficult situation in accordance with the generally accepted standards and principles of international law, Russia's international agreements, the laws of the Russian Federation and the laws of its members. These associations (organizations) have the right to challenge in court any illegal act that infringes or violates the rights of children in a difficult situation committed by officers of organs of State power and institutions, organizations, citizens including parents (persons in loco parentis), educational, health and social workers and other specialists in working with children. Experience in applying this type of law is beginning to take shape.

179. In order to help the administration of an educational colony to organize the education and upbringing process and strengthen the material and technical base, the educational colony convenes a care council made up of representatives of State enterprises, institutions, organizations, public associations and citizens when resolving issues relating to the social protection of offenders and to labour and domestic arrangements for those being released. The organization and work of the care council is governed by a model regulation approved by the Government.

180. Parental committees consisting of parents, persons in loco parentis, and other close relatives are set up in educational colonies to enhance the impact of educational work on offenders and assist administrations of educational colonies. The work of parental committees is governed by regulations drawn up by the director of the educational colony.

181. A network of specialized institutions for juveniles from 3 to 18 years of age who are in a difficult situation and in need of social rehabilitation has been set up within the system for social protection of the population in Russia: it consists of social and rehabilitation centres, social shelters and help centres for children left without parental care.

182. An important feature of the work of specialized rehabilitation centres is the innovative nature of approaches to the accommodation of the child. By law, children who consider that they are in a difficult situation, including those who have suffered abuse, are entitled to go to these centres alone, without obtaining the permission of, or being accompanied by, an adult, without being sent officially and without any references.

183. At the end of 2002, Russia had 1,162 specialized institutions for juveniles needing social rehabilitation (social and rehabilitation centres, children's social shelters and help centres for children left without parental care), 865 out-patient units for juveniles and 1,433 units for the prevention of neglect in other establishments providing social services to the family and children. A total of 3.8 million juveniles were socially rehabilitated and received other social services, compared with 3.6 million in 2001. There are about 850 centres for psychological, educational and medico-social assistance to children in the educational system that work to prevent social and educational maladjustment among children.

## **VII. BASIC HEALTH AND WELFARE**

### **A. Disabled children (art. 23)**

184. Provision for mentally and physically impaired children, including disabled children, is regulated by legislative standards (see art. 232 of the second periodic report).

185. Since 1999 the term "disabled child" has been applied to children up to 18 years of age. The concept "causes of disability", which include illness, injury, industrial injury and vocational illness, has been introduced since 2000. The concept "disabled since childhood" was introduced for persons over the age of 18 with severe consequences of an illness or injury arising during the first 18 years of life. Federal law No. 123-F3 of 8 August 2001 on amendments and additions to articles 15 and 16 of the federal law on social protection of the disabled in the Russian Federation guarantees to disabled persons, including disabled children, the creation of conditions for unfettered access to all parts of the engineering, transport and social infrastructure, and also sets out provisions governing administrative liability for failing to meet the requirements for creating those conditions.

186. At the beginning of 2002, 658,100 disabled children under the age of 18 receiving a disability pension were registered with social protection agencies in Russia, or 17,300 fewer than at the beginning of 2000 (675,400). The reduction in the number of registered disabled children was due to children no longer being registered as disabled following rehabilitation measures, and to better quality in the work of medico-social appraisal establishments.

187. The largest age-group of disabled children is 10-14 years of age (43 %), followed by children of 15 and above (28 %), children 4-7 years of age (17 %) and birth to 3 years (12 %).

188. The principal illnesses leading to disability among children are diseases of the nervous system (20.8 %, of which the majority (55.9 %) are children suffering from cerebral palsy and other types of paralysis), psychological and behavioural disorders (20.3 %, of which almost three-quarters, or 72.1 %, are mentally backward) and congenital defects (18.1 %, a quarter of which, or 25.6 %, are blood-circulation defects).

189. Solution of the most important interdepartmental problems of the disabled, including disabled children, is envisaged in the federal targeted programme “Social support for disabled persons in 2000-2005”. As part of the implementation of the federal comprehensive programme “Social support for the disabled” in 1995-1999, a new concept of medico-social assessment was worked out and consolidated, new criteria for defining disability were introduced, requirements for the structure and methodology of expert diagnosis were identified, etc. The fundamentals of the rehabilitation industry, covering more than 200 establishments producing the technological means for rehabilitation of the disabled, were established. The bases were developed for the system of providing access for the disabled to buildings, installations, transport, communications and information facilities, and other parts of the social infrastructure.

190. During the period under review, services for the prevention of disability from infancy, including perinatal and medico-genetic diagnosis, were further developed and improved. In 2000 a unified procedure for using perinatal diagnosis methods at critical times in pregnancy was established and the approach to be used by obstetric gynaecologists and medical geneticists when foetal abnormalities are detected was determined, enabling more efficient work to be done on the earlier detection and prevention of the birth of children with serious hereditary and congenital diseases. Ultrasound equipment is available in 91 % of maternity homes.

191. An effective tool for achieving the above-mentioned aim was the development of new specialized establishments: rehabilitation centres for children and adolescents with limited capabilities. Rehabilitation centres are being established for children being brought up in a family; by the end of 2000 their number in the social protection system had risen to 195 and 194 rehabilitation units had been set up in them. In addition, a further 233 rehabilitation units are in operation in centres providing social services to the family and children and other similar institutions. More than 200 centres are in operation in the public health system.

192. The majority of disabled children are brought up in a family, only 5 % being in boarding institutions. In 2001 there were 155 boarding homes with 32,900 places, accommodating 29,000 disabled children. In the educational system, about 50,000 disabled children live and are taught in 1,421 boarding schools for children with limited capabilities.

193. During the period under review, more intensive work was undertaken on reforming boarding homes for disabled children in the social protection system. It was directed at the creation for disabled children living in these boarding homes of living conditions corresponding to their age and state of health, and to caring for them through individual medico-social and socio-labour rehabilitation programmes, with a view to restoring or compensating for their lost or impaired capability for everyday, social and professional activity and their possible integration into society.

194. The number of specialized schools for children with mental and physical defects (blind and poorly sighted children, children with impaired hearing, children suffering the effects of poliomyelitis and cerebral palsy, children with arrested psychological development) rose to 1,959, and 274,600 were being taught in them.

195. A draft interdepartmental Concept for the rehabilitation of disabled children has been prepared. It is intended to serve as a basis for a national policy of preventing child disability and of the comprehensive medical, social and psycho-pedagogical rehabilitation of disabled children.

196. Measures for resolving the problems of children with limited capabilities were included in the National Action Plans in the interests of children and the federal targeted programme “Disabled children”, which has been implemented since 1993.

197. The draft Fundamental directions of State social policy to improve the quality of life of children in the Russian Federation up to 2010 (National Action Plan in the interests of children) contains the following provisions in the sphere of socialization of children with limited health capabilities: ensuring non-institutional care for disabled children and an individual approach to the implementation of comprehensive programmes for their rehabilitation and social reintegration; establishment of an interdepartmental system for early detection of children’s developmental defects and for timely special assistance to disabled children and their correction, adjustment and rehabilitation; creation of a unified system for the registration of disabled children, the disabled from infancy and children and adolescents with limited health capabilities, irrespective of the type of care provided; introduction of a system of comprehensive dynamic psychological, educational and medico-social support for the individual development of children with limited health capabilities; development of a system of post-boarding adjustment for children with limited health capabilities, their preparation for family life and the establishment of equal conditions for them in seeking employment.

#### **B. Health and health services (art.24)**

198. Matters relating to health care for children, the implementation of their rights to use the services of the health-care system and treatment and convalescent facilities, and ensuring that every child has access to such services are covered in paragraphs 103, 109-113 and 232-246 of the second periodic report.

199. Purposeful measures to ensure the health of mother and child are carried out in accordance with the structural reform of public health in the Concept for the development of public health and medical science in the Russian Federation for 1997-2000, 2000-2004 and for the period to 2010, and the Concept for protection of the reproductive health of the population of Russia for the period 2000-2004. They are directed at the rationalization and restructuring of outpatient polyclinic and in-patient care, the introduction of technology to replace in-patient care and of quantity standards for medical treatment of children and women (introduced since 1998), increasing the scale of treatment in day-care centres, ensuring stage-by-stage medical treatment for the population, enhancing prophylactic work and increasing the amount of outpatient polyclinic care.

200. In accordance with the Convention on the Rights of the Child, work has been completed on the transfer of children up to the age of 18 for treatment in the paediatric network. A system of continuous monitoring of the health of children at all stages of development has been fully introduced in 87 members of the Russian Federation. The standards for narrowly specialized doctors in outpatient polyclinics have been reviewed, and medico-social assistance units (surgeries) and units providing medical assistance to adolescents in educational establishments

have been established. Modern institutions working with children and adolescents have been set up: youth centres for consultation and diagnosis, child and adolescent health centres, adolescents' reproductive health centres, psychological centres, vocational guidance and other centres. Through the efforts of the paediatric service, work has begun to institute medical preparation of young people for military service. A problem of current importance is the training of paediatricians in the physiology and pathology of young people and their medical preparation for military service and vocational-guidance matters.

201. Between 1997 and 2001 neonatal mortality fell from 17.2 to 14.6 per thousand live births. The neonatal mortality rate for the first 10 months of 2002 was 13.7 per thousand. Perinatal mortality fell from 15.83 to 12.80 per thousand live and still births. Mortality of children aged 0-4 between 1997 and 2001 declined from 21.1 to 18.4 per thousand neonates born in the same year. Hospital mortality rates of neonates, babies in the first year of life and children aged 0-14 continue to fall (see also paras. 104-317 of the second periodic report).

202. The availability of medical care, including basic health care, is ensured by an extensive network of general medical establishments, including rural facilities. The federal targeted programme "Social development in rural areas to 2010", approved by Government resolution No. 858 of 3 December 2002, made provision for a strengthening of basic rural health care provided by specialist general (family) practitioners; the reorientation of existing hospitals to the provision of medico-social care and the development of general (family) practice centres and units; review of the structure and operational standards of rural medical establishments; improvement of advisory services, diagnosis and treatment through the introduction of external forms of medical care for rural inhabitants, including children.

203. Preventive vaccination continued to be an important area of activity during the period under review. Federal law No. 157-F3 on prevention of infectious diseases through vaccination was passed on 17 September 1998, the federal targeted programme "Preventive immunization" is being implemented, and the national inoculation schedule and the schedule of preventive immunization according to epidemic indicators were reviewed in 2001. Vaccination of children against viral hepatitis and German measles started in 2000. Revaccination of children aged 6 and immunization of girls aged 13 against German measles were included in the national inoculation schedule in 2001. Pre-school revaccination of children against mumps was introduced in 1997. The first results of introducing revaccination were obtained in 1999, when the infection rate for mumps fell by 50 % compared with the previous year to 153.9 cases per 100,000 children (45.9 in 2001). The year 2001 saw the lowest infection rate for this disease ever recorded: 3.2 cases per 100,000 children (811 cases), against 5.4 cases in 1997. There is no longer an epidemic of diphtheria, with the morbidity rate falling by a factor of 5.4 times compared with 1997. No cases of poliomyelitis caused by the "wild" virus have been recorded since 1997. Documents certifying the Russian Federation as a polio-free country were submitted to and accepted by the European Regional Certification Commission in 2001. The National Action Plans for the laboratory isolation of "wild" polio viruses and in case of the importation of the "wild" polio virus are being implemented. A draft National Programme for the elimination of measles by 2010 has been prepared. Russia has been included in the measles elimination programme of the WHO Regional Bureau.

204. The planned restructuring of the network of children's medical establishments took place during the period under review, with priority being given to outpatient polyclinic services.

