



# **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 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

#### **Initial reports of States parties due in 2010**

#### **Russian Federation\***

[20 October 2010]

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

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# **Initial report of the Russian Federation on measures taken to implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

## **I. Introduction**

1. On 25 May 2000, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter referred to as “the Optional Protocol”). In June 2008, the Russian Federation ratified the Optional Protocol (Federal Act No. 101-FZ of 26 June 2008 ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict). On 24 September 2008, the instrument of ratification was deposited with the Secretary-General. Pursuant to article 10 of the Optional Protocol, it entered into force for the Russian Federation one month later.

2. Pursuant to article 8, paragraph 1, of the Optional Protocol, the Russian Federation is submitting its initial report on measures taken to implement the Optional Protocol. The report has been prepared in accordance with the revised guidelines regarding initial reports to be submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/2), which were adopted in 2007. The structure of the report corresponds to the sections and points in the guidelines, where applicable to the Russian Federation.

## **II. General measures of implementation**

3. The initial report of the Russian Federation on measures taken to implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (hereinafter referred to as “the report”) was prepared by the Ministry of Defence of the Russian Federation using data provided by the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Health and Social Development, the Ministry of Education and Science, the Ministry of Sport, Tourism and Youth Policy, the Ministry of Regional Development, the Ministry of Foreign Affairs, the Federal Migration Service, the Supreme Court, the Office of the Procurator-General and other federal bodies, within their sphere of competence, and also the Commissioner for Human Rights in the Russian Federation and the Commissioner for Children’s Rights under the President. The report also uses information and material received from the legislative and executive authorities of the constituent entities of the Russian Federation responsible for the implementation of the Optional Protocol in those constituent entities. Information from national and regional community associations and human rights organizations working to protect civil rights was studied during the preparation of the report. These organizations include the national social foundation Russian Children; the Committee of Soldiers’ Mothers of Russia, a national community organization; the Union of Committees of Soldiers’ Mothers of Russia, an association of community organizations; the Union of Families of Military Personnel of Russia, a national charitable organization; the national community organizations the Council of Parents of Military Personnel, “For a Democratic Alternative Civilian Service”, Mother’s Right, and Citizen and Army; and the human rights movement Resistance. The report reflects the joint work of the authorities of the constituent entities of the Russian Federation, regional community associations and the United Nations Children’s Fund (UNICEF).

4. The Russian Federation has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Federal Act No. 101-FZ of 26 June 2008 ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict). The Optional Protocol takes precedence over national law since, pursuant to article 15, paragraph 4, of the Constitution, international agreements to which the Russian Federation is a party constitute an integral part of its legal system. Where an international agreement to which the Russian Federation is a party establishes rules different from those provided for by domestic law, the rules set out in the international agreement apply. The Optional Protocol was ratified by the Russian Federation pursuant to article 15, paragraphs 1 (b) and 2, of Federal Act No. 101-FZ of 15 July 1995 on international agreements to which the Russian Federation is a party, and in accordance with article 9 of the Optional Protocol. The Constitution establishes the principle of the supremacy of federal acts throughout the territory of the Russian Federation (art. 4, para. 2), which implies precise and firm compliance with and implementation and application of such acts. The Russian Federation ratified the Optional Protocol with the following declaration:

The Russian Federation, in accordance with article 3, paragraph 2, of the Optional Protocol, hereby declares that, under the law of the Russian Federation, citizens who have not attained the age of 18 years may not be conscripted for military service in the armed forces of the Russian Federation. They may not enter into a contract for the performance of military service.

In accordance with the law of the Russian Federation, citizens who have attained the age of 16 years may enrol in military training colleges. On enrolment in such colleges, they acquire the status of conscripts. Russian law guarantees that such citizens enter into a contract for the performance of military service on attaining the age of 18 but not before they have completed their first year of study in the aforementioned colleges.

The Russian Federation has no plans to rescind or amend the content of the above declaration.

5. Pursuant to Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, citizens of the Russian Federation (hereinafter referred to as "citizens") who are males aged 18 to 27 and who are on the military register, or who are not registered but are required to register, and who are not in the reserves (article 22, paragraph 1 (a), of the Act) are subject to call-up for military service.

6. The Optional Protocol is implemented by the Ministry of Defence of the Russian Federation, the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Health and Social Development, the Ministry of Sport, Tourism and Youth Policy, the Federal Migration Service, the Russian courts and the procuratorial authorities, within their spheres of competence. The Optional Protocol is implemented at the regional and local levels by specialized entities of the authorities of the constituent entities of the Russian Federation. The civil society institutions in the Russian Federation that have competence for issues relating to the Optional Protocol include the Commissioner for Human Rights, the Commissioner for Children's Rights under the President, the Presidential Council for Promoting the Development of Civil Society Institutions and Human Rights and the Civic Chamber of the Russian Federation. The media also pay attention to these issues. Mechanisms are being established for coordination between State bodies and civil society institutions to carry out periodic reviews of progress in the implementation of the Optional Protocol.

7. The text of the Optional Protocol was officially published in the Compilation of Legislation of the Russian Federation (2009, No. 6, p. 679) and the International

Agreements Bulletin (2009, No. 5, pp. 10–15), and also on the websites of non-governmental community associations. In 2001, the Minister of Defence approved a manual on international humanitarian law for the armed forces of the Russian Federation, which contains a chapter on taking account of the rules of international humanitarian law in the organization and conduct of military operations; a chapter on application of the rules of international humanitarian law during military operations conducted by air and naval forces; a chapter on the duties of the assistant commander of a force (military unit) with regard to legal work on ensuring compliance with the rules of international humanitarian law; and a chapter on study of the rules of international humanitarian law. In 2010, study of the provisions of the Optional Protocol was incorporated into the official military training system for staff of the Ministry of Internal Affairs. More than 40 higher education institutions providing vocational training have introduced a new specialism — life safety — and the qualification of life safety teacher. The provisions of the Optional Protocol have been widely publicized in the media, including among parents, teachers, relevant expert groups, law enforcement and migration service officers, legislators, judges, social workers, journalists and other civil society representatives, at specially organized conferences, workshops, round tables, public forums and public hearings regarding the Optional Protocol.

