



# 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 1865th meeting

Held at the Palais Wilson, Geneva, on Friday, 24 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 (continued)*  
(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. **Ms. Alekseeva** (Russian Federation), replying to questions posed previously about the detention of children, said that the concept of a curfew did not exist in her country's legislation. Children found outside at night unaccompanied by an adult were taken into police custody to determine whether they required help and, in some cases, whether they might have engaged in criminal behaviour. Under the law, they could be detained for up to 3 hours or, if suspected of having committed an offence, for up to 48 hours.
3. Roma children had been detained in February 2013 at a settlement in the Leningrad region. The Ministry of the Interior had sent officials to investigate reports that children at that settlement were freezing to death outside and had subsequently decided to detain the children in order to check their identity documents. If children had been photographed, it had been because they had no identity documents.
4. The police officer implicated in the death of a 15-year-old youth at a police station in St. Petersburg in January 2012 had been convicted and sentenced to prison. Several of his supervisors had been punished for their involvement in the affair. Since the authorities monitored the activities of law enforcement agencies — for example, police stations were equipped with video cameras — misconduct could not be concealed.
5. **Ms. Muhamad Shariff** (Country Task Force) asked what steps were being taken to prevent such incidents.
6. **Ms. Alekseeva** (Russian Federation) drew the Committee's attention to an annually published review of violations by law enforcement agencies.
7. **Mr. Vovchenko** (Russian Federation) said that all cases mentioned in that review were investigated.
8. **Ms. Baybarina** (Russian Federation), replying to questions on a number of health-related issues, said that in 2013, the Ministry of Health had reviewed the diagnoses of more than 500,000 children, of whom some 89,000 had previously been diagnosed as having developmental delays. A small percentage of those diagnoses had been found to be incorrect. A Ministry of Health working group was running a number of pilot projects on the treatment of autism in children.
9. All citizens of the Russian Federation had mandatory health-care coverage. As of November 2013, some 28 million children, including migrants and other non-citizens, were also covered. All children underwent periodic health examinations. Vaccinations were provided to children free of charge and the coverage rate was 95 per cent. The vaccination schedule had been expanded to include more diseases.
10. By law, emergency care must be provided to all who required it even if they were not covered by a health-care scheme. Health care was typically provided to families in small settlements in remote areas by a resident physician, or by mobile teams.
11. The incidence of suicides among children had decreased by some 50 per cent since 2007; in 2013, there had been 653 cases. Hotlines, regular mental health check-ups for children and the appointment of psychiatrists to school staff had contributed to that decrease.

12. The rate of HIV/AIDS infection among children aged 15 to 17 had remained stable in recent years. As a result of extensive preventive measures, the rate of mother-to-child transmission of the disease had dropped sharply in the past decade.

13. With the assistance of the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), breastfeeding was being promoted throughout the country. In connection with child nutrition, the Ministry of Health had taken measures to increase the amount of protein in the diet of indigenous children living in the country's northern territories.

14. Her Government was taking steps to raise awareness in order to prevent unwanted pregnancies and the abandonment of newborns. While so-called "baby hatches" did not prevent abandonment, they could save the lives of newborn children.

15. **Ms. Herczog** (Country Task Force) said that there were a mere handful of baby hatches in the country. They did not constitute a real solution and their use did not serve children's best interests. She asked whether mothers were able to spend time with their newborn babies in hospital, which could encourage bonding. In view of the fact that there was no way of determining who had deposited an infant in a baby hatch, she asked how the State party tackled the identity issues posed by the use of such facilities.

16. **Ms. Baybarina** (Russian Federation) said that her Government viewed baby hatches as a solution of last resort. New mothers had the opportunity to have their babies with them in hospital. That practice was the norm in most hospitals, unless contraindicated for health reasons. It was for the courts to decide whether a mother could recover a baby who had been left in a hatch.

17. **Ms. Wijemanne** asked whether adolescents had access to confidential sexual health services and whether there were programmes to prevent substance abuse among adolescents. She had received reports that some lesbian, gay, bisexual and transgender teenagers had been treated against their will because their gender identity was perceived as a problem. Were those reports accurate? She would also appreciate information on the support provided to adolescents who changed their gender identity.