General medical services for children are available at 7,900 children's polyclinics and surgeries. The number of independent children's consultation and diagnostic centres rose to 16, while that of children's hospitals fell from 459 in 1997 to 433 in 2001. The number of in-patient beds for children declined from 250,100 to 229,100. The reduction in the number of children's hospitals and paediatric beds did not affect the availability of in-patient care for children. In fact, the number of hospitalizations (admissions) per thousand children rose, from 183 in 1997 to 225 in 2001. The number of beds available per 10,000 children even increased to 95.2, against 87.3 in 1997. Day hospitals of all types rose from 224 in 1997 to 423 in 2001, but this constitutes only 3.1 % of all children's beds. The number of beds in children's sanatoria rose to 73,600, against 69,600 in 1997, representing availability of 29.8 per 10,000 children, compared with 23.8 in 1997. There were 29.0 paediatricians per 10,000 children under 15, against 25.3 in 1997.

205. Children's hospitals are providing highly informative services (biochemical and bacteriological diagnoses, endoscopy, ultrasound diagnosis etc.), and consultation and diagnosis polyclinics, remote-diagnosis surgeries, data-analysis centres etc. are being set up. In recent years the telemedical network has been actively expanded in national, regional and municipal health-care establishments, increasing opportunities for consultation and diagnosis and helping to improve the quality of medical care for children.

206. The official statistics show an increase in pathology among neonates and more widespread chronic illness in all groups. The total number of illnesses per thousand children registered on first diagnosis is growing, and reached 1,499 in 2001, against 1,244 in 1997. The All-Russian Dispensary for Children up to 18 Years of Age took place in Russia in 2002: its main tasks were to detect variations in children's health, to work out and carry out measures aimed at shaping, maintaining and strengthening children's health, prophylaxis and reducing morbidity and child disability. The results achieved will form the basis for planning the development of the material and technical base of health-care institutions, and for funding prophylactic, curative, rehabilitation and sanitary work.

207. Much attention has been devoted in recent years to preventing illnesses caused by deficiency of iron and other micronutrients. Many studies have confirmed widespread deficiency in micronutrients – vitamins, macro- and trace elements, especially iodine - among the majority of children. The incidence of endemic goitre among children and adolescents is 15–25 % in central Russia and up to 40 % in other areas. With a view to preventing morbidity due to iodine and micronutrients deficiency, a Government resolution was issued in 2000 and procedures for national statistical reporting, national standards for salt and methods of monitoring the iodine content of salt have been laid down. A centre for the prevention of iodine-deficiency illnesses has been set up.

208. Diseases caused by malnutrition as such are not widespread and are associated with the social and economic situation of particular families. The proportion of babies weighing less than 2.5 kg at birth in the period 1997-2001 was virtually unchanged at 6.3-6.5 % of the total number of births. Government resolution No. 1005 of 13 August 1997 laid down the procedure for providing babies in the first two years of life with special dairy products. A Concept of State policy for a healthy diet was approved. The federal law on the quality and safety of food, adopted in 2000, strengthened national regulatory measures to ensure the quality and safety of foodstuffs and edible material and products, and established special

requirements to ensure the quality and safety of children's food. A medical system of criteria for food inadequacy, broken down by level of danger to health, has been developed, and methods of assessing poor nutrition so as to obtain objective information on the health and eating habits of various population groups, including children, have been worked out.

209. As in the past, breastfeeding remains uncommon. Nationwide, an average of 42 % of babies aged between 3 and 6 months are breastfed in Russia. A programme to make medical workers in children's establishments and maternity homes more aware of breastfeeding has been developed by the Scientific and Practical Centre to Publicize, Encourage and Support Breastfeeding. The Child-Friendly Hospital initiative, which is being implemented in Russia with UNICEF support, is becoming increasingly widespread. In the period 1996-2002, 99 maternity units in 27 regions were awarded this title.

210. Morbidity of children due to tuberculosis remains at high. Morbidity from active tuberculosis on first diagnosis rose by 27.4 % in 2001 compared with 1997. To resolve this problem, funding of anti-tuberculosis measures was increased and full medication was made available to tuberculosis patients. The federal targeted programme "Urgent measures to combat tuberculosis in Russia" is being implemented for the period 2002-2006. The federal law on preventing the spread of tuberculosis in Russia and the corresponding Government resolution were adopted in 2001.

211. Morbidity of children from sexually transmitted diseases such as syphilis and gonorrhoea is steadily declining. This has been helped by the opening of medico-social assistance units (surgeries) in children's outpatient polyclinics and the introduction of new forms of working with adolescents involving psychologists, dermatologists, teachers and parents. The implementation in 2002-2006 of the federal targeted law on measures to prevent the further spread of sexually transmitted diseases in Russia will help to achieve a further decline.

212. State guarantees and the rights of pregnant women are set out in the Fundamentals of State legislation on health care and the Labour Code No. 197-F3 of 30 December 2001. Federal law No.165-F3 of 16 July 1999 on fundamentals of compulsory social insurance provides for allowances for pregnancy and childbirth, child care, temporary absence from work, and other allowances. Under federal law No. 181-F3 of 28 December 2001 on amendments to the federal law on State allowances for citizens with children, the level of allowances for child-care leave was substantially increased (by a factor of 2.5). As well as retaining earlier guarantees for mother and child, the Labour Code No. 197-F3 of 30 December 2001 intensified measures to protect pregnant women against dismissal and abolished the probationary period for their recruitment. The health rules and standards "Hygienic requirements for women's working conditions" are being reviewed from the standpoint of employees' reproductive health care in the light of the Schedule of heavy work and work involving harmful and dangerous working conditions, approved by resolutions Nos.162 and 163 of 25 February 2000, which prohibits women and persons under the age of 18 from being given such work. Measures are being developed in the Action Plan for implementation of the Programme for the social and economic development of the Russian Federation in the medium term (2000-2004) for the improvement of working conditions and labour protection, development of the mechanism of compulsory social insurance, and timely provision to workers of information on the risk of damaging reproductive health and potential injury to descendants from harmful and heavy work.

213. The development and restructuring of maternity and gynaecological establishments continued apace in the years under review. The number of independent maternity homes fell as a result of a reduction in the number of small maternity homes. There are more than 80 perinatal centres, of which 23 are independent. Highly qualified senior staff work at these establishments, which deal with problems of intensive care, preparation for birth and choice of method, resuscitation, intensive care of newborns and phase-2 nursing of premature babies. The number of family planning and reproduction centres rose by 1.7 %, from 266 in 1997 to 451 in 2001. A total of 32 establishments have independent legal status. More than 30 in vitro fertilization centres equipped for the application of new auxiliary reproductive technology have been set up.

214. The trend in maternal mortality has been downwards: in 2001 it was 36.5 per 100,000 live births, against 50.2 in 1997. The principal causes of maternal mortality continue to be abortions (21 %), pregnancy toxicoses (17.7) and haemorrhages (16.5 %). In 2001, for the first time in the past 10 years, there was a reduction in the incidence of all the main complications of pregnancy: anaemia by 2.7 %, circulatory disease by 3.9 %, and late toxicoses by 4.7 %. Implementation of the federal targeted programme "Safe Motherhood" helped to overcome the negative trends in maternal mortality rates.

215. Work on problems of reproductive health and the establishment of a stable model for a healthy lifestyle continued in the period under review. Video films, brochures, booklets and posters on problems of reproductive health and ensuring safe maternity were sent to the regions. The number of abortions continues to fall: in the period 1997-2001 it declined by more than 20 %. The abortion rate per 100 births was 198 in 1997, 154 in 2001, the corresponding figures per 1,000 women of child-bearing age (15-49) being 65 and 52 respectively. Currently, 25.2 % of women of child-bearing age use modern means of contraception. Centralized purchasing of effective means of contraception took place in 36 regions of Russia in 2001. The number of women using hormonal contraception methods has increased, while the use of intra-uterine coils has declined. Sterilization of women using endoscopic equipment has been introduced but is still insufficiently popular in Russia.

216. Prevention of pregnancy among children and adolescents is now an extremely important problem. Sociological surveys carried out in Russia show that about 50 % of adolescents have experienced sexual relations and that sex life begins on average at the age of 16. First pregnancies are terminated by abortion in 92.5 % among girls aged under 15 and in 55.5 % in the 15-19 age group. No more than 17-18 % of adolescents who terminate a pregnancy by artificial abortion were given advice on contraception before the start of their sexual life: 45-55 % had not used a contraceptive, no more than 3.5 % had used hormonal contraceptives, and about 45 % had used ineffective methods. Child and adolescent gynaecological units have been established in hospitals to work with children and adolescents, and medico-pedagogical schools, telephone helplines and crisis centres have been set up. The Russian Association of Youth Gynaecologists has been established.

217. Currently, one of the most acute and alarming problems is the spread of HIV/AIDS. A total of 220,000 persons are now registered as HIV-positive in Russia, 4,743 of them children. In the first 11 months of 2002, 42,797 new cases of infection were recorded – 1.5 times less than in the corresponding period of 2001. More than 90 % of those found to be infected in

2001-2002 were drug users, and 70 % were aged between 17 and 25. Women accounted for 23 % of infected persons, and of these the proportion of women of child-bearing age rose. HIV-positive women gave birth to 3,552 children, of which 1,951 were born in the first 11 months of 2002 alone. A total of 775 persons, 183 of whom were children, were suffering from AIDS and 576,122 of them children, died from the disease.

218. Work on preventing the spread of HIV/AIDS was intensified at both the federal and the regional levels. On 30 May 2002 the Council of Heads of Government of Member States of the Commonwealth of Independent States (CIS) signed the Programme of urgent measures by member States of CIS to combat the HIV/AIDS epidemic. Funding of the federal targeted programme "Anti-HIV/AIDS" has been substantially increased: 123 million roubles were allocated to its implementation in 2001 and 162 million roubles in 2002, or 3-4 times more than in previous years. This has made it possible to provide highly effective medicines for treatment of infection with HIV and medication to prevent transmission of HIV in childbirth and to newborn babies (about 80 % of pregnant women are covered by perinatal prophylaxis) to hospitals, and modern laboratory equipment to centres for the prevention and treatment of AIDS. In order to ensure the safety of blood donations, donors have been screened since 2001 to detect both HIV antigens and HIV antibodies. This makes it possible to reduce the time during which infection may remain hidden from 2-3 months to 7-10 days. Regional anti-HIV programmes are being carried out in 63 regions of Russia, and pilot projects to prevent infection with HIV in prostitutes are being implemented in 18 members of the Russian Federation. A new form of working with adolescents, youth-friendly clinics, has been developed. Programmes to prevent HIV infection among drug users injecting themselves ("Reducing the damage") are being implemented in 41 members of the Russian Federation, with the support of international organizations and local authorities.

219. In 2000, the Scientific and Practical Centre to Assist HIV-Positive Pregnant Women and Children was founded in St. Petersburg, and specialized maternity hospitals for HIV-positive women were established. Issues relating to the prevention, diagnosis and treatment of HIV/AIDS were included in training and advanced training programmes for obstetric gynaecologists, paediatricians and mid-level medical workers, including midwives.

### **C. Social security and child-care services and facilities (art. 26 and art.18, para. 3)**

220. The basic standards guaranteeing social security for children and families with children in the Russian Federation, as described in paragraphs 272-279 of the second periodic report, are being maintained. Social security based on meeting the interests of the child to the maximum extent possible and on the financial possibilities of the State was further expanded in the period under review.

221. The reform of pensions substantially improved pensions for categories that have poor social protection - disabled children and children who have lost both parents. Under the pension reform, a decision of principle was adopted substantially to increase social pensions for disabled children and children who have lost both parents in relation to work pensions (in contrast to the earlier premise that social pensions should not be higher than work pensions).