8. Pursuant to article 34, paragraph 2, of the Federal Military Conscription and Military Service Act, citizens may enter into their first military service contract between the ages of 18 and 40. This rules out the possibility of voluntary recruitment into military service in the Russian Federation by citizens who have not attained the age of 18 years.

9. The Russian Federation currently has no registered specialized national human rights institutions whose immediate objective is to oversee the implementation of the Optional Protocol. However, in practice these functions are carried out by a substantial number of registered independent national and regional community associations and human rights organizations involved in protecting the rights of citizens, including children and adolescents under the age of 18. These include the national social foundation Russian Children; the Committee of Soldiers' Mothers of Russia, a national community organization; the Union of Committees of Soldiers' Mothers of Russia, an association of community organizations; the Union of Families of Military Personnel of Russia, a national charitable organization; the national community organizations the Council of Parents of Military Personnel, "For a Democratic Alternative Civilian Service", Mother's Right, and Citizen and Army; and the human rights movement Resistance.

10. The Constitution of the Russian Federation and the civil, criminal, administrative and other branches of the law include standards for the protection of children's rights. The main provisions of the Convention on the Rights of the Child are also set out in Federal Act No. 124-FZ of 24 July 1998, the Rights of the Child in the Russian Federation (Fundamental Guarantees) Act. There are no factors or difficulties affecting the fulfilment of obligations under the Optional Protocol.

### **III. Prevention**

11. Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, establishes that male citizens are first enrolled on the military register between 1 January and 31 March of the year in which they reach the age of 17 by military enlistment commissions established in municipalities, urban districts and areas within cities of federal importance pursuant to a decision of the most senior official in the constituent entity of the Russian Federation in question (the head of the highest executive State authority of the constituent entity) on the recommendation of the military commissar (art. 9, para. 1). Commissions have the following members: an official of the military commissariat, who

chairs the commission; a representative of the local administration; an expert in professional psychological testing; a secretary; and specialist doctors (art. 9, para. 5). Military enlistment commissions are responsible for organizing medical examinations for citizens, determining whether they are physically fit for military service, conducting professional psychological testing in order to determine whether they are suitable for training in military specialisms and either taking a decision to enrol them on the military register or referring their case to the draft board for consideration of whether they can be enrolled in the reserves, where they have been deemed partially fit for military service, or whether they should be exempted from conscription, where they have been deemed unfit for military service (art. 9, para. 6). A decision to call up citizens for military service may be taken only after they have reached the age of 18 (art. 22, para. 4). A citizen's age and sex are legally significant factors when addressing issues connected with call-up for military service. The following documents are considered authoritative for the purposes of verifying a citizen's age:

(a) At the time of first enrolment on the military register: a Russian passport, a birth certificate and copies thereof (annex No. 12 to the instructions on the preparation and implementation of measures relating to the call-up for military service of citizens of the Russian Federation who are not in the reserves, which were approved by Order No. 400 of the Minister of Defence of 2 October 2007 on measures to implement Government Decision No. 663 of 11 November 2006);

(b) At the time of call-up for military service: a Russian passport (paragraph 41 of the instructions on the preparation and implementation of measures relating to the call-up for military service of citizens of the Russian Federation who are not in the reserves, which were approved by Order No. 400 of the Minister of Defence of 2 October 2007 on measures to implement Government Decision No. 663 of 11 November 2006).

A Russian passport is a document proving citizenship of the Russian Federation (article 10 of Federal Act No. 62-FZ of 31 May 2002, the Citizenship of the Russian Federation Act). The primary document establishing a citizen's date of birth and sex is the medical record of birth (form No. 103/u-08), approved by Ministry of Health and Social Development Order No. 782n of 26 December 2008. A citizen's birth certificate must also contain his or her date of birth and sex (form approved by Government Decision No. 709 of 6 July 1998 on measures to implement the Federal Civil Status Instruments Act), which, pursuant to article 8 of Federal Act No. 143-FZ of 15 November 1997, the Civil Status Instruments Act, is issued by a civil registration office. In implementation of Presidential Decree No. 232 of 13 March 1997 on the basic document proving the identity of a citizen of the Russian Federation within the territory of the Russian Federation, Government Decision No. 828 of 8 July 1997 approving the regulations on the passport of citizens of the Russian Federation and the model form and description of the passport of citizens of the Russian Federation was published; it establishes that a Russian citizen's passport is the basic document that proves his or her identity within the territory of the Russian Federation. All Russian citizens aged 14 or over who live within the territory of the Russian Federation are obliged to have a passport. A passport contains the following information on a citizen's identity: surname, first name, patronymic, sex, date of birth and place of birth. Pursuant to Federal Act No. 31-FZ of 26 February 1997, the Mobilization and Preparation for Mobilization in the Russian Federation Act, citizens are called up for military service upon mobilization in accordance with federal acts (art. 17, para. 1). Article 22, paragraph 3, of Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, provides that citizens are called up for military service on the basis of presidential decrees. Under article 4, paragraph 2.18, of Federal Act No. 61-FZ of 31 May 1996, the Defence Act, the President issues decrees on the call-up of Russian citizens for military service and military training (stating the number of citizens called up and their distribution among the armed forces of the Russian Federation, other troops, military units and bodies) in accordance with the

procedure established by the Federal Military Conscription and Military Service Act, which provides that male citizens who have reached the age of 18 are subject to call-up for military service.

12. In the Russian Federation, individuals under the age of 18 may attend higher military training colleges; this is in full conformity with article 3, paragraph 5, of the Optional Protocol.

