



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-fifth session

### Summary record of the 1863rd meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 January 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** *(continued)*

*Combined fourth and fifth periodic reports of the Russian Federation  
(CRC/C/RUS/4-5; CRC/C/RUS/Q/4-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*
2. **Mr. Vovchenko** (Russian Federation), introducing his country's combined fourth and fifth periodic reports on the implementation of the Convention on the Rights of the Child, said that meeting international standards for safeguarding children's rights was a priority for his Government and, therefore, an aim of the National Strategy for Action for Children for 2012–2017. The Strategy focused on enhancing financial support to large families and adoptive parents, curbing violence against children, preventing social orphanhood and providing support for children with disabilities.
3. Reversing the country's population decrease was a matter of strategic importance for his Government. As a result of various measures taken to boost the birth rate, the fertility rate had increased in recent years and currently stood at 1.7 children per woman, while the number of births had risen from 1.4 million in 2006 to 1.9 million in 2012. Steps were also being taken to improve public health in order to boost population growth, and more than 25 per cent of health spending was currently devoted to children's health.
4. An education programme for 2013–2020 had been established with a view to bringing the national system into line with the Convention. The programme was designed to modernize the education system in order to meet the country's changing needs in keeping with the national socioeconomic development strategy. Legislation enacted in 2013 had introduced a number of changes to strengthen the education system, including by increasing wages for teachers. Moreover, his Government was working to refurbish schools and to provide the physical and pedagogical resources needed to offer inclusive education to children with disabilities. The proportion of schools fit for that purpose had risen from 2.5 per cent in 2010 to 5.5 per cent in 2012, and the longer-term goal was to increase that figure to 19 per cent.
5. Measures to support families included new legislation on adoption and foster care, in addition to enhanced financial support for adoptive parents and poor families. A hotline established in 2010 to assist children and parents with psychological issues now operated in all 83 constituent entities of the Russian Federation.
6. The Presidential Commissioner for Children's Rights played a key role in protecting the rights of children. He reported directly to the President and headed a network of ombudsmen that operated throughout the country.
7. Since the Convention could only be successfully implemented in cooperation with civil society and non-governmental organizations, numerous meetings with representatives of NGOs had been held during the preparation of the report. It was expected that such cooperation would continue in future.
8. **Ms. Winter** (Coordinator, Country Task Force) said that it was surprising that the Presidential Commissioner for Children's Rights should be included as a member of the delegation, as she had understood that the ombudsman was supposed to be independent. She trusted that the delegation would provide a satisfactory explanation for his presence. Turning to the State party's report, she observed that while numerous laws relating to children's rights had been enacted in the State party since the submission of its previous report in 2005, the Committee had little information about their impact.

9. **Mr. Gurán** (Country Task Force) invited the delegation to provide a more detailed account of the coordination mechanism for policy on children's rights.
10. He requested information on the implementation of the National Children's Strategy at the regional level, since it would appear that it remained to be implemented in 10 of the constituent entities. Moreover, he asked whether the so-called "anti-juvenile" campaign launched in 2012 signalled a lessening of official support for the Strategy.
11. The activities of NGOs working in the field of children's rights were reportedly restricted in the State party. He invited the delegation to indicate the extent to which such organizations were able to participate actively in the work of the various national and regional bodies that dealt with children's rights.
12. While the establishment of the Office of the Presidential Commissioner for Children's Rights in 2009 had been a positive step, the Committee would like to know the extent to which the Office functioned independently of the Government. How were staff appointed? Did the activities of the Office comply with the Paris Principles relating to the status of national institutions? How easily could children obtain access to the Office? In addition, he requested statistics on the number of complaints received and processed by the Office.
13. Lastly, he asked how the Convention was disseminated and whether measures were in place to inform children and those working with them about its provisions.
14. **Ms. Winter**, echoing the Chairperson's earlier remarks, said that the impact of the numerous laws enacted recently dealing with children's issues remained unclear. For example, while the number of children deprived of liberty had decreased in recent years, it was not clear which legislation had led to that positive development. Furthermore, some new legislation seemed to hamper implementation of the Convention. A new law on tutorship and guardianship made it harder to move children from institutions to alternative forms of care. Similarly, the recently imposed curfew for children reportedly led, on occasion, to their being held for long periods in police stations. She asked whether, in such cases, children were completely separated from adults. What was the maximum period of time for which children could be detained under the new law? Did the State party intend to introduce legislation that defined the best interests of the child in accordance with the definition set out in the Convention?
15. With reference to the "anti-juvenile" campaign, she asked the delegation how, in a secular State such as the Russian Federation, the Orthodox Church was able to influence legislation in areas such as juvenile justice and whether the Government was prepared to address that situation.
16. There was a pressing need for a legal definition of discrimination and for anti-discrimination legislation. She asked why the children of migrant workers were required to leave the country every three months to renew their visas, since doing so was disruptive to their studies and deprived them of crucial social services. She would like to know how the Government was tackling violence against the lesbian, gay, bisexual and transgender community and against people from Central Asia. How many cases of violence against members of those groups had been documented, and what was done to follow up on such incidents?
17. Lastly, she asked the delegation to provide information on the complaint mechanisms in place for children who were victims of violence at home, in school or in care institutions.
18. **Mr. Kotrane** (Country Task Force) said that the State party was to be commended on its adoption of a wide range of laws on the rights of the child and its ratification of a number of international human rights instruments, including two of the Optional Protocols