222. As a result of the entry into force on 1 January 2002 of new federal pension laws on State pensions in the Russian Federation and on work pensions in the Russian Federation, which are

aimed at further raising the real standard of living of pensioners, the pensions of disabled children, children who have lost both parents and the disabled from childhood were increased by an average of 70 %.

223. The average social pension in November 2002 amounted to 1,028 roubles. Disabled children and children who have lost both parents received 1,044.76 roubles on average, representing 75 % of a pensioner's minimum living wage.

224. Because of price rises, it is intended in the future to continue regular indexation of pensions, including social pensions, the amount of which depends on the basic work pension.

225. Certain changes were made to the system of allowances for persons with children during the period under review. The most important ones were:

- The transfer in 1998 of designation and payment of the monthly child allowance from enterprises at the parents' place of work to social protection bodies at the family's place of residence, enabling the State to monitor expenditure specifically for pensions;
- The introduction in 1999 of linkage in the payment of the monthly child allowance, the criterion for such linkage being the family's average income per person, not exceeding the minimum living wage. At the same time, the higher allowances for incomplete families were maintained;
- The introduction on 1 January 2001 of federal funding of the payment of the monthly child allowance.

These measures have made it possible to ensure the regular payment of allowances to the socially most vulnerable families with children, and substantially to reduce pension arrears.

226. At the regional level, children's allowances for parents on the birth of a child, payable from the resources of members of the Russian Federation, are also being introduced, and this constitutes a substantial supplement to federal guarantees in support of the families with children.

227. One of the most significant and effective features of the policy being pursued in the interests of the child is the activity of the person-oriented and ramified system of establishments providing social services to the family and children, which was actively developed during the period under review. The basic purpose of this system is to prevent family tribulation, to provide targeted assistance to families and children in crisis situations and to help children with aberrant behaviour, disabled children and orphans in their social rehabilitation and integration into the family and society.

228. The following children's establishments and child-care institutions operate in the social security system: centres for social assistance to families and children, psychological and educational assistance centres, telephone centres for emergency psychological assistance, juveniles' social rehabilitation centres, children's and adolescents' social shelters, help centres for children left without parental care, rehabilitation centres for children and adolescents with

limited health possibilities, units working with children in social security centres, comprehensive social security centres, men's crisis centres, women's crisis centres and other establishments providing social services to families and children. At the end of 2002 there were 3,080 such establishments in all members of the Russian Federation, compared with 2,048 in 1997. The number of families and children being helped by them is increasing every year, testifying to the level of demand for such assistance among the population.

229. During the period under review, the number of citizens helped by establishments providing social services to families and children doubled to 8.7 million in 2001, of which 3.8 million were children (the corresponding figures in 1997 being 4.2 million and 2.6 million respectively), including 322,800 families with children having limited health possibilities, 1,356,100 low-income families, 703,500 single-parent families, 409,900 large families and 13,300 families of refugees and displaced persons. These figures show the priority attention being given to this sector of social security for children from the socially most vulnerable families.

230. These establishments provide services at the place of residence of families and children, making them accessible to the population. More than 59 million different forms of social services were provided to families and children in 2002, including socio-educational, socio-medical, consumer, socio-economic, socio-psychological and socio-legal services. A feature of recent years has been the growth, by 1.4-1.5 times, in the number of socio-educational and socio-legal services, which is evidence of the qualitative changes in the system and the needs of citizens with children.

231. Another type of social security is direct social assistance to families, including those with children, and persons living alone in accordance with the federal law of 1999 on State social assistance. The criterion for its application is that per capita incomes are below the regional subsistence level. State social assistance takes the form of cash payments: social allowances (a specific amount of money made available without charge), grants (with the specific purpose of paying for material goods and services rendered) and compensation payments (reimbursement to citizens of expenditure specified by law), and assistance in kind (fuel, foodstuffs, clothing, footwear, medicines). Social assistance may be provided for a specific period of time or as a one-off payment. Federal laws regulate only the main types of social assistance and the conditions under which it is provided; in practice it is rendered in various forms at the level of members of the Russian Federation from regional budgetary resources. This leads to unequal access of poor families with children to social assistance resources, depending on the budgetary means of the region concerned. In members of the Russian Federation in which programmes of social assistance are actively pursued, families and children, principally large and single-parent families, are the main recipient group.

232. Special income-support measures for large families and families with disabled children (concessionary rates for municipal services, free school meals for children, provision of medicines to children at concessionary rates and free of charge) continue to be implemented. Social protection measures for children living in radiation disaster areas (special payments, free food or reimbursement for food) are provided for in legislation and implemented in full.

233. One of the tasks currently being carried out in Russia is housing and municipal reform. It affects, in particular, the system of payments for housing and municipal services and implies

the gradual introduction of full payment for these services directly by citizens. In this connection, grants for the payment of housing and municipal services have been introduced, to ensure the social protection of low-income families (Government resolution No. 887 of 2 August 1999 on improvement of the system of payment for housing and municipal services and social protection measures).

234. Great importance is attached to ensuring that families continue to have access to children's pre-school establishments. The cap on parents' kindergarten fees instituted in 1992 is in force, as are free maintenance of children (disabled children) and lower fees for kindergarten attendance by children from large families. Additional measures to regulate payment of kindergarten fees are being taken at the regional and municipal levels, as a result of which additional concessionary rates are being introduced. Annual reports over recent years have shown that increases in fees for children's pre-school establishments have consistently lagged behind general price inflation. As a result, coverage of children aged 1-6 by children's pre-school establishments rose from 54 % in 1997 to 57 % in 2001, in both urban and rural areas. The task now is not only to ensure that families with children continue to have access to this kind of service but also to improve the quality of children's maintenance in pre-school establishments, including food, ensure the availability of qualified senior staff, improve health care and ensure the all-round development of the child.

235. Another important type of social support for families with children is the provision of organized children's summer recreational facilities at prices that the family can afford. The allocation of resources for this purpose from the federal and regional budgets and from social insurance funds is increasing every year. At the same time, the proportion of parents' resources does not exceed 5 % of total expenditure on the drive to improve children's health. Children requiring special State care are generally sent free of charge to children's health-care establishments.

#### **D. Standard of living (art. 27, paras. 1-3)**

236. In accordance with article 27 of the Convention, the Russian Federation recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. See also paragraphs 171-175, 232-246, 272-280, 285-286 and 293-294 of the second periodic report.

237. Statistics on average per capita money income and expenditure, subsistence level, the composition of the money income and expenditure of families with children, food consumption of households with children and other indicators are used to assess the living standard of the population, including families with children.

238. Federal law No. 134-F3 of 24 October 1997 on the subsistence level in the Russian Federation established a qualitatively new basis for determining the overall subsistence level in the Russian Federation and for taking it into account in determining State guarantees for citizens to receive minimum money incomes and in implementing other social protection measures. The subsistence level is determined on the basis of a consumption basket for the principal socio-demographic groups of the population – the population of working age, pensioners and children – at both the federal and the regional levels. The overall subsistence

level for the Russian Federation, including that of children, is approved by the Government quarterly.

239. The overall consumption basket for the Russian Federation is set by federal law not less than once every five years. Under federal law No. 201F-3 of 20 November 1999 on the consumption basket it is determined for the principal socio-demographic groups of the population, including children, in natural indicators and includes minimum sets of foodstuffs, non-food products (clothing, footwear, domestic, cultural and economic goods, essential and sanitary items, medicines, school writing equipment, etc.) and services (payments for housing, communal and transport services, etc.).

240. Government resolution No. 192 of 17 February 1999 approved the Methodological recommendations for determining the consumption basket for the principal socio-demographic groups for the Russian Federation as a whole and for its members. These recommendations set out the principles of and procedure for the constitution of the minimum set of foodstuffs, non-food products and services essential to maintain the health of the individual and ensure his vital activity, taking into account natural and climatic factors, particularities of food production, ethnic traditions and local eating habits, and the food situation in low-income families.

241. As in the past, families with children constitute the largest group of poor families. In total, at the end of 2002 an estimated 55 % of children were being raised in families with per capita incomes below the regional subsistence level.

242. During the period under review income-support for families with children was provided in the following principal ways:

(1) gradual increase in wage levels, including increases in the minimum wage and the wages of workers in budget organizations (indexation of wages of workers in the budgetary sphere by a factor of 1.5 from 1 April 1999 and 1.2 from 1 April 2000, indexation of the tariff constituent of the wage fund by an average factor of 1.89 in 2002);

(2) indexation of grants, pensions and allowances, including those for families with children (average increase of all allowances by 20 % from 1 January 2001, increase of allowances on the birth of a child by a factor of 2.5-3 from 1 January 2002); and

(3) intensification of direct social support for those in need.

243. One of the main development goals of the Russian Federation is to overcome poverty and increase prosperity. The top priority set out in the programme of social and economic development of the Russian Federation in the medium term (2002-2004) is to overcome the post-crisis drop in the standard of living, reduce poverty and end income divergences by increasing the extent to which social support is provided directly, encouraging the growth of wages and ensuring an effective level of employment of the able-bodied population. An area of State responsibility continues to be State social assistance to low-income families, which will gradually replace the current system of concessions and compensatory payments, which is socially unjustified. As a result of the measures being taken, it is planned by 2005 to secure growth in real money incomes to 1.4-1.5 times the level of 2002 and an increase in real available money incomes to 1.3-1.4 times that level, including an increase to 1.9-2.1 times

for the less well off social strata, and to reduce the level of overall poverty in Russia to 24.2-22.3 % of the total population.

## **VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance (art. 28)**

244. The Russian Federation, recognizing the right of the child to education, is developing the legislative base and bringing it into line with the standards of international law. Matters relating to education, including vocational training and guidance, are reflected in the existing Russian legislation in the Constitution, federal laws on education, higher and postgraduate vocational training, compensatory payments for pupils' food in State and municipal general-education establishments providing basic and secondary vocational training, the RSFSR Labour Code, and in model regulations for educational establishments (general education, basic and secondary vocational training, evening (shift system) general education, pre-school, children's special and additional education). See also paragraphs 38, 74-78, 90-99, 120-125, 156-161, 194-195, 232-245 and 296 of the second periodic report.

245. The federal law on approval of the federal programme for the development of education, the national policy for education in the Russian Federation and the Action Plan of the Government of the Russian Federation in the sphere of social policy and modernization of the economy designate educational modernization as one of the most important priorities, with the aim of creating the conditions for citizens to exercise their rights to education having a structure and quality that correspond to the requirements of the economy and civic society.

246. Russian citizens are guaranteed general access to education free of charge, irrespective of race, ethnic origin, language, sex, age, health, social, property and official status, social origin, place of residence, attitude to religion, beliefs, party allegiance or criminal record. All citizens have the right to education in their national language (for details, see para. 299 of the second report).

247. Under the legislation of the Russian Federation, basic general education is compulsory. This requirement applies up to attainment of the age of 15.

248. During the period under review the educational system in Russia continued to be recognized as one of the largest in the world. Progressive structural and functional changes took place in a number of areas:

(1) The Russian educational system was the subject of some of the most progressive laws in the world, establishing widespread independence of educational establishments, particularly vocational training institutions, and broad academic freedoms in the implementation of educational curricula, with State mechanisms for monitoring the quality of education.

(2) Specific advances have been made towards the humanization of education and the personal treatment of students and teachers, particularly in the pre-school educational system.

(3) Variety has become a feature of general education: the number of new types of educational establishment – grammar schools, lycées and colleges - is rising steadily. This choice in education is one of the signs of its humanization. Every educational establishment can, if it maintains educational standards, introduce inventive study programmes, methods and technologies, as well as new subjects and special courses that take account of requests from students and their parents, using optional, individual and group study periods.