13. Citizens who have not performed military service and are aged 16 to 22 are entitled to enrol in higher military training colleges (article 35, paragraph 1, of Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act). Article 11, paragraph 2, of Act No. 3266-1 of 10 July 1992, the Education Act, provides that only the Government of the Russian Federation may found educational institutions of any kind where military vocational courses are taught (hereinafter referred to as “military training colleges”). In implementation of article 12, paragraph 5.2, of the Education Act, the model regulations on higher military training colleges (hereinafter referred to as “the model regulations”) were approved pursuant to Government Decision No. 82 of 31 January 2009; under paragraph 2 of the model regulations, a federal agency where military service may be performed under federal law exercises the authority of a founder of a higher military training college. Federal Act No. 76-FZ of 27 May 1998, the Status of Military Personnel Act, provides that the list of military training colleges is approved by the Government (art. 19, para. 1). Pursuant to Government Order No. 1951-r of 24 December 2008, with a view to improving the system of training experts and optimizing the network of military training colleges, it is planned that the Ministry of Defence will operate 10 military training colleges. Other federal executive agencies where military service may be performed under federal law currently operate eight military training colleges (Government Order No. 1404-r of 4 November 2004). Military training colleges conduct vocational training programmes and issue those who have passed the final State examination with standard State documents stating their level of education and qualification. The procedure for developing and implementing vocational training programmes for military training colleges is established by the Government. Military training at armed forces colleges does not account for more than 33 per cent of the total number of teaching hours. On average, training lasts five years. The federal State educational standards in force in the Russian Federation constitute a set of requirements for the basic curricula provided by State-accredited educational institutions at the general primary, general basic, general secondary (full), initial vocational, secondary vocational and higher vocational levels of education (article 7, paragraph 1, of Act No. 3266-1, the Education Act, of 10 July 1992). The model regulations on higher military training colleges, approved pursuant to Government Decision No. 82 of 31 January 2009, provide that the basic curriculum for higher vocational or secondary vocational education is developed on the basis of the relevant federal State educational standard and includes:

(a) Skill standards for the military vocational (special) training of graduates, which are established by a federal agency and supplement the relevant federal State educational standard;

(b) The syllabus, academic programmes (courses, subjects and modules) and other material for ensuring the quality of training; programmes for practice and traineeships; and material on methods of using the relevant educational technology.

The academic curriculum is taught by civilian teaching staff, and the military training curriculum is taught by teaching staff drawn from among military personnel who have performed contractual military service. Medical examination of persons under the age of 18 on entry into military training colleges is carried out by medical institutions on the instructions of the military commissariat in the person’s place of residence. On enrolment in military training colleges, students acquire the status of military personnel performing compulsory military service. Students who are under 18 do not enter into contracts for the

performance of military service. The teaching of students in military training colleges is in conformity with articles 28 and 29 of the Convention on the Rights of the Child. The inclusion in the curriculum of humanitarian rules and human rights principles is considered one of the priorities in educating the younger generation in the context of the rule of law and civil society. The subject of human rights has been taught in schools in the Russian Federation for more than 10 years. It is taught as part of social studies, which is a compulsory subject for all school pupils. The subject of human rights is studied in depth as part of an independent optional course entitled "Human Rights" in more than 200 educational institutions in five constituent entities of the Russian Federation. In recent years, the Ministry of Education and Science has developed recommendations for the method of teaching human rights in educational institutions in the Russian Federation and for the teaching of thematic lessons as part of the "Human Rights" course. The relevant measures are multidimensional and include both classroom and extracurricular activities and a system of basic and supplementary education involving not only teachers but also human rights experts. A key priority of vocational training institutions is to ensure discipline in educational institutions in accordance with the principle of respect for the child's human dignity, the development of tolerance and the improvement of pupils' legal awareness and knowledge. The Ministry of Education and Science and the educational institutions that are accountable to it are implementing a sectoral programme for security in educational institutions, which involves equipping them with special protection systems and introducing mechanisms for cooperation with the law enforcement agencies responsible for maintaining law and order and ensuring the safety of pupils. Significant attention in the programme is paid to improving the teaching of basic safety during pupils' study, work and leisure time. With regard to maintaining law and order and military discipline, the leadership and teaching staff are guided by the requirements of the disciplinary statutes of the armed forces of the Russian Federation, which were approved pursuant to Presidential Decree No. 1495 of 10 November 2007. Corporal punishment and other cruel or degrading forms of punishment are not permitted or used. The rights of citizens on admission to military training colleges may not be restricted on social, racial, ethnic, linguistic or religious grounds. A number of military training colleges have female students. As at 1 January 2010, the number of students under the age of 18 was 2,586, of whom 2,284 were male and 302 were female. A total of 824 were from the central federal area, 558 from the southern federal area, 380 from the Volga federal area, 330 from the north-western federal area, 134 from the Ural federal area, 169 from the far eastern federal area, 175 from the Siberian federal area and 16 from the North Caucasus federal area. The number of people from urban and rural areas who enrolled in military training colleges was 1,745 and 841 respectively. In terms of social origin, most students came from the families of civil servants, workers and military personnel (774, 755 and 667 respectively); with regard to ethnic origin, they represented 40 ethnic groups within the Russian Federation. Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, provides that citizens who have not performed military service acquire the status of military personnel performing compulsory military service on enrolment in a military training college and enter into a contract to perform military service on reaching the age of 18 but not before they have completed their first year of study (art. 35, para. 2). Citizens enrolled in military training colleges are designated as students (article 11, paragraph 7, of the regulations on the procedure for the performance of military service, approved pursuant to Presidential Decree No. 1237 of 16 September 1999 on issues relating to the performance of military service). Students at military training colleges are entitled to leave such colleges and not to pursue a military career. Pursuant to article 35, paragraph 4, of Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, students who have not yet reached the age of 18 may be expelled from a military training college for misconduct, underachievement or a lack of desire to study, or if they refuse to enter into a contract for the performance of military service. However, male students under the age of