to the Convention. He wished to know whether it intended to accede to the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure and other relevant international instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As its title suggested, that Convention was of direct relevance to children. Were there plans to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption?

19. He noted with satisfaction that the Supreme Court had directly cited the Convention in a judgement. He would appreciate hearing about precise examples of specific instances in which the Convention had prevailed over national law. Further information was needed on the appointment and independence of children's ombudsmen throughout the country and on how children filed complaints with them.

20. He also requested further information on the number of reported cases of torture and ill-treatment of minors, particularly by the police, and how such cases were handled. What was the State party doing to counteract the rise in hate speech, especially against minority groups?

21. **Ms. Winter** asked whether children had access to free legal assistance and to information on their legal rights. If so, was that information written in a language that children understood?

22. **Ms. Muhamad Shariff** (Country Task Force) noted that torture and ill-treatment of minors by law enforcement agencies had persisted throughout the reporting period. The majority of cases of ill-treatment had occurred while the children concerned had been in police custody. There had also been reports of violations of procedural rights, such as the right to be informed about the reasons for being detained, the right to contact family members and the right to see a lawyer. A number of cases of such violations were described in an alternative report posted on the Committee's website. One such case involved a 15-year-old boy who had died on the way to hospital after having been detained and severely beaten in January 2012. Another concerned two youths having a snowball fight in the courtyard of their apartment house, who had been detained and accused of destruction of property. In December 2011, several minors had been arrested and detained in police custody during a mass protest, including a 14-year-old boy who had not taken part in the event. In many cases, the police had sent information about the arrests to schools, with negative consequences for the children concerned.

23. Reports of the abuse of Roma children, including illegal detention and searches, had been brought to the Committee's attention. Roma children were victims of frequent campaigns against their communities, involving raids by the Federal Migration Service and special police operations that were often accompanied by the destruction of property. For example, in the summer of 2009 a Roma settlement on the outskirts of St. Petersburg had been burned to the ground by unidentified persons in the wake of such an operation. No criminal proceedings had been instituted, according to law enforcement authorities, because the victims had not filed any complaints. Another example concerned a law enforcement campaign against the entire Roma population of Bryansk, which had taken under suspicion of involvement in the disappearance of a 9-month-old girl. Police squads had surrounded, entered and searched Roma homes without warrants. They had used specially trained dogs, which had frightened the children. All the children in the community had been photographed.

24. She asked what steps had been taken to prevent domestic violence and the use of torture and other cruel, inhuman or degrading treatment or punishment against children. The prohibition of corporal punishment in public schools and care institutions should be extended to family and alternative care settings. What measures had the State party adopted

to raise public awareness about the pernicious effects of violence against children? She asked the delegation to provide data on the number of hate crimes involving violence against children.

25. She was concerned by reports of cases in which children had been forcibly separated from their parents. An alternative report had mentioned cases in which Roma mothers who had lacked the necessary identification documents or did not possess Russian passports had been summarily discharged from hospital two to three days after giving birth and prevented from taking their newborn babies with them. The children had then been put up for adoption. Why were newborn babies separated from their parents? There had also been reports that women were required to pay 8,000 roubles for the release of their children from Hospital No. 16 in St. Petersburg, a sum that they often could not afford. Roma children were thus discriminated against and lacked legal status from the very first days of their lives. They also encountered difficulties in obtaining birth certificates, especially in cases where their parents lacked the necessary documents.