(4) There have been qualitative changes in the content of general education. Up to 25 % of the curriculum is set aside for subjects based on regional and school elements that take account of the cultural and ethnic environment and the interests and requirements of a specific group of children. The content of general education has been substantially broadened in the areas of social, environmental and civic studies and the fundamentals of safety in vital activities, partly through the inclusion in the curriculum of compulsory human rights components, including the rights of children.

(5) A number of progressive quantitative and qualitative changes have also been effected in vocational training. There are 260 students in higher educational establishments per 10,000 persons. For higher and secondary vocational training the figure is 549 per 10,000.

(6) State educational standards for basic, secondary and higher vocational training, taking account of the principles of independence of educational establishments in the preparation and implementation of teaching programmes and of State monitoring of quality in education, were introduced for the first time in the period under review.

(7) Certification, licensing and accreditation procedures have become very important features of the Russian educational system. These new forms are intended to ensure verification of the quality of education and to maintain uniform education across the Russian Federation, while taking account of the independence of educational establishments and the academic freedoms of teachers.

(8) The private vocational training sector was established: at the beginning of the 2001/2002 academic year there were 387 private higher educational establishments with more than 629,000 students.

249. Under the federal law on education, funds allocated to the needs of the various levels of the educational system constitute 10 % of the total national budget. In 2001-2002 the growth of expenditure on education was more than 50 %. In addition to current financing, supplementary resources were allocated and funds were obtained from non-budget sources. Supplementary financing was used primarily for information technology in educational establishments, principally those providing general and basic vocational training, and also for the purchase of modern remote teaching and laboratory equipment for vocational training establishments.

250. The most important stage in education is the school, which provides primary, basic and secondary (full) general education. At the beginning of the 2001/2002 school year there were more than 66,200 State day schools for general education with more than 19.4 million pupils.

251. The external student system, education in the family, self-education and other arrangements are used to ensure the education and upbringing of children who cannot attend general education schools regularly (because of long-term illness, family circumstances, etc.).

252. Under article 10 of the federal law on education, adult citizens and parents (legal representatives) of minors have the right to choose the type of general education and to combine different types. The administrations and educational councils of general- education establishments may propose the type of education to be provided but are not entitled to change it without the consent of pupils and their parents.

253. The federal targeted programme “Gifted children” is being implemented in order to create favourable conditions for developing the capabilities of gifted and talented children. A scientific and methodological basis for working with gifted children has been established. One of its purposes is to support all-Russian and international subject competitions and contests (in 11 subjects). Victors and prize-winners in the finals of the all-Russian schoolchildren’s competition and members of Russian national teams taking part in international competitions in educational subjects are accepted without entrance examinations by secondary and higher vocational training establishments to study the relevant subject. Schoolchildren’s scientific and technical conferences are held to enable gifted children to participate in scientific activities.

254. The educational interests of national and ethnic groups living in the Russian Federation are protected and supported. The number of students being taught in their national (non-Russian) language in 2002 was 229,200, and they were studying in 3,329 general-education establishments (in 2000 and 2001 the corresponding figures were 239,600 and 238,400 students in 3,470 and 3,433 establishments respectively); teaching is provided in 31 national (non-Russian) languages, and 81 national (non-Russian) languages are taught in schools.

255. An important factor ensuring the continuity of education is basic vocational training. At the end of 2001 there were 3,872 State basic vocational training institutes (vocational training centres and vocational colleges) in the Russian Federation, with a total enrolment of 1,649,000. A new list of trades and professions, State educational standards and the curricula corresponding to them has been drawn up, a modular teaching system is being prepared to enable children to receive vocational training at various educational levels, and vocational colleges covering trades with more advanced skills are being developed. Basic vocational training institutes are financed from the federal budget and partially (39 %) from the budgets of members of the Russian Federation.

256. Federal, regional and local authorities strove to improve the educational resources available to children during the period under review. This applies especially to the school computerization programmes that are being carried out, the introduction of remote learning and the expansion of book publishing on education and educational methods. For example, there has been budgetary targeted financing of the rural schools computerization programme since 2000 (in 2000 alone the amount spent was 1 billion roubles).

257. Special attention is being devoted to the implementation of the rights of children to obtain high-quality general education. The basic tools in achieving this have been the preparation of State standards for general education and the establishment of a State

certification department charged with monitoring the implementation of these standards. An important mechanism for increasing the quality of education at all levels is the procedures for the certification of senior teachers and for the licensing, certification and accreditation of educational establishments. Standards laying down the procedures for certifying teachers in general-education establishments and obtaining academic titles in higher educational establishments have been adopted.

### **B. Aims of education (art. 29)**

258. The aims of education are set out in the federal law on education (see para. 322 of the second periodic report). During the period under review they were described in detail in the national policy for education in the Russian Federation, the Concept for modernization of Russian education for the period up to 2010 and the Federal Programme for the development of education, taking into account the specific social and economic conditions of Russian development, actual problems and priorities in the development of the educational system.

259. In accordance with these documents, the work of educational establishments ensures:

- The historical continuity of generations, the maintenance, spread and development of national culture and the nurturing of a caring attitude to the historical and cultural heritage of peoples of the Russian Federation;
- The bringing up of Russian patriots and citizens of a democratic State governed by the rule of law who are capable of socialization in civil society, respect the rights and freedoms of the individual, have a high sense of morality and show ethnic and religious tolerance and a respectful attitude to the languages, traditions and cultures of other peoples;
- The inculcation of a culture of peace and interpersonal relations;
- The all-round and timely development and children and young people and their creative capabilities, and the development of self-education and personal self-realization skills;
- The development in children and young people of an integral understanding of the world and a modern scientific outlook, and of a culture of inter-ethnic relations;
- The inculcation in children, young people and other categories of citizen of motivation to work and be active in their private and professional life, and teaching them about the basic principles of building a professional culture and about conduct on the labour market;
- The development of Russian traditions in working with gifted children and young people and participation of educational workers in scientific activities;
- The fostering of a healthy lifestyle and development of sport for youth;
- Countering negative social phenomena;

- Environmental education forming a careful attitude to nature.

260. Particular attention is being devoted to matters relating to education in a spirit of peace and tolerance. The State programme “Patriotic education of citizens in the Russian Federation for the period 2001-2005” and the federal targeted programme “Fostering aims of tolerant awareness and preventing extremism in Russian society (2001-2005)” have been adopted and are being successfully implemented to achieve these aims.

261. Educational establishments in Russia have developed a system for fostering respect for the environment. The following are compulsory basic programmes: fundamentals of the environment (in kindergarten), nature study (in primary school) and practical environmental work (in secondary classes). For senior pupils, the environment forms part of the regional component.

262. Among the principal educational priorities are teaching respect for human rights and the history and traditional culture of the generations and shaping the personality of a child that knows his rights and can exercise them. The duty to bring children up in this way is set out in the basic history and social sciences curricula of general-education establishments and at all levels of education. Sections on the rights of the child are included in all textbooks and teaching aids on law recommended by the Ministry of Education. A special textbook entitled “Rights of the Child” has been prepared for the civics course in basic school (class 7). The Ministry of Education has approved scientific methodology and computer analysis aids to ensure high-quality teaching in these areas, as well as specialized optional (supplementary, extracurricular) study programmes. Non-governmental organizations play an important role in the dissemination of information about the rights of the child. For example, the “New prospects” fund has organized five rounds of All-Russian project competitions as part of the “Rights of the Child” programme.

### **C. Leisure, recreation and cultural activities (art. 31)**

263. The organization of children’s leisure and improvement of their health are one of the priority areas of the Russian Government’s work. They are coordinated at the federal level by the Ministry of Labour.

264. According to statistics received from the executive authorities of members of the Russian Federation, the number of children involved in organized forms of leisure, health improvement and recreation in 2002 rose by almost 1 million by comparison with 2001. More than 10.7 million children and adolescents were involved in various forms of these activities.

265. The aim of the campaign to improve the health of children and adolescents is to ensure that they are occupied in the summer, including efforts to resolve problems of child neglect. In this connection, there was a change in the structural parameters of children’s leisure and health activities: the number of children’s residential health camps rose from 52,100 in 2001 to 52,200 in 2002. They hosted more than 6.1 million children, against 6.2 million in 2001. The number of schoolchildren’s day camps rose substantially. In 2002 more than 35,500 of these camps, or almost 1,000 more than in 2001, were organized in schools and social assistance centres for families and children, and for children in their school holidays.

266. Greater attention was paid to the organization of leisure and health activities for children requiring special State assistance: orphans, children with limited health possibilities, children in a socially dangerous situation, children from low-income families, and children living in extreme climatic or environmental conditions, etc. More than 4.7 million children in these categories were involved in all forms of leisure, health improvement and recreation in 2002, compared with 4.0 million in 2001.

267. Leisure, recreation and cultural activities are also organized within the system of supplementary education made up of more than 16,000 establishments responsible to various departments, including more than 8,700 in the educational system, 5,800 in the cultural system and 1,700 in the sports system. The activities of establishments providing supplementary education are governed by the federal law on education, the Fundamentals of Russian legislation concerning education and other laws and regulations.

268. In addition to creative associations in the major areas of activity, there are more than 64,000 other institutions and associations, including more than 11,000 in rural areas: various clubs, museums, research groups, young leaders' associations, social educators' volunteer groups, etc.

269. The policy for the modernization of Russian education provides for the further expansion of the network of supplementary educational establishments with a view to increasing coverage to up to 500,000 children per annum; it is planned to increase to 10 million the number of children involved in organized forms of leisure and health activities daily.

270. The tradition has evolved of holding annual all-Russian festivals of children's creative artistic work. The title "Model children's collective" has been introduced to encourage children's creative work. A competition comprising a variety of programmes and pilot projects on children's, young people's and family leisure is organized annually as part of the federal targeted programme "Youth of Russia (2001-2005)". Recreation for families with minor children has become a leading area in the work of institutions providing services to young people and regional and local youth bodies.

## **IX. SPECIAL PROTECTION MEASURES**

### **A. Children in situations of emergency**

#### **1. Refugee children (art. 22)**

271. On 2 February 1993 the Russian Federation acceded to the Convention relating to the Status of Refugees of 28 June 1951 and the protocol relating to the Status of Refugees of 31 January 1967. Russia hosts the regional office of the Office of the United Nations High Commissioner for Refugees, and there are branches in Stavropol, Nazrani and Vladikavkaz. The High Commissioner visited Russia three times in the period under review (Mrs. Ogata in November 1999 and October 2000, and her successor Mr. Lubbers in 2000).

272. A total of 12,094 children from the families of refugees and displaced persons were registered in 2001 (against 18,000 in 2000, 24,000 in 1999 and 37,000 in 1998, of which 12,044 were children of displaced persons and 50 children of refugees).

273. Since the start of registration at the beginning of 2002, 625,600 displaced persons and 127,900 refugees have been registered, of which 188,700 and 5,500 respectively were minors. The statistics include 14,900 children of single-parent families and about 37,800 children of large families.

274. A refugee child left without parental care is afforded the same protection as any other child that is permanently or temporarily deprived, for any reason, of his or her family environment (see para. 349 of the second periodic report).

275. Basic assistance was provided to children from families of refugees and displaced persons under the federal targeted programme "Children from families of refugees and displaced persons". Funding for this programme is steadily increasing: 33.4 million roubles was spent on its implementation in 2001, or 1.5 times as much as in 2000 and 3 times more than in 1999.

276. The resources allocated were used to provide direct material assistance to children from families of refugees and displaced persons, to implement measures for children in temporary accommodation for refugees and displaced persons (including the social and psychological rehabilitation of such children), to strengthen the material and technical base of educational and health-care establishments, to organize summer leisure activities for children, etc.

277. About one third (34.4 %) of all budgetary resources allocated to implement measures under the above-mentioned programme in 2001 were used to provide direct material assistance to children from families of refugees and displaced persons. A total of about 30,000 such children were covered by the various forms of assistance in 2001, of which about 29,000 received material assistance.