18 who have been expelled from military training colleges are subject to enrolment on the military register and call-up for military service in accordance with the usual procedure. In such cases, the duration of their military service while studying at the military training college is taken into account when calculating the duration of their compulsory military service: two days of service at the military training college count for one day of compulsory military service. The existing Suvorov military schools, Nakhimov naval schools, military music schools and naval cadet corps in the Russian Federation are federal State educational institutions and provide education in accordance with the basic general-education curricula for general basic and general secondary (full) education and the supplementary curricula designed to provide their students who are minors with military training and to prepare them for military training colleges (model regulations on Suvorov military schools, Nakhimov naval schools, military music schools and naval cadet corps, approved pursuant to Government Decision No. 328 of 30 April 2008).

14. Students in these institutions who are minors are not military personnel. Students in military training colleges have access to independent complaint mechanisms, as follows: they may approach the leadership of the institution in person; the officials to whom the institution is accountable in person, in writing or by telephone; the senior officials of the military administration authorities in person, in writing or by telephone; the Ministry of Defence in person or in writing; the military procurator's office in person or in writing; and the military courts in person, in writing or through an attorney. Under Russian law, there are no restrictions on judicial remedies for persons under the age of 18 in respect of unlawful acts by draft boards or by the military administration authorities with regard to students at military training colleges. Such persons are entitled to challenge in court any acts or decisions of these bodies that violate their rights and freedoms.

15. The procedure for protecting the rights of children in difficulty is governed by article 15 of Federal Act No. 124-FZ of 24 July 1998, the Rights of the Child in the Russian Federation (Fundamental Guarantees) Act. The protection of children in difficulty and improvement of their situation are the objectives of the Children and the Family subprogramme of the Children of Russia targeted federal programme for 2007–2010, which was approved pursuant to Government Decision No. 172 of 21 March 2007. The subprogramme includes three components connected with the specific problems of different categories of children: (a) prevention of child neglect and juvenile delinquency; (b) families with children with disabilities; and (c) orphans. The prevention of child neglect and juvenile delinquency includes such tasks as the development of means of preventing social problems among families with children; protection of the rights and interests of children; strengthening of the system for prevention of child neglect and juvenile delinquency; the development of innovative technologies and means of preventing child neglect and juvenile delinquency, including in rural areas; the provision of access to social rehabilitation and adaptation for children in difficulty; and the creation of conditions conducive to the creative development, recovery and temporary employment of children in difficulty and children living in Far North districts and comparable localities. Indigenous minorities have a special place among the Russian population. Their status is determined by the Constitution (art. 69) and by Federal Acts No. 82-FZ of 30 April 1999, the Indigenous Minorities of the Russian Federation (Guarantees of Rights) Act; No. 104-FZ of 20 July 2000, the Communities of Indigenous Minorities of the North, Siberia and the Russian Far East (General Principles of Organization) Act; and No. 49-FZ of 7 May 2001 on the territories of traditional natural resource use by the indigenous minorities of the North, Siberia and the Russian Far East. According to a unified list, 47 indigenous minorities have been identified in the Russian Federation, totalling more than 280,000 people. In connection with ethnic practices, males from indigenous minorities that lead a traditional way of life (commercial hunting, fishing, reindeer breeding, handicrafts, etc.) are entitled to substitute alternative civilian service for military service, provided that they are engaged in established forms of economic activity.

Government Order No. 631-r of 8 May 2009 specifies a list of traditional habitats and a list of types of traditional economic activity carried out by the country's indigenous minorities, which is used by draft boards to guide their decisions on substituting alternative civilian service for compulsory military service.

16. The Ministry of Internal Affairs, together with the relevant federal executive agencies, has organized cooperation with regard to improving the level of protection of medical and educational institutions (including implementation of the decisions of the National Counter-Terrorism Committee of 5 July 2007 concerning the strengthening of efforts to establish a uniform system of ensuring the security of educational and scientific institutions and organizations in the Russian Federation). Units of the Ministry of Internal Affairs provide protection for more than 45,000 educational institutions of various types, and in 2009, 7,343 additional institutions were provided with protection. As part of interdepartmental cooperation, a survey of security in educational institutions and typical deficiencies in provision was submitted to the Ministry of Education and Science in 2010 with a view to organizing efforts to remedy them and adopt appropriate response measures, including in relation to the chiefs of executive authorities responsible for the management of education and the administration of educational institutions. In 2010, the latest security technology began to be introduced, including technology using the Global Navigation Satellite System/Global Positioning System (GLONASS/GPS), to equip vehicles intended for transporting students. Every year, during the period of preparation for the new academic year, the federal executive agencies organize a check of the status of counter-terrorist protection in all types of educational institutions. In 2009, at a joint meeting of the Government Commission for Disaster Management and Fire Safety and the Government Commission for Minors and Their Rights, the issue of ensuring the security of educational institutions was discussed. A catalogue of security equipment compiled by Security, a federal Government agency and scientific research centre of the Ministry of Internal Affairs, has been submitted for use in the implementation of security measures in educational institutions.