18. **Ms. Baybarina** (Russian Federation) said that physicians respected the confidentiality of adolescent patients. Moreover, some clinics provided anonymous treatment. A government programme on substance abuse included preventive measures and provided treatment for children who tested positive for drug use. No patient could be forcibly treated for a condition, as any treatment required the patient's consent or, in the case of minors, parental consent.

19. **Mr. Silyanov** (Russian Federation) said that instruction in languages of the peoples of the Russian Federation other than Russian was offered as an optional subject in schools and did not reduce the time devoted to Russian and other compulsory subjects.

20. With regard to the deinstitutionalization of children, he said that over the past six years the number of children deprived of parental care had decreased significantly, partly as a result of new legislation. A council dealing with child protection issues had been established in the Ministry of Education and Science, whose membership included representatives of a number of NGOs. The Government was considering a draft decree on the placement in foster care of institutionalized orphans and other children deprived of parental care, which had been developed in consultation with an NGO and with civil society. Current public policy provided that children should, whenever possible, grow up in families and that institutionalization should be viewed as a short-term solution until a foster family was found.

21. **The Chairperson** asked whether the draft decree in question also applied to children with disabilities and whether foster families were willing to take in such children.

Referring to a recently instituted prohibition against the adoption of Russian children with disabilities by American citizens, she said that such children appeared not to receive adequate support in their home country.

22. **Mr. Silyanov** (Russian Federation) said that only a small percentage of Russian children adopted abroad had disabilities. The figures for 2010, 2011 and 2012 were 4 per cent, 5 per cent and 7 per cent, respectively.

23. **Mr. Antonov** (Russian Federation) said that most children with disabilities who were adopted went to Russian families. In 2011, a total of 1,250 Russian children with disabilities had been adopted in Russia and 176 had been adopted abroad; the corresponding figures for 2012 were 1,142 and 171. His Government's position on restricting international adoptions was supported by the Council of Europe. Other countries also sometimes blocked or restricted international adoptions.

24. **Mr. Cardona Llorens** asked how many children with disabilities were living outside specialized institutions, as the available statistics appeared to suggest that they were a small minority. In view of the fact that special education teachers appeared to be trained mainly by NGOs, rather than by the State, he requested further information on the situation of children with disabilities, including their schooling.

25. **Mr. Silyanov** (Russian Federation) said that inclusive education had been official only since September 2013; results could not be expected overnight. However, a distance-learning programme had been launched in 2008, benefiting 25,000 students with disabilities. In addition, some 22,000 teachers had been trained to work with children with disabilities, and an 18-billion-ruble plan was under way to retrofit 20 per cent of the country's schools in order to make them accessible.

26. **Mr. Vovchenko** (Russian Federation) said that 6 of the 129 children's institutions in his country accommodated children with physical disabilities. They provided full board, clothing, education and other services. Some 22,500 children, most with severe mental disabilities, were placed in institutions and remained there until they turned 18. Two thirds of those children were either orphans or deprived of parental care, while the remainder had been placed there at the request of their parents. Efforts were made to rehabilitate institutionalized children or to place them with foster families.

*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 (continued) (CRC/C/RUS/OPAC/1; CRC/C/RUS/OPAC/Q/1 and Add.1)*

27. **Mr. Antonov** (Russian Federation) said that children's rights were enshrined in the law and minors were banned from participating in armed conflict, irrespective of differences between the legal systems of the constituent entities and the federal legal system. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been published in bulletins and on NGO websites and disseminated to teachers and other professionals who worked with children. Moreover, the provisions of the Optional Protocol were part of the curriculum. Students at military schools received training in international humanitarian and human rights law, including the Convention and the Optional Protocol.

28. **Mr. Filatov** (Russian Federation) said that there were 17 different types of military educational establishments in his country, including the Nakhimov Naval School and the Suvorov military schools, all of which were covered under the Education Act. There was one cadet school for girls. On 1 January 2014, there had been a total of 8,305 cadets, of whom 755 were girls. Another 1,000 cadets were either orphans or children deprived of parental care. The vocation of those schools was to provide, in addition to the regular

curriculum, an elite education that would prepare patriotic citizens for all areas of public service, including military service. Students enrolled in those schools were not members of the armed forces. They were properly fed and received medical and psychological support. Minors were free to leave military school at any time, but could be called up from the age of 18, as could any other citizen. Hazing incidents in military schools were rare. They were considered as hooliganism and were the result of poor upbringing prior to admission. Minors enrolled in military schools who committed an offence were not subject to martial law but were referred to the ordinary juvenile justice system.