278. In order to secure the right of children of displaced persons to education, the educational authorities at all levels are working to register migrant children, to place them in educational establishments and to organize teaching in accordance with the extent to which they can cope with the language and the subject. In 2001 more than 8,000 children of school age received one-off material assistance at the beginning of the school year, and 1,600 children from families in temporary accommodation centres who were being educated and brought up in various educational establishments were given textbooks, learning accessories, clothing, footwear and sportswear. Educational establishments provided free supplementary food (supper and breakfast) for more than 25,000 children from the most needy families of refugees and displaced persons.

279. Medical services for children from families of refugees and displaced persons are provided by local treatment and prevention establishments depending on their place of residence. Medical care, including treatment and preventive examinations and vaccinations, is given under local compulsory medical insurance programmes.

280. Health-care bodies organize surveys on vaccinations among children from families of refugees and displaced persons and give them injections against diphtheria, measles, polio and viral hepatitis. Modern anti-parasite resources and test systems have been purchased and given to mobile medical teams in order to diagnose parasitic infections.

281. Attention is being given to the organization of leisure and health activities for children from families of refugees and displaced persons. Using all sources of funding, these were arranged for a total of 5,600 such children in 2001.

## **2. Children in armed conflicts (art. 38), including physical and psychological recovery and social integration (art. 39)**

282. Russian legislation prohibits the call-up for military service of persons under the age of 18 and their participation in hostilities, as stipulated in the law on military obligations and military service. Under the criminal legislation of the Russian Federation, the recruitment, training and financing or other material support of mercenaries, as well as their use in an armed conflict or military operations, is prohibited (art. 359 of the Criminal Code of the Russian Federation). Carrying out these activities in relation to a minor is an aggravating circumstance and is punished more severely. A mercenary is deemed to be a person who is acting with a view to material reward and is not a national of the State taking part in the armed conflict or military operations, does not live permanently in that State and is not sent to carry out official duties (which a person under the age of 18 cannot be).

283. On 15 February 2001 the Russian Federation signed the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict. Preparatory work on Russia's ratification of the Protocol is being completed. In June 2002, at the invitation of the Russian Government, Mr. O. Otunnu, Special Representative of the Secretary-General for children and armed conflict, visited Russia, including the northern Caucasus.

284. The situation in the northern Caucasus continues to be a matter of daily concern for the Government of the Russian Federation. In accordance with the federal targeted programme for restoration of the economy and the social sphere in the Chechen Republic, work was carried out in 2001 on resolving problems of life support, return and reinstallation of citizens forced to leave their place of permanent residence in the Chechen Republic.

285. Work on restoring the public health system in the Chechen Republic is continuing. At the end of 2001 53 hospitals, 32 polyclinics, 46 surgeries and 175 midwifery units were in operation (9 hospitals and 16 polyclinics in Grozny), and 1,740 doctors were working. The Chechen Republic received 75.3 tonnes of medicines and other medical supplies worth more than 12.7 million roubles from the federal reserve.

286. The educational system in Chechnya has resumed full-scale operation since September 2000. In 2001/2002 194,000 pupils started tuition in 458 schools in Chechnya, 21,000 of them in class 1. Eighteen thousand students continued their studies in three higher educational establishments, 3,000 continued in seven technical colleges and 5,000 in 12 vocational training colleges. On 1 January 2001 19 pre-school educational establishments, attended by 1,255 children, were in operation.

287. School-leavers in the Chechen Republic were given 332 places in 117 higher educational establishments and 775 places in the preparatory departments of 35 higher educational establishments.

288. Budget workers have been paid in full since 2001, and pensions and allowances are paid monthly. As of 1 November 2002 389,000 children were receiving allowances. Resources are allocated from the federal budget for these purposes. In the summer of 2001 about 50,000 children from the Chechen Republic were provided with leisure and health facilities at health resorts in contiguous members of the Russian Federation.

289. The problem of normalizing support for the lives of children in the Chechen Republic is a long-term one. The measures necessary to resolve it are set out in the current reconstruction programmes of the Chechen Republic and the draft federal programmes for the coming period.

### **B. Children in the system for the administration of justice in cases involving children**

290. During the period under review, there was active legislative work in Russia aimed at protecting the rights of juveniles and creating solid guarantees for this, including guarantees in the judicial process. The following laws and regulations were adopted:

(1) The federal law on basic guarantees of the rights of the child in the Russian Federation of 1998, which sets out guarantees of the rights of juveniles in all spheres of social life, including in relation to justice (art.15);

(2) The federal law on amendments and additions to the Criminal Code, the Code of Criminal Procedure, the Punishment Code and other legislative instruments of the Russian Federation. This law amended the Criminal Code in relation to the sentencing of a convicted juvenile to a corrective colony (a unified system was established). In the Punishment Code, the wording of article 108.4 was amended to oblige administrations of corrective institutions to help convicted persons to obtain secondary (full) general education and higher vocational training. In chapter 17 of the Punishment Code entitled "Features of the application of punishment in the form of deprivation of freedom in educational colonies" six out of ten articles were amended and supplemented, including strengthening of the standards for liberalization of the regulations governing the serving of sentences.

(3) The Code of Criminal Procedure that entered into force on 1 July 2002. In this Code, the principle of a special, more humane, criminal procedure for juveniles is not only maintained but also set out more consistently, and guarantees of respect for the rights of juveniles are substantially expanded.

(4) The federal law on the work of lawyers and the legal profession in the Russian Federation of 2002. This law set out the obligation to provide legal assistance to juveniles, stated that in such cases lawyers are to be paid from the federal budget, and established the right to free legal assistance for juveniles held in establishments of the crime-prevention system, including closed educational establishments (art. 26, para. 3).

(5) The federal law on fundamentals of the system for the prevention of neglect and juvenile crime of 1999 regulated the implementation of rehabilitation measures for convicted juveniles given non-custodial or suspended sentences and for adolescents whose cases have been stopped for non-rehabilitation reasons (reconciliation with the victim).

291. In addition to laws, a number of legally binding official instruments making legal provisions more precise and clarifying their application were adopted in the period under review. They include, in particular:

- Resolution of the Plenum of the Supreme Council of the Russian Federation on judicial practice in cases of offences by juveniles, of 14 February 2000;
- Rules governing the internal regulations of educational colonies in the criminal punishment system of the Ministry of Justice of the Russian Federation approved by a Ministry of Justice Order of 29 July 2002;
- Instructions on the organization of work of departments concerned with juvenile affairs in agencies of the Ministry of Internal Affairs, approved by Ministry of Internal Affairs Order No. 569 of 26 May 2000.

### **1. Administration of justice in cases involving juveniles (art.40)**

292. The right of juveniles brought before the courts to treatment that promotes the development and significance of respect for human rights and for the basic freedoms of others in the course of the administration of justice is ensured by:

(1) The investigation and court examination of cases involving juveniles, during which the investigator, the court, demonstrating respect for the personality of the adolescent, carefully collects and analyses evidence of his guilt but also informs him of the pernicious nature of what he has done and the harm he has caused to the victim, encouraging remorse and the desire to make good the harm caused by his criminal acts.

(2) The use of measures under criminal law, in particular the compulsory educational measures provided for in articles 90 and 92 of the Criminal Code. These measures are applied when the investigator comes to the conclusion that correction can occur in the case of the juvenile without criminal punishment and gives evidence in court that these measures are to be applied. The essential aspects of the decision and the significance of the trust placed in him by the judicial authorities are explained to the juvenile.

(3) The application of criminal punishment measures to the juvenile. Many of these measures are non-custodial, and in 75 % of cases the judge hands down a suspended sentence. The trust being shown by the court, the consequences of any breach of that trust and the need to observe the requirements of the sentence are explained to the juvenile. A specialized body for the enforcement of juvenile's non-custodial punishments monitors the behaviour of juveniles given a suspended sentence and those subjected to compulsory educational measures and carries out educational work with them, drawing their attention to the need to justify the trust placed in them and developing a sense of self-esteem.

(4) Enforcement of custodial sentences, as regulated by article 17 of the Punishment Code, Features of punishment in the form of deprivation of liberty in educational colonies. The standards of this article were amended in March 2001 to secure the further humanization of the conditions under which inmates serve their sentences (increase in the amounts that may

be spent in food and clothing and in the number of meetings with parents. Inmates with privileges are allowed unlimited meetings.).

293. Legislation on juveniles (the standards set out in chapters 14 and 20 of the Criminal Code, Features of criminal liability and punishment of juveniles and of offences against the family and juveniles, chapter 17 of the Punishment Code, Features of the enforcement of punishments for juveniles, and chapter 11 of the Family Code, Rights of minor children) was improved in the period just ended through the establishment of additional legal guarantees for implementation of these standards. For example, the following measures to ensure the legality of indictments of juveniles were included in the new Code of Criminal Procedure (CCP):

- It is categorically prohibited to bring a court case, and one already brought must be halted, if there is no event constituting an offence or if there are no elements of an offence in the act (in other words, the act is not mentioned in the Criminal Code) (CCP, art.24);
- A court case can be brought only if the consent of the procurator is obtained (CCP, art. 146);
- The juvenile's defence counsel and legal representative (parents or person in loco parentis) are called upon to participate immediately in the case. The competence of a person in loco parentis is considerably expanded in the Code of Criminal Procedure;
- A guilty verdict and the application to a juvenile of compulsory educational measures, a criminal punishment or a suspended conviction are possible only on the basis of a court decision, etc.

294. In Russia the presumption of innocence is a principle enshrined in the Constitution (art. 49). Only a court is empowered by law to find a juvenile guilty and to punish him, after the trial has analysed the evidence and guilt is established. If the court applies a compulsory educational measure to the juvenile it must also be convinced of his guilt (CCP, art. 29.1). Before lodging a court petition for the application of such a measure, the investigator (investigating officer) must collect evidence of the juvenile's guilt and, having come to the conclusion that correction may be achieved without criminal punishment, issue an order, approved by the procurator, verifying the extent to which the accused is guilty (CCP, art. 427). In this case, the criminal prosecution of a juvenile cannot be halted if the accused or his legal representatives lodge an objection to it, considering that the guilt of the juvenile has not been proven (CCP, art. 27).

295. The new Code of Criminal Procedure laid down clear bases for detaining a person suspected of committing an offence (art. 91) and set out a procedure whereby:

- (a) a report of detention must be prepared within a period not exceeding three hours;
- (b) the detention of a juvenile must be brought to the notice of the procurator within 12 hours (art. 92);

(c) a suspect must be informed of the reason for his detention and questioned within 24 hours;

(d) when a juvenile is detained, the investigator must inform close relatives within 12 hours (arts. 46.2 and 96);

(e) it is compulsory for a defence lawyer to take part in the interrogation of a juvenile suspect (accused) (art. 425). A professional defence lawyer may be engaged by the parents of the accused juvenile or may be designated by the investigator to take part in the questioning. In the latter case, his fees are paid from the federal budget (art. 50).

296. The new Code of Criminal Procedure considerably extends the legal regulation of the duration of the basic stages (individual procedural operations) of the investigation and trial. In a number of cases these times have been marginally shortened, creating the preconditions for a clear and urgent judicial procedure in relation to the juvenile. Mention has been made above of the time limits for detention and the initial interrogation. In addition, the Code of Criminal Procedure lays down the following time limits:

- For the preliminary investigation, 2 months (art.162), and for an inquiry, which is often carried out for juveniles, 15 days (art. 223);
- For the procurator to lay a charge, 5 days (art. 221) and to bring an indictment, 2 days (art. 226);
- For the court to adopt a decision regarding the holding of a preliminary hearing, 14 days if the accused is in custody or 30 days if not (art. 227);
- For the hearing of a criminal case in court session, to begin not later than 14 days after the case is brought to court (art. 233.1).