17. In general-education schools, efforts are being made to improve the teaching of the subject of basic life safety, including the study of issues relating to the security of the person, society and the State in everyday circumstances and in hazardous situations or natural, man-made or social disasters. The basic life safety syllabus covers the main provisions of Russian law and international agreements to which the Russian Federation is a party, including the Constitution and Federal Acts No. 28-FZ of 12 February 1998, the Civil Defence Act; No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act; No. 76-FZ of 27 May 1998, the Status of Military Personnel Act; No. 113-FZ of 25 July 2002, the Alternative Civilian Service Act; No. 5487-1 of 22 July 1993, the Principles of Public Health Legislation Act; and other laws and regulations relating to security. The Ministry of Education and Science is implementing a programme on attitude development in the education system for 2008–2010. The programme consists of a package of measures for teaching religious and ethnic tolerance to pupils and students of educational institutions at all levels. The manual on international humanitarian law for the armed forces of the Russian Federation, approved by the Minister of Defence on 8 August 2001, contains chapters on taking account of the rules of international humanitarian law in the conduct of military operations. According to data from the Ministry of Justice, as at 1 January 2010, 71 national and international youth and children's associations were registered in the Russian Federation. Their work involves preventing intolerance and extremism among young people, addressing the specific problems of children and young people, and implementing programmes for the establishment of social youth services, the development of children's and young people's entrepreneurship, the identification and support of young talent, ethnic and cultural revival, summer recreation and sport. The Ministry of Sport, Tourism and Youth Policy has established a register of youth and children's associations that receive

State support (Order No. 365 of 5 June 2009). As at 31 December 2009, it included nine organizations: seven national youth associations, one national children's association and one international children's association. UNICEF has conducted a number of information and education campaigns aimed at raising awareness among children, adolescents and the public at large of issues relating to peacebuilding and respect for human diversity. UNICEF provides support for the development of handbooks on peacebuilding and tolerance for children and teachers in general-education schools and further professional training for educators under the educational programme Training for Trainers.

#### **IV. Prohibition and related matters**

18. The Criminal Code of the Russian Federation contains a number of rules aimed at preventing acts relating to unlawful conscription into the armed forces. Specifically, a person's acts or omissions may, in certain circumstances, be criminalized under particular articles of the Criminal Code: article 285 (Abuse of office); article 286 (Exceeding of authority); article 288 (Misappropriation of official powers); article 292 (Forgery by an official); and article 293 (Negligence). Under article 285 (Abuse of office), paragraph 1, of the Criminal Code, the minimum penalty for the use by an official of his or her official powers in a manner prejudicial to official interests, where the act is committed for gain or other personal motives or entails a serious violation of the rights and legal interests of citizens or organizations or of legally protected interests of society or the State is a fine of up to 80,000 roubles or the equivalent of the wages or other income of the convicted person for a period of up to 6 months; the maximum penalty is deprivation of liberty for up to 4 years. Under article 285 (Abuse of office), paragraph 2, of the Criminal Code, the minimum penalty for the same acts committed by a State official of the Russian Federation or of a constituent entity of the Russian Federation, or by the head of a local government body, is a fine of 100,000 to 300,000 roubles or the equivalent of the wages or other income of the convicted person for a period of one to two years; the maximum penalty is deprivation of liberty for up to 7 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Where the acts referred to in article 285 (Abuse of office), paragraphs 1 and 2, of the Criminal Code have serious consequences, article 285, paragraph 3, establishes one penalty: deprivation of liberty for up to 10 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Under article 286 (Exceeding of authority), paragraph 1, of the Criminal Code, the minimum penalty for the commission by an official of acts that clearly exceed the limits of his or her authority and that entail a serious violation of the rights and legal interests of citizens or organizations or of legally protected interests of society or the State is a fine of up to 80,000 roubles or the equivalent of the wages or other income of the convicted person for a period of up to 10 months; the maximum penalty is deprivation of liberty for up to 4 years. Article 286 (Exceeding of authority), paragraph 2, of the Criminal Code establishes liability for the same acts, where they are committed by a State official of the Russian Federation or of a constituent entity of the Russian Federation, or by the head of a local government body; the minimum penalty is a fine of 100,000 to 300,000 roubles or the equivalent of the wages or other income of the convicted person for a period of one to two years, and the maximum penalty is deprivation of liberty for up to 7 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Under article 286 (Exceeding of authority), paragraph 3, of the Criminal Code, the acts referred to in article 286, paragraphs 1 and 2, where committed:

- (a) With the use or threat of use of violence;
- (b) With the use of weapons or special devices; or
- (c) With serious consequences;

are punishable with deprivation of liberty for 3 to 10 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Under article 292 (Forgery by an official), paragraph 1, of the Criminal Code, the minimum penalty for forgery by an official — that is, the insertion into official documents by an official or civil servant, or an employee of a local government body who is not an official, of information that is known to be false, and also the amendment of such documents in a manner that distorts their real content, where these acts are committed for gain or other personal motives — is a fine of up to 80,000 roubles or the equivalent of the wages or other income of the convicted person for a period of up to six months; the maximum penalty is deprivation of liberty for up to 2 years. Under article 292 (Forgery by an official), paragraph 2, of the Criminal Code, the minimum penalty for the same acts, where they entail a serious violation of the rights and legal interests of citizens or organizations or of legally protected interests of society or the State, is a fine of 100,000 to 500,000 roubles or the equivalent of the wages or other income of the convicted person for a period of one to three years; the maximum penalty is deprivation of liberty for up to 4 years with forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Under article 293 (Negligence), paragraph 1, of the Criminal Code, the minimum penalty for negligence — that is, non-performance or inadequate performance by an official of his or her duties as a result of an unconscientious or careless attitude to his or her work, where this causes serious damage or a serious violation of the rights and legal interests of citizens or organizations or of legally protected interests of society or the State — is a fine of up to 120,000 roubles or the equivalent of the wages or other income of the convicted person for a period of up to one year; the maximum penalty is detention for up to 3 months. Under article 293 (Negligence), paragraph 2, of the Criminal Code, the penalty for the same acts, where they cause the death of a person or serious harm to human health through carelessness, is deprivation of liberty for up to 5 years with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Under article 293 (Negligence), paragraph 3, of the Criminal Code, the penalty for acts referred to in the article that cause the death of two or more persons through carelessness is deprivation of liberty for up to 7 years with or without forfeiture of the right to occupy certain posts or to engage in certain activities for up to three years. Pursuant to Federal Act No. 2202-1 of 17 January 1992, the Office of the Procurator Act, the Office of the Procurator of the Russian Federation, with a view to protecting human and civil rights and freedoms and also legally protected interests of society and the State, monitors the observance of human and civil rights and freedoms by federal ministries, State committees, departments and other federal executive agencies, representative (legislative) and executive bodies of the constituent entities of the Russian Federation, local government bodies, military administration authorities, monitoring bodies, their officials, and boards and directors of commercial and non-profit organizations, including with regard to compliance with the law on military conscription and military service. Where violations of Russian law relating to conscription for military service are identified in the course of procuratorial monitoring, appropriate action is taken by procurators to remedy them. Pursuant to article 42, paragraph 2, of the Criminal Code, a person who commits an intentional offence in carrying out an order or instruction that he or she knows to be unlawful is held criminally liable in the usual manner. Criminal liability may not be incurred for failure to carry out an order or instruction known to be unlawful. The general sentencing principles for all crimes referred to in the special section of the Criminal Code are set out in article 60 of the Code. A person found guilty of a crime is justly punished within the limits established by the relevant article of the special section of the Criminal Code, and with account taken of the provisions of the general section of the Code. A more severe punishment is chosen from among those prescribed for the offence committed only where a less severe punishment will not achieve the objectives of punishment. A more severe punishment than those prescribed by the relevant articles of the special section of the Criminal Code for the offence committed may be imposed in the