29. **Ms. Herczog**, supported by **Ms. Winter** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict), asked, specifically, whether or not children in military schools were trained to use weapons.

30. **Mr. Filatov** (Russian Federation) replied that the military school curriculum complied fully with federal standards and did not differ substantially from the mainstream curriculum. Students wore military uniforms and studied the basics of military service, including how to dismantle and reassemble weapons. Corporal punishment was not permitted as a method of discipline in any type of educational establishment. Moreover, parents were entitled to challenge disciplinary measures.

31. **Mr. Astakhov** (Russian Federation) said that, since its establishment, the Office of the Presidential Commissioner for Children's Rights had received 55 communications from 14 constituent entities, mostly requests for special assistance. Less than half of the complaints received had been filed by parents or guardians. Complaints were investigated, but were often found to be groundless. One investigation in the case of a student suicide had led to criminal proceedings.

*The meeting was suspended at 4.35 p.m. and resumed at 4.45 p.m.*

32. **The Chairperson** invited the delegation to reply to questions raised earlier about bullying in military schools and to indicate, specifically, the efforts being made to prevent it.

33. **Mr. Antonov** (Russian Federation) said that students in military schools had more opportunity to file complaints than other children because they could appeal all the way up the chain of command to the Ministry of Defence. In addition, military schools were subject to regular inspections by the Ministry of Education.

34. **Mr. Filatov** (Russian Federation) said that Federal Act No. 120 of 24 June 1999 provided for the prevention of bullying.

35. The expression "sons of the regiment" referred to orphans or children deprived of parental care aged 14 to 16 who, with the consent of their guardian, were sent to district military schools where they followed the mainstream curriculum. Their treatment was governed by various laws, including a law on child neglect. Although attached to a military unit, they were not enlisted in the armed forces and their unit commander was responsible for their upbringing, well-being and the observance of international human rights standards.

36. **The Chairperson** asked whether "sons of the regiment" received psychosocial support and how many such children were under the responsibility of individual unit commanders.

37. **Mr. Filatov** (Russian Federation) replied that individual commanders were responsible for three to five such children and that, under the law, those children were entitled to full board and to medical and psychological services.

38. **Ms. Alekseeva** (Russian Federation) said that more stringent rules and penalties regarding the involvement of children in armed conflict had been adopted and that there were no non-State armed groups in the North Caucasus or elsewhere in her country.

39. **Mr. Dianov** (Russian Federation) said that between 2004 and 2012, there had been 39 child deaths as a result of armed conflict.

40. **Mr. Astakhov** (Russian Federation) said that preventing the involvement of children in armed conflict required not only legislative measures but, also, an appropriate social and economic environment. In June 2010, a thorough inspection of all children's institutions had been conducted in the republics of the North Caucasus in order to verify who was educating children there, how they were being educated and whether there was any likelihood that they might become involved in hostilities. The inspectors had looked into the leisure activities of children in those republics. Recommendations had been made to improve the education of children, and the institutions concerned had complied in full. The compliance of those in the Chechen Republic, where the impact of partisan warfare and counter-terrorist operations was considerable, was particularly noteworthy.

41. The most effective way of preventing the involvement of children in armed conflict was by providing employment opportunities for parents and engaging children fully in educational activities, sport and creative endeavours. In the Chechen Republic, for example, the unemployment rate had fallen from 95 per cent to 20 per cent over the past five years. All children in the Republic attended school and all, without exception, were engaged in sporting or artistic activities such as dance. In recent years, 57 new sporting facilities had been opened there, and all were free of charge. Moreover, vaccination coverage among children had improved throughout the republics of the North Caucasus.

42. **Mr. Antonov** (Russian Federation), in reply to an earlier question, said that unfortunately, children who dropped out of mainstream schools did not receive a military or any other kind of education.