Agencies of the Procurator's Office carry out constant monitoring of compliance with these time limits.

297. The participation of a juvenile's defence counsel and legal representative (parents, guardian, foster parent) in the trial is compulsory. Their functions are considerably expanded in the new legislation on criminal procedure (CCP, arts. 48, 426, 428 et al.). If there is reason to believe that a parent, as the legal representative, may harm the interests of a juvenile defendant, the court must replace the legal representative, calling upon the other parent or a representative of guardianship and fostering bodies (CCP, art. 428).

298. Other assistance which may be given to a juvenile during the investigation and trial includes participation in the interrogation of a teacher or child psychologist, who is given the right to put questions for clarification, helping the juvenile to express his position on the case more clearly and the judge to take a correct decision (CCP, art. 425). Cases of legal offences by juveniles in Russia are usually investigated by specialized investigators and heard by specially designated judges.

299. At the end of the investigation, a juvenile defendant, his defence lawyer and legal representative have the right to become acquainted with the documents in the case (including the depositions of witnesses), and a report is made to this effect. There is no time limit for the participants in the case to become acquainted with the documents, and they may make copies of the material and lodge petitions (CCP, art. 217).

300. Russian law on criminal procedure lays down some procedures that make it possible to apply measures under criminal law to a juvenile who has committed a criminal offence without a detailed trial. For example, the court may impose a compulsory educational measure on a juvenile defendant when the investigator, with the consent of the procurator, halts the criminal investigation and lodges an application for the imposition of such a measure. In the trial, the defendant, like other participants, is not questioned about the offence.

301. In addition, a special procedure for reaching a court verdict was introduced for the first time in the new Code of Criminal Procedure. If the juvenile defendant admits the charges against him, he may apply to be sentenced without a detailed trial. This application may be lodged at the time he becomes acquainted with the documents in the case, or at the preliminary hearing in the presence of his defence lawyer. At the trial the participation (or more accurately, the presence) of the accused and defence counsel are compulsory. The accused and defence counsel are not questioned and evidence is not examined. The sentence imposed may not exceed two-thirds of the maximum time or amount of the strictest punishment laid down for commission of the offence (art. 40).

302. After the investigator, the court, and commissions for juvenile affairs and the defence of their rights have examined the facts (materials) relating to juveniles, the bodies responsible for the enforcement of punishments or enforcement of compulsory educational measures work with young offenders. The aim of this work is not only correction of the juvenile and to prevent him from reoffending, but also to rehabilitate him and to make him fit for life in society. Legislative and official legal instruments enable these bodies to take various measures, as listed in article 40, paragraph 4 of the Convention.

303. The principle underlying the application of these measures is comprehensiveness: the assistance given to the juvenile is combined with an exacting approach, the juvenile's welfare being the priority. In this context, the following measures, regulated by legal instruments at various levels, are applied in preventive educational work:

(1) The probationary period and period of application of compulsory educational measures (CCP, arts. 73 and 90) are used for juveniles who are given a suspended sentence and are absolved from criminal liability and punishment after committing minor and less serious offences. In most cases the court will impose certain obligations on a person given a suspended sentence (to study, not to give up work, not to appear in public places after 10 p.m., etc.). Further work with these juveniles is carried out by departments responsible for juvenile affairs of the Ministry of Internal Affairs and inspectorates for the enforcement of criminal punishments, which observe the behaviour of persons given a suspended sentence and may where necessary petition the court, either for early lifting of the probation and cancellation of any criminal record or for extension of probation or the revocation of the suspension and serving of the sentence handed down by the court if the juvenile continues his illegal activity.

(2) Advisory services of various kinds are available to juveniles who are dealt with in the judicial system and their parents: judicial, under the federal law on the work of lawyers and the legal profession (arts. 25 and 26), educational, under the federal law on education, and social and psychological (provided by rehabilitation institutions under the federal law on fundamentals of the system of prevention of neglect and juvenile crime) and others.

(3) Home visits to the families of a juvenile who has broken the law, been given a suspended sentence, etc. If his family is in a troubled state, it is placed under observation and the parents are given help in securing work and in being treated for alcoholism, drug abuse, etc.

(4) Individual programmes for the upbringing and education of juveniles who have broken the law and been given non-custodial sentences - suspended or involving compulsory educational measures. These programmes are drawn up in departments responsible for juvenile affairs of the Ministry of Internal Affairs working with these juveniles (Instructions on the organization of work of departments concerned with juvenile affairs in agencies of the Ministry of Internal Affairs, art. 39) and in special educational establishments where they live and study (see Model regulations for special educational establishments for children with aberrant behaviour). Programmes for young offenders provide for measures to raise their educational level, vocational training for securing employment, etc.

304. The Code of Criminal Procedure (art. 323) and the federal law on fundamentals of the system of prevention of neglect and juvenile crime (art. 30) make provision for the possibility of a complaint and retrial (consideration of documents) where juveniles have been sentenced to criminal punishment or compulsory educational measures. The Code of Criminal Procedure increases the number of procedures for retrials and introduces, in addition to the appeal and supervision procedures, an appeal procedure for retrials heard by justices of the peace. The competence of judges in retrials of juveniles is ensured through the establishment in the higher courts (oblast, regional and national) of specially constituted court boards. The defence lawyer, the juvenile's legal representative, the juvenile himself and the procurator take part in the hearing.

### **Organs and institutions**

305. The federal law on magistrates, which bestowed the right to hear cases concerning offences by juveniles carrying a maximum sentence of three years' deprivation of liberty, was adopted in 1998. A substantial proportion of cases involving theft, hooliganism and illegal use of narcotic and psychotropic substances by juveniles now falls within the competence of magistrates. In defence of the interests of juveniles, magistrates also hear cases involving the dissolution of marriages when the spouses have children, recovery of foodstuffs for their maintenance, etc.

306. The advantage of having magistrates hear juvenile cases lies in the fact that they are more accessible to the population, less busy, and more able to handle the facts of the case in greater depth and thus to hand down a fairer verdict. The Code of Criminal Procedure lays down shorter trial time periods for magistrates (art. 321).

307. The network of specialized institutions in the system of administration of justice for juveniles was expanded in the period under review. There are 64 educational colonies

operating within the system for the enforcement of criminal punishments of the Ministry of Justice; at the end of 2002, they housed 10,900 young offenders sentenced to deprivation of liberty (against 22,000 in 1999), of which 657 were girls (against 1,300 in 1999). Of these, 68.5 % had a previous criminal record, 5 % having been sentenced to deprivation of liberty and 63 % to non-custodial sentences. The majority of those serving sentences involving deprivation of liberty in educational colonies therefore already had a criminal record.

308. At the beginning of 2002 there were 56 closed special establishments for education and upbringing, or 8 more than in 1997, including 19 special vocational training colleges (4 for girls, 1 mixed) and 37 special general-education schools (2 for girls, 3 mixed), with an intake of more than 4 million, of which about 10 % were female juveniles. Of the inmates of these establishments, 37 % were aged between 11 and 14 and 63 % were adolescents over the age of 14. Eighteen per cent were orphans and children left without parental care.

309. In order to tailor the rehabilitation process to the individual to the maximum extent possible, the number of places in special schools for education and upbringing has been reduced to a current figure of 80-100, compared with 200 in 1990. Class sizes have been reduced to 8-10 pupils, with a consequent rise in the number of educational workers per class (group) of inmates. Posts for educational psychologists, social educators, psychotherapists and specialists in disability have been included in staffing tables.

310. The network of open special establishments for education and upbringing is gradually being expanded. As of 1 January 2002 there were 14 such establishments in the Russian Federation, or 8 more than in 1997, including 2 special vocational training colleges and 12 special general-education schools (2 for girls, 3 mixed), with an intake of 1,739 juveniles aged between 8 and 18. Of these, 16 % were aged between 8 and 14, 84 % were older than 14, almost 40 % (679) were female and 5 % were orphans and children left without parental care.

311. Open special establishments for education and upbringing constitute a new type of educational institution. The legal basis for their operation was established in 1995 following approval of the Model regulations concerning open special establishments for education and upbringing for children and adolescents with aberrant behaviour.

312. An open special establishment for education and upbringing performs the functions of a preventive institution for children and adolescents who persistently break the law, refuse to go to school and experience difficulties in their relations with their parents and peers. Such establishments take in juveniles from the age of 8, enabling them to start rehabilitation work with children at an earlier stage. Children and adolescents are accepted on the application of the parents or the adolescent himself if aged over 14 and on the recommendation of a commission for juvenile affairs and the defence of their rights where a commission made up of psychologists, doctors and teachers has given an opinion. Adolescents of both sexes are taught in open special establishments for education and upbringing. Of the 14 establishments in operation, five are reserved for boys and nine are mixed. The number of places in these establishments varies from 40-50 to 600-700, with an average of 120.

313. Open special establishments for education and upbringing may provide boarding facilities or be for day attendance. There are currently seven boarding and seven day-attendance establishments. The boarding establishments permit in-house rehabilitation of

children. Most open special establishments for education and upbringing (town, urban and district) are municipal institutions serving the child population directly at the place of residence.

314. In accordance with article 22 of the Er-Riyadh guidelines, the Ministry of Internal Affairs started training on 1 September 2000 under a special programme of experts in working with juveniles, for agencies of the Ministry of Internal Affairs specializing in jurisprudence. Participants follow a course on juvenile law and after training graduates are sent to serve in juvenile affairs departments of district (oblast) agencies of the Ministry of Internal Affairs and centres for the temporary confinement of juveniles.

315. With the assistance of the UNICEF office in the Russian Federation, the required number of copies of the Collection of International Standards and United Nations Norms in the Sphere of the Administration of Justice for Juveniles have been sent to the Ministry of Internal Affairs and its subordinate bodies for independent study within the system of in-service training. Newsletters, surveys and methodological recommendations are prepared and sent out every year. Eleven such documents, including documents on issues relating to the identification and documentation of cases of cruelty to children, were prepared and sent out in 2000.

316. In accordance with official regulatory instruments, the Ministry of Internal Affairs has also introduced specialization of criminal investigation officers and detectives dealing with juvenile cases. Special studies with these officers form part of advanced vocational training.

317. The vocational training of procurators supervising the legality of investigations in juvenile cases and supporting charges against them in court is organized in a similar manner. Procurators participating in the administration of justice in relation to juveniles undergo systematic training at the Central Institute for the Advanced Training of Officials of the Procurator's Office and its regional centres.

318. So far as the courts are concerned, the Plenum of the Supreme Court of the Russian Federation has declared that "specialization of judges in juvenile affairs implies the need for them to ensure their professional competence through the study and advanced study not only of legal issues but also of pedagogics, sociology and psychology" (resolution of 14 February 2000 on judicial practice in cases of offences by juveniles, para. 11). In implementation of this guidance, special work with judges of juvenile cases is carried out in advanced training institutes. In addition, a number of important educational institutions (for example Rostov State University) are introducing the relevant subjects in curricula.

319. Active work on the formation of the juvenile justice system continued in Russia in the period under review. The main efforts were directed at furthering specialization of investigators and judges concerned with juvenile cases and of workers in non-specialized bodies (investigation departments of agencies of the Ministry of Internal Affairs, judges with general jurisdiction).

320. The State Duma adopted the federal constitutional law on amendments and additions to the federal constitutional law on the judicial system in the Russian Federation on first reading in February 2002. It regulated the establishment of a juvenile court as part of the juvenile justice system.