case of multiple offences and aggregate sentences, in accordance with articles 69 and 70 of the Criminal Code. Grounds for imposing a less severe punishment than that prescribed by the relevant article of the special section of the Criminal Code for the offence committed are set out in article 64 of the Criminal Code. When punishment is imposed, the nature of the offence, the level of threat it poses to the public and the character of the perpetrator, including mitigating and aggravating circumstances, are taken into account, and also how the punishment will affect the reform of the convicted person and the living conditions of his or her family. Pursuant to article 78, paragraph 1, of the Criminal Code, a person is exempted from criminal liability if the following periods have elapsed since the date of commission of the crime:

- Two years following the commission of a minor offence (article 288, article 292, paragraph 1, and article 293, paragraph 1, of the Criminal Code);
- Six years following the commission of an ordinary offence (article 285, paragraph 1, article 286, paragraph 1, article 292, paragraph 2, and article 293, paragraph 2, of the Criminal Code);
- 10 years following the commission of a serious offence (article 285, paragraphs 1 and 2, article 286, paragraphs 1 and 2, and article 293, paragraph 2, of the Criminal Code).

However, the statute of limitations is suspended if the person who committed the offence evades investigation or justice. In such cases, the statute of limitations resumes from the time of arrest or surrender of the person in question. Chapter 21 of the Code of Administrative Offences, entitled “Administrative offences relating to the military register”, provides that heads or other officials of organizations and officials of local government bodies incur administrative liability for failure to meet the requirements of the law relating to the organization of military registration work. With a view to the fulfilment by Russian citizens of their constitutional duty and obligation to defend the homeland, Federal Act No. 53-FZ of 28 March 1998, the Military Conscription and Military Service Act, regulates the procedure and rules for military conscription and military service (art. 4). The procedure for organizing the military registration of citizens who are obliged to be on the military register was established pursuant to Government Decision No. 719 of 27 November 2006 approving the regulations on the military register. The main purpose of the military register is to ensure that the armed forces of the Russian Federation, other troops, military units and bodies are fully staffed with high-quality conscripts in peacetime, in periods of mobilization and martial law, and in wartime. Pursuant to article 30, paragraph 1, of the Criminal Code, the attempted commission of an offence is defined as an intentional action or omission by a person directly aimed at the commission of an offence, where the offence is not completed owing to circumstances beyond the person’s control. Article 66, paragraph 3, of the Criminal Code provides that the term or amount of the penalty for an attempted offence may not exceed three quarters of the maximum term or amount of the most severe penalty prescribed by the relevant article of the special section of the Criminal Code for the completed offence. Under article 32 of the Criminal Code, complicity in an offence is defined as the intentional joint participation of two or more persons in the commission of an intentional offence. Under article 34, paragraph 1, of the Criminal Code, the liability of accomplices in an offence is determined by the actual nature and degree of participation of each accomplice in the commission of the offence. Co-perpetrators are liable under an article of the special section of the Criminal Code for the offence jointly committed by them, without reference to article 33 (types of accomplices in an offence) of the Code. The organizers, instigators or abettors of an offence incur criminal liability under the article that establishes the penalty for the offence committed, read in conjunction with article 33 of the Criminal Code, except in cases where they were simultaneously co-perpetrators of the offence. A person who is not the perpetrator of an offence, as specifically referred to in the

relevant article of the special section of the Criminal Code, but who has participated in the commission of the offence referred to in such article, incurs criminal liability for the offence as an organizer, instigator or abettor. Where the perpetrator does not complete the offence owing to circumstances beyond his or her control, the remaining accomplices incur criminal liability for planning the offence or attempting to commit the offence. A person who, owing to circumstances beyond his or her control, did not succeed in inducing others to commit the offence, also incurs criminal liability for planning the offence. Russian criminal law defines four types of criminal formations: a group of persons; a group of persons acting by prior conspiracy; an organized group; and a criminal association (criminal organization). The characteristics of each of these are set out in article 35 of the Criminal Code. The commission of an offence by a group of persons, a group of persons acting by prior conspiracy, an organized group or a criminal association (criminal organization) entails a more severe penalty (article 35, paragraph 7, of the Criminal Code). Article 63, paragraph 1 (c), of the Criminal Code provides that the commission of an offence as part of a group of persons, a group of persons acting by prior conspiracy, an organized group or a criminal association (criminal organization) is an aggravating circumstance.