26. Lastly, noting that some 75 per cent of children in care institutions were temporarily given up by their parents for various reasons and that most of those children had special educational needs or disabilities, she said that the child protection bodies did not carry out adequate reviews when children were placed in institutions. More information was needed in that regard on the status of legislation governing public inspections of children's institutions.

*The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.*

27. **Mr. Astakhov** (Russian Federation) said that his Government had taken the decision to set up a number of offices of the Commissioner for Children's Rights in 2009 in accordance with the recommendations of the Committee and with the Paris Principles. The decision had not been an easy one, as there had been many factors to consider. It had been unclear whether those offices would be entirely independent but without any governmental authority or would be placed under the authority of the President or the Government, as was the case in Norway, with the power to monitor the work of the Government. The decision had been made to establish the Office of the Presidential Commissioner for Children's Rights in view of the administrative structure of the Russian Federation, which had 83 independent constituent entities. Each of those entities had the authority to determine the status of orphans, establish children's homes and arrange for families to take children in, in addition to other powers involving the rights of the child and the family. When the Office had been established, five children's rights commissioners had worked on a trial basis under the auspices of the United Nations Children's Fund (UNICEF) in five cities. In December 2011, offices of the Commissioner for Children's Rights had been established in all constituent entities of the Russian Federation. In his first year as Presidential Commissioner, he had spent 233 days away from his family in Moscow to visit and monitor various children's institutions throughout the country and follow up on the complaints that had been lodged.

28. Commissioners were responsible for considering and acting on complaints. Specialists from various professions, including family lawyers with considerable direct experience working with children, had been recruited to set up the offices, each of which had a department to consider communications from citizens. Filing a complaint was a straightforward matter and efforts were being made to further improve complaints mechanisms. In 2013 alone, some 4,800 complaints had been submitted by post. There had been more than 1,750 calls from parents, administrators of children's institutions and children to the helplines that had been set up. The Office of the Presidential Commissioner also ran a website on which complaints could be registered easily and which was linked to social networking sites such as Twitter.

29. The Office had a task force that carried out immediate on-site inspections of institutions in response to serious complaints, in cooperation with the procurator's offices and officials from the Ministry of Internal Affairs, the Investigative Committee, the Ministry of Education and others. When the offices had been established, numerous complaints of ill-treatment and violations of children's rights had been lodged and many cases had been prosecuted. In 2009, there had been inspections in 26 constituent entities. By 2013, all constituent entities had been visited and more than 2,500 children's institutions had been monitored. Every pillow, cup and plate had been checked and the personal concerns of the children had been heard to ensure that all their rights were being upheld, including the right to housing, food, health care, education, dignity and other rights protected under the Convention and the Constitution.

30. He had personally been involved in the inspections and interviews with children in 1,110 children's institutions. He had heard children who had complained of threats by the guards at night. He had helped to prevent a girl from being returned to her family, where she faced the risk of torture. He had helped to persuade a girl who had killed another person not to commit suicide.

31. Out of the 83 commissioners, 58 were elected by the local parliaments. Of those, 12 were under the authority of the corresponding Office of the Commissioner for Human Rights. A further 23 were under the authority of the Heads of their constituent entities. However, legislation was currently being considered that would make them independent of the local executive authorities. Two offices, in Magadan Province and the Chukotka Autonomous Area, were run on a voluntary basis. They were entirely independent and without governmental authority. Therefore, every effort was made to help them in their work.

32. Thirty laws had been amended by presidential decree to give the offices the authority to monitor any non-governmental organization or government body in order to clarify situations involving children's rights, to follow up on complaints and to take part in court proceedings. Many institutions had lacked transparency, had developed a criminal subculture or ill-treated children. Legal proceedings had been instituted in cases where children's rights had been violated. As a result of inspections conducted in the first year, 156 persons had been dismissed from their posts, including two regional ministers. In addition, 133 criminal sentences had been handed down.

33. The commissioners met twice a year and a non-governmental association of commissioners of the constituent entities had been set up, over which he had been elected to preside. The fact that all 83 commissioners had expressed their confidence in him was evidence of the independence of the offices. Furthermore, the European Network of Ombudspersons for Children, of which he was a member, had recognized that the offices were in compliance with the Paris Principles.

34. **The Chairperson** asked whether the European Network had the authority to determine whether institutions complied with the Paris Principles.

35. **Mr. Gurán** asked the delegation to explain the nomination procedures for commissioners.