43. **Ms. Mitrofanova** (Russian Federation) said that there were no reported cases in which unaccompanied children who had sought asylum in the Russian Federation had been involved in armed conflict. Unaccompanied minors seeking asylum were transferred by the local border control and Federal Migration Service authorities to the guardianship authorities, where they received psychological and other support. They were asked to reply to a list of questions to determine their identity and status. All interactions with them took place in cooperation with officials from the guardianship and tutorship authorities. The children were kept in guardianship institutions; under no circumstances were they placed in special detention centres. The possibility of their involvement in armed conflict was investigated without fail. Under the relevant laws on refugees, unaccompanied minors had the right to have a guardian or tutor who defended their legitimate interests. Persons recognized as refugees were entitled to social and other support established by law. Unaccompanied children seeking asylum were entitled to the same free education as Russian citizens.

44. **The Chairperson** asked whether the questionnaire used to determine the identity of unaccompanied children included a question about their possible involvement in armed conflict.

45. **Ms. Mitrofanova** (Russian Federation) said that a questionnaire was handed out and a personal interview was conducted in the presence of the guardianship and tutorship authorities. An interpreter was provided if needed. The questionnaire included questions as to how the minors had crossed the borders and what documents they had used to do so. Any possible witnesses were also interviewed.

46. **Ms. Winter** asked what steps were taken to reunify unaccompanied minors with their families.

47. **Mr. Kotrane** asked the delegation to shed light on the situation of the 125 children who, according to the State party's report on implementation of the Convention, had been

returned to their country of origin under an agreement on cooperation between members of the Commonwealth of Independent States (CIS). Had they returned voluntarily? What measures were taken to ensure that children were not returned to places where they risked exposure to armed conflict or trafficking in persons?

48. **Ms. Mitrofanova** (Russian Federation) said that there had been one case in which unaccompanied minors involved in armed conflict had sought asylum in the Russian Federation. Those minors were currently citizens of the Russian Federation. There had been no further such cases to date. The situation of the 125 children to which Mr. Kotrane had referred did not fall within the scope of the Optional Protocol.

49. **Mr. Astakhov** (Russian Federation) said that the 125 children concerned had come to the Russian Federation unaccompanied. The Government regularly conducted checks on institutions in which such children were accommodated, including shelters or interim custody centres, and held interviews with them. In the event that children who were not citizens of the Russian Federation entered the country unaccompanied by their parents or legal representatives, the Federal Migration Service, the Ministry of Foreign Affairs and others contacted the relevant consulates of the countries of which they were nationals. The children concerned had mostly come from Tajikistan and Uzbekistan. There had been one boy from Senegal who had managed to cross the border. Efforts had been made to find the relatives of the children, either in the Russian Federation or in the child's country of origin. The children had been returned to their families at public expense, accompanied either by consular officials or a legal representative.

50. **Mr. Korneev** (Russian Federation), responding to a question on the recruitment of minors into the armed forces, said that the minimum age for recruitment was 18. There had been no reported cases of under-age recruitment. Recruitment was carried out by boards, with the involvement of local government and health authorities. While there was no specific provision under criminal law against the involvement of a minor in armed conflict, the organization of unlawful armed groups was an offence under the Criminal Code, regardless of whether or not minors were involved.

51. **Mr. Kotrane** said that the Optional Protocol called for a clear ban on the involvement of children in armed conflict.

52. **Ms. Winter** observed that it would require no more than a brief amendment to the law to make such a prohibition clear.

53. **Mr. Korneev** (Russian Federation) said that article 4, paragraph 2, of the Optional Protocol, concerning the adoption of legal measures to prohibit and criminalize the recruitment or use of persons under the age of 18 years in hostilities, had already been incorporated into the Criminal Code under article 359 on mercenary activities. That article stated that the recruitment, training, financing or use of a minor in an armed conflict or hostilities was punishable by deprivation of liberty for a term ranging from 7 to 15 years.