**2. Children deprived of their liberty, including any form of detention, imprisonment or confinement in a correctional institution (art 37 (b)-(d))**

321. The remand, detention and punishment by deprivation of liberty of juveniles are extreme measures. The general standard is laid down in the Code of Criminal Procedure (art. 108): “detention in custody is used when no other less severe restrictive measure can be applied”. In addition, where juveniles are concerned, the law requires that in imposing a restrictive measure on a juvenile suspected of (charged with) an offence, consideration must be given in every case to placing him under supervision (CCP, art. 423). The implementation of this standard has been the subject of special monitoring. In addition, the law substantially narrows the grounds for using detention in custody for juveniles under the age of 18. Whereas this measure may be imposed on adults even for the commission of an offence of moderate seriousness, in the case of a juvenile preventive detention in custody may be used only when serious or particularly serious offences have been committed (CCP, art.108).

322. Article 88 of the Criminal Code lists six kinds of punishment for juveniles. Two (detention and remand) involve deprivation of liberty and four are alternative punishments not involving deprivation of liberty. In addition, the Criminal Code provides in article 73 for the possibility of conditional deprivation of liberty. Lastly, the Code sets out the judge’s right to sentence a juvenile to compulsory educational measures and absolve him from criminal liability and punishment. There are five kinds of compulsory educational measures. In total, the Criminal Code provides for ten alternative measures in criminal law applicable to juveniles and two kinds of deprivation of liberty. In fact, remand as a form of deprivation of liberty has so far not used in Russia. In 1998 alternative measures of punishment were imposed in 75 % of cases, including suspended and deferred sentences in 73.7 % of cases. The corresponding figures in 2002 were 75.5 % and 74.6 % respectively. Furthermore, courts absolve about 5,000 juveniles from criminal liability and punishment, imposing compulsory educational measures, every year.

323. In the case of juveniles needing shelter the use of deprivation of liberty as a temporary preventive measure under the federal law on fundamentals of the system of prevention of neglect and juvenile crime, adopted in 1999, is strictly limited. These juveniles may be placed in centres for the temporary confinement of juvenile delinquents when they have committed socially dangerous acts up to the age of criminal liability in cases where it is necessary to protect their lives and health and prevent reoffending. Juvenile delinquents may be sent to these centres on the basis of a judicial sentence or judge’s order. The length of stay in such centres is limited to 30 days (above-mentioned law, art. 25). In 2001, 24,400 children were sent to centres for the temporary confinement of juvenile delinquents (compared with 30,000 in 2000 and 54,800 in 1999); of these, 2,300 were orphans.

324. By Presidential Decree No. 904 of 28 July 1998, all establishments for the enforcement of criminal punishment were transferred from the authority of the Ministry of Internal Affairs to that of the Ministry of Justice.

325. Ministry of Justice resolution No. 210 of 29 July 2002 approved the Rules governing the internal regulations of educational colonies in the criminal punishment system, in which the norms of the Punishment Code are listed in detail and privileges are extended. The rules

establish, for example, the right to receive unlimited amounts of parcels, packages and printed matter and lay down improved standards for equipment and supplies, etc. They also regulate the organization of the teaching and educational process and the provision of general education and vocational training. The need to complete general (full) secondary education and vocational training is referred to in part 1, article 139, of the Code of Criminal procedure as the reason for leaving persons who have attained the age of 18 in educational colonies. These rules for the first time establish the right of inmates of educational colonies to take correspondence courses of higher vocational training establishments “on the application of the teaching and education council and with the permission of the head of the educational colony”. The implementation of all these standards is aimed at the creation of the solid bases necessary for the reintegration of persons released from an educational colony and their fulfilment of a useful role in society.

326. Protection of the health and moral development of juveniles who are dealt with in the judicial system includes the immutable requirement that they must be kept separate from adults. This is guaranteed by the Rules governing the internal regulations of criminal confinement establishments, approved by a Ministry of Justice Order of 12 May 2002. Keeping juveniles together with adults is permitted only in exceptional circumstances, when the adults are considered positive and have been charged for the first time with offences that are not serious. However, keeping juveniles in the same room with adults requires the consent of the supervising procurator.

327. Separation of juveniles and adults sentenced to deprivation of liberty is established under article 80 of the Code of Criminal Procedure as a principle in the enforcement of punishment. Departures from this principle occur in exceptional cases when an inmate having attained the age of 18 may be left in an educational colony in order to reinforce the results of correction and because of the need to complete secondary general education. The inmate may remain in the educational colony up to the age of 21 and must be of good behaviour. He may do so by decision of the director of the colony, with the approval of the procurator.

### **3. Sentencing of juveniles, including in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))**

328. The Criminal Code prohibits the application of capital punishment to a convicted juvenile.

329. Under current Russian law, life imprisonment, which is provided for in the Criminal Code as an alternative to capital punishment, may also not be applied to persons committing a crime when under 18 years of age, even if they had attained their majority at the time of sentencing by the court.

### **4. Physical and psychological recovery and social integration (art. 39)**

330. The federal law on basic guarantees of the rights of the child in the Russian Federation of 3 July 1998 gives the court the right to declare measures for the social rehabilitation of a juvenile necessary when he has been absolved of criminal liability or of punishment involving compulsory educational measures and a decision to apply such measures has been taken. If a law-enforcement procedure or action is being performed with the participation or in the

interests of a child who requires educational, psychological, medical or legal help or social rehabilitation, the official carrying it out must, irrespective of the subject-matter of the investigation, notify the competent body of the need to take the measures concerned and request them to inform him of the actions undertaken.

331. The foundations of the necessary conditions for the successful social adjustment and reintegration of a juvenile sentenced to deprivation of liberty are laid down already when the sentence is handed down by the court. In its resolution No. 14 of 12 November 2001 on the practice of designation by the courts of types of correctional establishment, the Plenum of the Supreme Court of the Russian Federation recommended that courts should, where necessary, at the same time as deciding on the sentence issue a ruling (decision) indicating the establishment that will carry out the punishment, and in dealing with the juvenile should take into account the particular features of his personality (level of intellectual and physical development, propensity to consume alcohol or drugs and other characteristics). This makes it possible to tailor corrective work with a convicted juvenile to the individual and to hasten his psychological and social adjustment and reintegration while serving his sentence and after leaving the educational colony.

332. The social and psychological reintegration of convicted juveniles is intended to help him secure the organizational and legal guarantees of his rights and freedoms set out in the law on the enforcement of criminal punishments. The Punishment Code and the Rules governing the internal regulations of educational colonies provide for the right of juvenile inmates of educational colonies to take part in mass cultural and sporting activities, use the library and board games and watch television programmes at the designated time; to take part in inmates' amateur performances; to take leave and to attend short and long meetings in accordance with established standards laid down; to receive letters, parcels and printed matter and to send letters and transfer money in accordance with established procedure; and to use the telephone to talk to parents and other persons who have been authorized by the director of the educational colony.

333. Conditions have been created in all educational colonies for juvenile inmates to receive secondary (full) general education. Basic (full) general education, initial vocational training and vocational training of inmates are provided through the colony's evening classes, vocational and technical college and enterprise. The work of a general education school is organized in every colony, providing instruction in accordance with the model curricula of the Ministry of Education. More than 80 % of juveniles complete their studies and are awarded certificates every year. During deprivation of liberty they are guaranteed the possibility of studying by correspondence course at secondary, special and higher educational establishments, on the application of the teaching and educational council and with the permission of the director of the educational colony.

334. Initial and basic vocational training and labour tuition are provided in order to make it easier for inmates to obtain work and facilitate their social adjustment after serving their sentence in an educational colony. Juveniles are trained in 25 trades in the vocational colleges and enterprises of educational colonies, and they are able to master a second and third speciality.

335. On release from correctional establishments, children up to 16 years of age are sent to their place of residence, accompanied by relatives or other persons or by a worker from the correctional establishment. Juveniles released from places of detention are helped to continue their studies and to find work. These matters are dealt with by the regional employment office and the commission for juveniles and defence of their rights. The federal targeted programme of employment for the period 1998-2000 (extended to 2001) gives priority to young people being released from places of detention in its provisions for the creation of additional employment opportunities for juveniles. In addition to the allocation of financial resources for these purposes, a great deal of work is being done to involve the maximum possible number of interested parties (employers, local authorities, educational bodies, committees on youth affairs, etc.) in this process, to improve the system for the creation and financing of temporary jobs, and to establish specialized agencies for the organization of temporary work for juveniles, making it possible to somewhat alleviate the problems of placing juveniles in temporary work.

336. The federal law on fundamentals of the system for preventing child neglect and juvenile crime highlights socio-educational rehabilitation of juveniles in a socially dangerous situation as one of the basic tasks of efforts to prevent child neglect and juvenile crime. Bodies and institutions in the system of prevention of child neglect and juvenile crime carry out individual preventive work with juveniles: those conditionally released before the end of their sentence or spared punishment because of an amnesty or pardon; those with a deferred punishment or deferred sentence; those convicted of a minor or moderately serious offence and those absolved from criminal punishment by the court and subjected to compulsory educational measures; and those given suspended or non-custodial sentences. This work is done with juveniles released from establishments in the criminal punishment system or returning from closed special establishments for education and upbringing if they permitted infringements of the regime or committed illegal acts while staying at such establishments, or are in a socially dangerous situation after their release and require social assistance and rehabilitation.

337. The law clearly defines the obligations of the various bodies – the agencies of the system of prevention responsible for finding children who have fallen into a difficult situation in life and require State assistance, including juveniles who have served a sentence. By law, commissions for juveniles and the defence of their rights are responsible for assistance in arranging the employment and domestic affairs of juveniles released from establishments of the criminal punishment system or returning from special establishments for education and upbringing, help in determining ways of supporting other juveniles requiring State assistance, and the performance of other functions relating to the social rehabilitation of juveniles. Sub-departments for juvenile affairs in agencies of the Ministry of Internal Affairs carry out individual preventive work in relation to juveniles released from establishments of the criminal punishment system or returning from closed special establishments for education and upbringing. At the same time, social protection, youth affairs and other bodies participate in rehabilitation work for such juveniles, depending on the specific problems encountered by children. The work of specialized institutions in the social protection system – social rehabilitation centres and shelters to which juveniles released from educational colonies can go for assistance, including independently – are of great importance in the integration of juveniles after their release from establishments in the system for education and upbringing. The network of such institutions is constantly being expanded (see sections V I-J of the report).

**C. Child victims of exploitation, including physical and psychological recovery and social integration (art. 39)**

**1. Economic exploitation of children, including child labour (art. 32)**

338. The Russian Federation is a party to ILO conventions No. 29, concerning Forced or Compulsory Labour, and No. 105, concerning Abolition of Forced Labour, as well as ILO conventions Nos. 10, 15, 58, 59, 60, 77, 78, 79, 90, 112 and 138 relating to the labour of children and adolescents.

339. The principle of the prohibition of forced labour is enshrined in the Constitution of the Russian Federation. It is given specific form in article 4 of the new Labour Code and applies to all citizens, including children. The constitutional norm has been supplemented by special legislation relating to children.

340. In accordance with ILO Convention No. 138 concerning Minimum Age for Admission to Employment, the Labour Code has raised the age at which admission to employment is permitted from 15 to 16. A labour agreement may be concluded with a person aged 15 only if he has completed basic general education. The Code retains restrictions aimed at protecting the physical and moral health of juveniles, creating the possibility of juveniles obtaining education, and prohibiting the use of the labour of persons under the age of 18 for work in heavy or dangerous conditions, at night, on days off and public holidays, or work that is prejudicial to the moral development of juveniles.

341. Additional guarantees for workers aged up to 18 in case of dismissal have been maintained in the new Labour Code. Annulment of a labour agreement with a worker under the age of 18 on the initiative of the employer (except when the organization is being closed down) and outside the general procedure is allowed only with the consent of the State labour inspectorate and a commission for juvenile affairs.