19. Article 4 of the Optional Protocol provides that armed groups that are distinct from the armed forces of a State party are prohibited from recruiting or using in hostilities persons under the age of 18 years. Article 208 of the Criminal Code (organization of an illegal armed group or participation therein) provides for liability for the establishment of an illegal armed group and for the leadership or financing of or participation in such group. Under article 208 (organization of an illegal armed group or participation therein), paragraph 1, of the Criminal Code, the penalty for establishment of an armed group (association, unit, brigade or other group) not envisaged by federal law is deprivation of liberty for 2 to 7 years. Paragraph 2 of the same article provides that participation in an illegal armed group is punishable with restriction of liberty for 3 to 5 years. It also states that a person who voluntarily ceases to participate in an illegal armed group and surrenders his or her weapons is exempted from criminal liability, provided that his or her acts do not constitute any other crime. Article 210 (organization of or participation in a criminal association (criminal organization)), paragraph 1, provides that the establishment of a criminal association (criminal organization) for the purpose of the joint commission of one or more serious or particularly serious offences, or the leadership of such an association (organization) or the structural units thereof, and also the coordination of criminal acts, the establishment of firm relations among different organized groups acting independently, the development of plans and the creation of conditions for the commission of crimes by such groups or the distribution among them of spheres of criminal influence and of the proceeds of crime, committed by a person using his or her influence on members of organized groups, and also participation in a gathering of organizers, leaders or other representatives of organized groups for the purpose of committing at least one of the aforementioned offences, are punishable with deprivation of liberty for 12 to 20 years, with a fine of up to 1 million roubles or the equivalent of the wages or other income of the convicted person for a period of up to five years (maximum penalty), or without such fine (minimum penalty). The maximum penalty for participation in a criminal association (criminal organization) is deprivation of liberty for 5 to 10 years, with a fine of up to 500,000 roubles or the equivalent of the wages or other income of the convicted person for a period of up to three years; the minimum penalty is the same but without the fine. Under article 210 (organization of or participation in a criminal association (criminal organization)), paragraph 3, the acts referred to in paragraphs 1 and 2 of the article, where committed by a person using his or her official position, are punishable with deprivation of liberty for 15 to 20 years, with a fine of up to 1 million roubles or the equivalent of the wages or other income of the convicted person for a period of up to five years (maximum penalty), or without such fine (minimum penalty). Article 210, paragraph 4, provides that the penalty

for the acts referred to in paragraph 1 of the article, where committed by a person who occupies a senior position in the criminal hierarchy, is deprivation of liberty for 15 to 20 years or life imprisonment. As noted, a person who voluntarily ceases to participate in a criminal association (criminal organization) or the structural units thereof or gatherings of organizers, leaders or other representatives of organized groups and who actively assists in the detection or interception of such crimes is exempted from criminal liability, provided that his or her acts do not constitute any other crime. There is a small number of recorded cases of juveniles who have been convicted by the ordinary courts of offences under articles 208 (organization of an illegal armed group or participation therein) and 210 (organization of or participation in a criminal association (criminal organization)) of the Criminal Code. Specifically, in 2006, 14 individuals were convicted under the two articles, 2 in 2007, and 11 in 2008. The offences set out in articles 208–210 of the Criminal Code belong to the categories of ordinary, serious or particularly serious offences. Under article 78, paragraph 1, of the Criminal Code, the statute of limitations for these offences is:

- Six years following the commission of an ordinary offence (article 208, paragraph 2, of the Criminal Code);
- 10 years following the commission of a serious offence (article 208, paragraph 1, and article 210, paragraph 2, of the Criminal Code);
- 15 years following the commission of a particularly serious offence (article 209, paragraphs 1 and 2, and article 210, paragraphs 1, 3 and 4, of the Criminal Code).

The application of the statute of limitations in respect of a person who has committed an offence punishable by the death penalty or life imprisonment is decided by the courts. Where the courts find that such person cannot be exempted from criminal liability even where the statute of limitations has expired, neither the death penalty nor life imprisonment is imposed. The category of offences committed by organized groups or criminal associations (organizations) also includes terrorist offences, liability for which is established in the Criminal Code: articles 205 (terrorist act), 205.1 (abetting a terrorist act), 205.2 (Public incitement to commit a terrorist act or public justification of terrorism), 206 (hostage-taking), 208 (organization of an illegal armed group or participation therein), 211 (hijacking of an aircraft, ship or train), 277 (attempt on the life of a State or public figure), 278 (forcible seizure or retention of power), 279 (armed rebellion) and 360 (attack on internationally protected persons or facilities). The penalties for these offences are the same as those set out in paragraph 18 (g) of this report.

20. The adoption of Federal Act No. 124-FZ of 24 July 1998, the Rights of the Child in the Russian Federation (Fundamental Guarantees) Act, was significant in the formation of ideology and practice relating to the protection of children's rights. A number of federal acts facilitating the establishment of a legal framework for the prevention of social problems among children have been drafted and adopted. They include Federal Act No. 159-FZ of 21 December 1996, the Social Assistance for Orphans and Children Lacking Parental Care (Additional Guarantees) Act; Federal Act No. 195-FZ of 10 December 1995, the Social Services for the Population of the Russian Federation (Fundamentals) Act; Federal Act No. 120-FZ of 24 June 1999, the Prevention of Child Neglect and Juvenile Delinquency (Fundamentals) Act; Federal Act No. 81-FZ of 19 May 1995, the State Benefits for Citizens with Children Act; and Federal Act No. 44-FZ of 16 April 2001, the State Database on Children Lacking Parental Care Act.

21. Russian law contains no provisions that hamper the implementation of the Optional Protocol. There is no need to amend Russian law in order to implement the Optional Protocol.