54. **Mr. Antonov** (Russian Federation), replying to a question on the shipment of weapons to the Syrian Arab Republic, said that his Government was in favour of strict controls over all weapons shipments. Two years previously, a new agreement on the arms trade had been under negotiation. The Russian Federation had been critical of the draft agreement because it had not included many basic provisions that could have prevented weapons from being sent to sensitive regions, including areas in which children were used as combatants. He recalled an incident early in the year in which a young Afghan girl had been used in a suicide bomb attempt. In the light of that incident, the question arose as to whether the international community should cease to deliver weapons to the central authorities of Afghanistan, who were making every effort to root out terrorism in that country. Was the involvement of children in armed conflict a reason to cease shipping weapons to a country, even if those weapons would be used to help to stop such practices?

The Russian Federation had always taken international humanitarian law and human rights into account in dealing with arms shipment matters.

55. Turning to a question raised about the Rome Statute, he recalled that the Russian Federation enjoyed observer status at the International Criminal Court and collaborated closely with it. It would continue to consider the possibility of ratifying the Statute.

56. **Ms. Winter** said that she had asked whether the State party would reconsider its position on extradition and extraterritorial issues such as universal jurisdiction. What kinds of assistance did the State party believe would enable it to cooperate further with the International Criminal Court?

57. **Mr. Mezmur** asked how the State party planned to use its position within the Security Council to ensure greater protections against the involvement of children in armed conflict. He noted that the Russian Federation and other members had abstained from voting on Security Council resolution 2068 (2012) concerning the Special Representative of the Secretary-General for Children and Armed Conflict.

58. **Mr. Antonov** (Russian Federation) said that his Government was cooperating with the International Criminal Court. It dealt with many of the same problems as the Court but did so in different frameworks. The provision in the Criminal Code pertaining to mercenary activities was one example of an issue addressed by the Convention that had been dealt with at the national level. What was important was to devise the necessary measures to prevent and prohibit the involvement of children in unlawful armed groups under any circumstances. The means by which the Russian Federation accomplished such an objective in no way contradicted international practice.

59. Turning to the question of arms supplies to the Syrian Arab Republic, he recalled that the Russian Government had proposed that the flow of all such supplies to all parties to the conflict should be stopped. However, it was not the Russian Federation that had blocked a decision to do so. The Russian Federation had a special responsibility under the Charter of the United Nations to maintain international peace and security. It took the issue of the protection of children in armed conflict most seriously and would continue to endeavour to protect them, based on its understanding of international law and taking into account the impact of given decisions on children's lives.

60. **Ms. Mizulina** (Russian Federation), replying to a question on juvenile recidivism, said that between 2009 and 2012 the number of repeat offences had fallen by 32 per cent. The number of offenders had declined from over 11,000 in 2010 to some 7,700 in 2012.

61. **Mr. Vovchenko** (Russian Federation) said that his country was in the process of gaining the recognition of other signatories to the Convention on the Civil Aspects of International Child Abduction. To date, 32 of 90 signatories had recognized the Russian Federation as a signatory. A task force had been established which conducted seminars and made suggestions to the State Duma to facilitate the implementation of that Convention under Russian law. Some 250 applications had been submitted in connection with the transfer of children abroad. There had been no problems with the countries that had recognized the Russian Federation as a signatory. However, there had been some difficulties with States that had not done so, including Egypt and the Syrian Arab Republic. That Convention was of particular importance in view of the large number of Russian citizens married to foreign nationals.

62. **Ms. Winter** said that the information provided by the State party, in particular, the written information on specific legislation, had contributed to the dialogue and would help the Committee to make appropriate recommendations. She trusted that the next report on the Optional Protocol would be submitted in the agreed format. She expressed appreciation for the important work that had been done in promoting the rights of the child.



63. **Mr. Vovchenko** (Russian Federation) said that his delegation had obtained a better understanding of the need for further coordination among the departments responsible for children's welfare and for improved cooperation with non-governmental organizations. The dialogue with the Committee would give fresh impetus to his country's efforts to fulfil its obligations under the Convention.

64. **Mr. Antonov** (Russian Federation) said that his country had taken a deliberate step forward by acceding to the Optional Protocol. By its accession, it had shown its determination to continue to increase efforts to strengthen the protection of children's rights and to make their lives better, richer, more interesting and safer.

*The meeting rose at 6 p.m.*