36. **Mr. Astakhov** (Russian Federation) said that 46 of the commissioners elected by local parliaments were chosen by secret ballot from among at least two qualified candidates. There was no limit on the number of qualified candidates who could stand for election. The most qualified candidates were selected, further ensuring the independence of the commissioners. His Government was gradually moving towards a system of independent monitoring. A federal law was currently being developed which would help to reach that goal. Lastly, there were countless non-governmental organizations that worked

directly with the offices to help them to search for missing children and to administer institutions for vulnerable children.

37. **Ms. Winter** said that she would appreciate a list of the eligibility requirements for the post of Commissioner.

38. **The Chairperson** said that the Committee was interested in hearing about cooperation with civil society. It was well aware that the offices cooperated with non-governmental organizations.

39. **Mr. Astakhov** (Russian Federation) said that his Office had councils in which voluntary associations were well represented. In the previous year, more than 430 non-governmental non-profit organizations had taken part in events run by the offices.

40. **Ms. Herczog** (Country Task Force) asked what family support services were available and how many families and children benefited from them. How accessible were those services for especially vulnerable families, in particular persons with disabilities, low-income households and members of the lesbian, gay, bisexual and transgender community? What were the qualifications of family services staff? In view of the large number of children placed in alternative care, she wished to know how many children received the support that they needed to remain at home and whether it was prohibited to place children in alternative care merely because their parents could not afford to maintain a decent standard of living. She asked whether measures were in place to provide quality early childhood education nationwide.

41. She requested additional information about violence against children, in particular about current efforts to prevent it. She asked whether there was a national strategy to combat violence against children and whether professionals likely to come into contact with child victims of violence were trained in recognizing the signs and understanding the complexities of domestic violence.

42. Reminding the State party of the Committee's view on baby hatches, she asked what support was available to avoid unwanted pregnancy. She would also like to know whether hospital staff were trained to identify when a child might be at risk of abandonment. Moreover, she asked what the procedure was when a baby was left by someone other than the mother and whether it was possible for mothers who had left their babies in hatches to recover them if they subsequently wished to do so. Lastly, she urged the State party to stop using the expression "social orphan" as it was not only stigmatizing for the children concerned but was often an inaccurate description of their situation.

43. **Ms. Winter** asked how many cases of international child abduction had occurred and in how many cases abducted children had been returned to their families.

44. **Ms. Wijemanne** said that behavioural issues in children were reportedly often misdiagnosed as mental disabilities and the children were placed in institutions. She asked whether efforts were being made to refine diagnoses and to provide support to parents, so that children with behavioural problems could stay in the family home. She would also like to know whether alternatives to institutionalization were being sought and what measures were being taken to curb the overprescription of medication to treat conditions labelled as mental disorders. Moreover, she asked what initiatives were in place to promote inclusive education and to provide special education services for children with disabilities.

45. In view of the high suicide rate among teenagers, she asked what preventive measures were in place and whether life skills were included in school curricula. Furthermore, she wished to know whether teenagers had access to confidential sexual and reproductive health care. She also asked what services were available to children living with HIV/AIDS, whether children born to HIV-positive parents received any support and what measures were being taken regarding the feminization of HIV/AIDS.

46. She wished to know what the compulsory health insurance covered, whether it was contributory and how universal it was. It would be helpful to have a better understanding of the health profile of children in the State party. What were the main health problems faced by the most vulnerable, and how were those problems addressed? With reference to paragraph 163 of the report, she invited the delegation to explain what was meant by “chronic pathologies”. In connection with emergency obstetric care, she asked what facilities were available in rural areas and whether migrants were entitled to such care. Lastly, she asked whether there were regulations on breastfeeding and alternatives to breast milk and whether working mothers were provided with facilities to continue breastfeeding their babies.

47. **Ms. Winter** asked how the Government ensured that children living in arctic regions had adequate nutrition. Turning to other matters, she asked whether the Government planned to set up mother-child units in prisons and, if so, the age up to which children would be allowed to live with their mothers in such units. She would also like to know how children’s right to visit their incarcerated parents was upheld and whether convicted parents were held in prisons within a reasonable distance of their families.

48. **Ms. Wijemanne** asked whether the Government was aware of reports that children with behavioural or emotional problems were being overmedicated and isolated in institutions.

49. **Ms. Winter** asked whether the Government intended to improve the access of migrant children to school and whether reports that it was considering banning such children from attending school altogether were true. What were the new terms and conditions for school enrolment? In addition, she wished to know why Roma children were segregated, why their levels of educational achievement were so low and what steps were being taken to remedy that situation. Referring to information contained in an alternative report, she asked what would make a child “ineducable” and why children identified as such were placed in so-called “mercy rooms”. Lastly, was instruction on human rights provided in schools and, if so, at what level?