22. The Russian Federation is a party to Additional Protocols I and II to the Geneva Conventions of 12 August 1949 concerning the protection of victims of armed conflict. The

Russian Federation is not a party to the Rome Statute of the International Criminal Court. The question of acceding to the Rome Statute is being considered by the competent State authorities of the Russian Federation. The country is a party to the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182). The Convention was ratified pursuant to Federal Act No. 23-FZ of 8 February 2003.

23. Russian law does not establish criminal liability of legal entities. A legal entity acquires civil rights and assumes civic obligations through its organs, acting in accordance with the law, other legal instruments and its constituent documents (article 53, paragraph 1, of the Civil Code). In Russian criminal law, an “act” means specific conduct of a human being that poses a threat to the public, carried out in the real world. Through his or her active consciousness and will, a human being, making relevant decisions, is capable of assessing the actual circumstances in which he or she acts and the nature, significance and consequences of his or her actions, and of consciously using certain circumstances to achieve his or her aims and choosing a particular action from the possibilities actually available in a given situation. Consequently, by their nature, legal entities are not capable of carrying out specific acts that pose a threat to the public and that are prohibited by criminal law. The perpetrators of crimes will in all cases be specific natural persons.

24. Under article 12 of the Criminal Code, Russian citizens and stateless persons permanently resident in the Russian Federation who have committed a crime outside the Russian Federation against interests protected under the Criminal Code incur criminal liability under the Code, provided that no court in a foreign State has issued a ruling in respect of such persons regarding the crime in question. Military personnel in Russian military units deployed outside the Russian Federation incur criminal liability under the Criminal Code for crimes committed in the territory of a foreign State, unless otherwise provided in an international agreement to which the Russian Federation is a party.

25. Under article 12, paragraph 3, of the Criminal Code, foreign citizens and stateless persons not permanently resident in the Russian Federation who have committed a crime outside the Russian Federation incur criminal liability under the Criminal Code in cases where the crime is directed against the interests of the Russian Federation or a Russian citizen or stateless person permanently resident in the Russian Federation, and also in cases provided for by an international agreement to which the Russian Federation is a party, provided that such foreign citizens and stateless persons not permanently resident in the Russian Federation have not been convicted in a foreign State and are prosecuted in the Russian Federation. The fulfilment of requests to extradite persons who are in the territory of the Russian Federation is governed by articles 462–468 of the Code of Criminal Procedure. Under article 464 of the Code, extradition is not permitted where:

- The person whose extradition is requested by a foreign State is a citizen of the Russian Federation;
- The person whose extradition is requested by a foreign State has been granted asylum in the Russian Federation because of the possibility of persecution in that State on grounds of race, religion, citizenship, ethnicity, membership of a particular social group or political beliefs;
- A final ruling has been issued in the Russian Federation in respect of the person sought and for the same act, or criminal proceedings have been terminated;
- A criminal case cannot be brought or a ruling executed under Russian law owing to expiry of the statute of limitations or on other legal grounds;



- Pursuant to a ruling of a Russian court that has become final, there are obstacles to extradition of the person in question under the law of the Russian Federation and the international agreements to which it is a party.

Extradition may be refused where:

- The act serving as the ground for an extradition request by a foreign State is not an offence under Russian law;
- The act in connection with which extradition is sought was carried out in the territory of the Russian Federation or against the interests of the Russian Federation outside its territory;
- The person whose extradition is sought is being prosecuted for the same act in the Russian Federation;
- The person whose extradition is sought is the subject of a private prosecution.

26. The Russian Federation cooperates with the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda by complying with requests by the tribunals to provide or verify information on the possible whereabouts of persons accused by the tribunals of committing the most serious crimes under international law, which may be connected, *inter alia*, with the involvement of children in armed conflict. To date there have been no known cases in which persons accused of such acts have been present in the territory of the Russian Federation.

## **V. Protection, recovery and reintegration**

27. There are currently no recorded cases in the Russian Federation of children who have been victims of the practices prohibited under the Optional Protocol.

## **VI. International assistance and cooperation**

28. The Russian Federation is taking steps to strengthen international cooperation for the implementation of the Optional Protocol through joint work with special entities and offices of the United Nations. Representatives of the Russian Federation participate in the work of the Working Group of the Security Council on Children and Armed Conflict. Information on the Russian Federation's cooperation with international tribunals is contained in paragraph 26 of this report.

29. Pursuant to article 6, paragraph 3, of Federal Act No. 114-FZ of 19 July 1998, the Military and Technical Cooperation between the Russian Federation and Foreign States Act, the export of military goods to certain States is prohibited or restricted by presidential decisions with a view to implementing the decisions of the Security Council on measures to maintain or restore international peace and security and also protecting the national interests of the Russian Federation. The practical implementation of the principle is provided for in Presidential Decree No. 235 of 18 February 1993 on the procedure for imposing an embargo on the supply of weapons and military equipment, the provision of military and technical services, the supply of raw materials, other materials and equipment and the transfer of military and dual-use technology to foreign States, including members of the Commonwealth of Independent States (CIS). A Russian delegation took part in the third Biennial Meeting of States to Consider the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (New York, 14–18 July 2008).

30. The Russian Federation cooperates with the Office of the Special Representative of the Secretary-General for Children in Armed Conflict.

31. The report of the Secretary-General to the Security Council of 26 March 2009 on children and armed conflict (A/63/785-S/2009/158) states, in the section entitled “Developments in Georgia”, that, as a result of the escalation of hostilities in South Ossetia, Georgia, on 7 and 8 August 2008, 38,000 South Ossetians, including 400 children, sought refuge in the Republic of North Ossetia of the Russian Federation.

## **VII. Other legal provisions**

32. The Russian Federation, in implementing the Optional Protocol, takes account of the provisions of international law relating to the prevention of trafficking in persons. Specifically, the Russian Federation has ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. The Convention and the Protocol were ratified pursuant to Federal Act No. 26-FZ of 26 April 2004.

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