342. In order to improve the standards regulating the working conditions of juveniles and to ensure their rights and freedoms, the List of heavy work and work with harmful or dangerous conditions for which persons under the age of 18 may not be used was approved by a Government resolution of 25 February 2000. This list is based on new labour safety standards for juveniles (its foundation is new medical and biological criteria for assessing working conditions) and has been expanded by comparison with the list earlier in force: it contains more than 200 names of jobs in various sectors of the economy. New maximum permissible weights have been approved for persons under the age of 18 lifting and moving heavy objects by hand. These standards were developed in accordance with the Hygienic criteria of admissibility for conditions and types of work for juveniles. They are differentiated by sex and age and established separately for each year of life (14, 15, 16 and 17 years of age), in accordance with the evolution of juveniles' growth and development and the progressive strengthening of the physiological systems in a juvenile's body that ensure his physical fitness for work. See also paragraphs 440, 441, 443, 446, 447 and 448 of the second periodic report.

343. The number of juveniles applying to State employment agencies for assistance in finding jobs rose steadily in the period 2000-2002. There were 1,663,100 juvenile applicants in 2001, and jobs were found for 1,531,400 of them, of which 1,478,900 (96 % of the total) were

temporary jobs. Priority in finding temporary work is given to orphans, children left without parental care and juveniles registered with commissions for juvenile affairs. Participation in the programme is greatest in the spring and summer, when about 90 % of the juveniles finding work during the year are placed in jobs (see also para. 450 of the second periodic report).

344. Agencies of the federal labour inspectorate carry out regular special checks on compliance with labour legislation and the labour protection of juveniles. The necessary measures are taken to eliminate any violations revealed during the checks.

345. Preparations for the ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour are being completed.

346. Current Russian legislation prohibits the following worst forms of child labour: the use of forced labour, child trafficking, recruitment of minors to participate in armed conflicts and involvement of minors in prostitution or illegal activities. The legislation contains a broad range of measures for the protection of juveniles from work which may, by its nature or the conditions in which it is carried out, harm their health, safety or morality.

347. The federal law on amendments and additions to the Criminal Code of the Russian Federation has been drafted and approved by the State Duma on first reading in order to establish a legislative basis for combating the use of children in the production of pornographic material and to protect their moral and ethical development.

## **2. Use of narcotic drugs (art. 33)**

348. The level of recorded drug addiction rose by a factor of 9.6 between 1990 and 1996, and that of harmful use of drugs by a factor of 4. There was a rising trend in drug addiction among juveniles from 1991 to 2000, when it reached its highest level – 84.1 per 100,000 of the juvenile population. In 2001 it fell by 34 % compared with the previous year to 54.9 per 100,000. A growth in the harmful use of drugs among juveniles was recorded until 1998, when it reached its highest level – 178.2 per 100,000 of the juvenile population. It has shown a downward trend since 1999, and the rates of decline have increased: in 1999 the figure fell by 7 %, in 2000 by 8.8 % and in 2001 by 24.4 %. Over the past three years as a whole this indicator has fallen by 35.9 % compared with the 1998 level.

349. The number of crimes committed by juveniles related to the acquisition, possession, transportation or sale of drugs declined by 36.4 % between 1998 and 2001 (from 11,179 in 1998 to 7,105 in 2000).

350. The situation regarding prevention of drug addiction has improved considerably over the past three years. The Presidential Order on measures to strengthen the campaign against the illicit trade in narcotic drugs and psychotropic substances and their abuse was issued on 17 September 1998: it set out measures for the organization of a purposeful anti-drugs campaign and for preventing drug abuse among young people, and for the establishment of Centres for the medico-social rehabilitation of drug addicts, primarily juveniles. A Government Commission has been set up to combat drug abuse and the illicit drug trade. The federal targeted programme on comprehensive measures to combat drug abuse and the

illicit drugs trade has been in force and has been implemented since 1994. In January 2002 it was confirmed for the period 2002-2004. Sufficient funds for this programme began to be available from the end of 2000. Comprehensive territorial programmes for preventing abuse of psychotropic substances and combating illicit dealings in them have been prepared and are being implemented in virtually all regions of Russia.

351. Scientific research has been carried out under the programme to develop and introduce modern means and methods of preventing drug abuse and treating and rehabilitating young addicts, and laboratory equipment for detecting the presence of drugs in the human body has been purchased. Specialized chemical and technological laboratories have been opened in all members of the Russian Federation and specialists are being trained to work in them.

352. A national scientific drug-addiction centre has been set up. New standards have been developed for the staffing of narcological establishments. Assistance in drug-abuse matters is provided to juveniles by 288 drug units for children and adolescents (there were 256 in 1997). In almost every subject of the Russian Federation narcological units or isolation rooms, at which social workers are employed to establish confidential contacts with children and adolescents directly in the family or on the street and to ensure cooperation with militia services, the courts and the local administration, have been opened in adults' departments. About 2000 specialists in various aspects of drug addiction among children and adolescents are being trained in the faculties for the advanced training of doctors of 36 medical institutes, universities and academies. Medico-psychological centres have been set up to provide specialized help to adolescents with addictive behaviour and various forms of drug and substance abuse. Narcological rehabilitation centres (25 per thousand localities) provide services for both adult and juvenile addicts. The number of posts in walk-in clinics for narcologists specializing in addiction among children and adolescents has more than quadrupled, from 179.75 in 1991 to 737.50 in 2001.

353. The level of alcoholism among juveniles in 2001 was 21.9 per 100,000 juveniles. The figure for harmful consumption of alcohol by juveniles in 2001 was 827.6 per 100,000.

354. The Criminal Code establishes liability for encouraging juveniles to become systematic drinkers of spirits (for details see para. 458 of the second period report).

355. The draft Fundamental directions of State social policy to improve the quality of life of children in the Russian Federation up to 2010 (National Action Plan in the interests of children) provides for the following measures to prevent abuse of psychoactive substances among juveniles: improvement of the legislation governing the campaign against the illicit drugs trade, prevention of drug dependency among juveniles and young people, preparation of legislative and other legal instruments governing the discovery, registration, treatment and rehabilitation of juveniles abusing psychoactive substances and suffering from drug addiction, and improvement of the scientific and methodological base, staffing and information technology available to bodies and establishments working to prevent abuse of psychoactive substances among juveniles and young people.

### **3. Sexual exploitation and sexual abuse (art. 34)**

356. The Russian Federation has obligations under the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others of 21 March 1950, to which the former USSR acceded on 11 August 1954. On 12 December 2000 Russia signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. The possibility of signing the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is currently being considered.

357. At the invitation of the Russian Government, the Special Rapporteur of the United Nations Commission on Human Rights on the sale of children, child prostitution and child pornography, Ms. O. Calcetas Santos, visited the Russian Federation from 2 to 11 October 2000. Her visit made it possible to attract greater attention on the part of Russian State bodies and non-governmental organizations to the range of problems falling within her terms of reference.

358. Russian representatives attended the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama from 17-20 December 2001, and the preparatory conference for it, held at Budapest on 20 and 21 November 2001.

359. The Criminal Code establishes personal liability for crimes against the person of a juvenile: rape, sexual relations between a person who has reached the age of 18 and a person who is known to be under the age of 14, and indecent assault on a person who is known to be under the age of 14.

360. The number of sexual crimes recorded in 2001, including indecent assaults by adults against children, fell by a factor of 2.7 in 2001 compared with 1998, from 2,002 in 1998 to 729 in 2001. However, this was partly due to the lowering of the age of sexual inviolability from 16 to 14.

361. The Criminal Code establishes criminal liability for enticing a juvenile into prostitution and for the organization and maintenance of houses of ill repute for the practice of prostitution.

362. The Criminal Code prohibits the illicit production of pornographic materials or objects for the purpose of distribution or advertising. A total of 442 offences in this category were recorded in 2001. The number of cases of the production and distribution of child pornography over the Internet rose sharply.

363. On 27 June 2002 the State Duma adopted the federal law on amendments and additions to the Criminal Code of the Russian Federation on first reading. This law provides for the "age of consent" to be raised from 14 to 16; it also stipulates greater criminal liability for crimes related to the commercial exploitation of children and their use in the pornographic industry and broadens the range of acts against the sexual inviolability of minors that are punishable under criminal law, including the introduction of new elements of crimes. For the first time, the law defines the concepts of prostitution and production of a pornographic nature, including

pornography distributed over telecommunications networks and visual matter of a sexual nature.

#### **4. Sale, trafficking and abduction (art.35)**

364. The Criminal Code establishes criminal liability for the sale of juveniles (purchase and sale of a juvenile or other transactions concerning a juvenile involving his handing over and ownership).

365. Sixteen offences under article 152 of the Criminal Code (sale of juveniles) were recorded in 2001, and 10 in 2002. Depositions were made by 53 victims of the sale of juveniles in connection with the investigation of cases under article 152 of the Criminal Code in 2001 and 2002.

#### **5. Other forms of exploitation (art.36)**

366. The legislation of the Russian Federation protects children against other forms of exploitation prejudicial to their rights and interests, including the protection of housing and property rights. The interest of the child must be taken into consideration in the privatization of a residence. The property interests of the child are taken into consideration when the parents divorce: child maintenance provisions envisage the transfer of a part of the maintenance to the child's own account.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

367. Russian legislation provides for the right of every citizen, including that of the child, to use his or her native language, to national culture and to profess his or her religion (see also para. 469 of the second report).

368. Teaching is available in 38 languages in Russian schools. About 80 national languages are studied as a subject in 9,000 schools. In areas of dense residence of ethnic minorities the number of schools where teaching is in the native language is increasing. For example, there are 47 Armenian, 85 Kazakh and 19 Turkmen schools in Russia. In 2002, in 664 general-education schools in the Northern, Siberian and Far Eastern regions, about 104,000 pupils were studying 23 languages of indigenous peoples whose numbers are small, and teaching was provided in three languages.

369. The Ministry of Education is working to expand the access of indigenous peoples to higher education and vocational training through the creation of universities and opening of branches of higher education establishments in areas of dense population of indigenous peoples. In the Khanty-Mansiisk autonomous region, for example, the Ugorsk State University has been set up and 11 branches of leading Russian higher education establishments have been opened. Eleven such branches have been opened in the Sakha Republic (Yakutiya), eight in the Komi Republic, 17 in the Yamalo-German autonomous region, four in the Chukotsk autonomous region and two in the Aginsk-Buryatsk autonomous region.

370. The federal targeted programme "Children of the North" is an example of the State's special protection measures for children of peoples whose numbers are small. The measures

under this programme affect principally 60,000 children belonging to 30 Northern indigenous peoples whose numbers are small. The main task of the programme is to ensure access to basic social benefits for every child living in a remote area and extreme natural and climatic conditions. Particular attention is being devoted to the introduction of modern educational and health technologies, taking into account the special features of Russia's northern regions.

371. A series of preventive measures is being carried out: provision to children's establishments (schools, hospitals, kindergartens, etc.) of water purification and disinfectant equipment; prevention of vitamin and iodine deficiency among children; setting up and equipment of oral-hygiene surgeries; organization of oral-hygiene house visits; establishment of mobile teams of doctors for preventive examinations of children living in remote areas.

372. The following measures are in place in the sphere of the education and development of children belonging to peoples whose numbers are small or indigenous peoples: the introduction of modern educational technologies and development of remote study; teaching children about traditional sectors and trades, inculcating professional skills, and providing educational establishments with the necessary equipment for this; preparation of educational programmes and teaching aids in the native language for pupils at schools in areas inhabited by indigenous peoples of the North. Artistic and reference works are being published, and books are being provided for school libraries.

373. The spiritual and cultural development of children belonging to peoples whose numbers are small or indigenous peoples is helped by their participation in interregional, all-Russian and national festivals of children's creative work, mass sports competitions and shows.

374. Legislative and organizational measures have been adopted to provide these children with leisure and health facilities in areas with a beneficial climate.

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