50. **Mr. Kotrane** expressed concern about the scant information provided on the treatment of child refugees and asylum seekers and, in particular, on the safeguards in place for unaccompanied children. Accordingly, he asked whether the law provided for the automatic appointment of a guardian to help unaccompanied children through administrative procedures and what was done to ensure the non-refoulement of such children. He wished to know how, and under what conditions, the 125 children referred to in paragraph 232 of the State party’s report had returned to their country of origin and whether they had done so willingly.

51. The Committee also remained concerned about the number of children who continued to live and work in the streets despite the legal prohibitions against doing so. He wished to know whether the Government intended to adopt an action plan that addressed the root causes of children’s vulnerability to economic exploitation. Turning his attention to the disquieting shortfalls in the juvenile justice system, he asked when juvenile courts would be established throughout the State party. In addition, he asked whether children could be sentenced to solitary confinement, and why children were often detained without having committed an offence. Lastly, he would like to know what steps were being taken to ensure that detention was a last resort and what measures were in place for the social rehabilitation of children in conflict with the law.

52. **Ms. Winter** asked whether the State party might consider keeping minors in detention slightly past the age of 18 years in order to enable them to complete their education or training. She would like to know whether children in closed institutions were entitled to free legal assistance.



*Initial report of the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/RUS/OPAC/1; CRC/C/RUS/OPAC/Q/1 and Add.1)*

53. **Mr. Antonov** (Russian Federation), introducing his country's initial report on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, said that the Optional Protocol had been incorporated into national legislation and had precedence in case of conflict. To date, there had been no difficulties with its implementation. Information about the Optional Protocol had been disseminated among children, parents, teachers and others working with or on behalf of children. The Optional Protocol had also been publicized in the mass media and in various social forums. Human rights issues were covered in the school social studies curriculum, as were the Convention and the Optional Protocols.

54. Children should be allowed to grow up in peaceful and secure conditions and should not under any circumstances participate in military activities. While the Constitution required every citizen to take part in the defence of the country, the conscription of minors under the age of 18 was prohibited under the Criminal Code. Young people could enrol in military academies from the age of 16 but could not enlist in the military until they turned 18.

55. A recent fundamental reform of the armed forces had included a review of the entire underlying normative and legislative framework, taking into account the provisions of international treaties to which the Russian Federation was a party, including those of the Convention and the Optional Protocol. Training for military and internal affairs personnel covered the Optional Protocol. To ensure that the system for protecting children, especially in armed conflicts, was based on solid expertise, mechanisms were in place to ensure coordination among State structures, civil society and foreign partners.

56. **Mr. Kotrane** asked what measures were in place to ensure that students enrolled in military academies were not automatically recruited by the armed forces as soon as they turned 18. It was unclear whether the ban on the recruitment of minors applied to private armed groups. Additional information on the criminalization of the use and participation of children in hostilities would be useful. He asked whether the State party planned to adhere to the Rome Statute of the International Criminal Court.

57. **Ms. Herczog**, noting that some military schools were open to children as young as 10, said she would like to know the exact nature of the training that they received and the protective measures that were taken in view of their young age. According to reports, some 5,000 children over 16 years of age attended military schools, where bullying was commonplace. She wished to know why children were enrolled in such establishments at such a young age. Moreover, she asked what efforts were being made to prevent hazing and whether corporal punishment was used in military schools. She invited the delegation to shed light on the policy on the admission of girls to military schools and how they were protected from violence. She also asked why so many cadet recruits came from the child protection system and from particularly vulnerable backgrounds. More generally, she asked what steps the State party was taking to prevent violence against children, such as teaching peaceful means of conflict resolution.

58. **Ms. Winter** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked which courts dealt with cadets who broke ordinary law or military law, whether there were non-military complaints mechanisms for children in military schools and how many complaints and investigations there had been.

59. She asked what assistance was given to child victims of violations covered by the Optional Protocol and whether children who crossed borders into or out of sensitive areas were screened for involvement in armed conflict. If so, she would like to know what the

procedure was, what training border agents received and whether family reunification arrangements were in place. Lastly, it would be interesting to know whether the Government might revise its position on providing weapons to warring factions in the Syrian Arab Republic.

60. **Mr. Vovchenko** (Russian Federation) said that a number of the Committee's concerns were perhaps simply a result of the fact that not all Russian legislation was available in other languages.

*The meeting rose at 6.00 p.m.*