



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

Periodic reports of States parties due in 1997

Addendum

RUSSIAN FEDERATION* **

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* For the initial report submitted by the Government of the Russian Federation, see CRC/C/3/Add.5; for its consideration by the Committee, see documents CRC/C/SR.62-64.

** The annexes may be consulted in the files of the secretariat.

CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| Introduction | 1 - 4 | 5 |
| I. GENERAL INFORMATION CONCERNING THE RUSSIAN FEDERATION | 5 - 29 | 5 |
| II. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44, para. 6) | 30 - 70 | 10 |
| III. DEFINITION OF THE CHILD (art. 1) | 71 - 73 | 19 |
| IV. GENERAL PRINCIPLES | 74 - 130 | 22 |
| A. Non-discrimination (art. 2) | 74 - 87 | 22 |
| B. Best interests of the child (art. 3) | 88 - 108 | 24 |
| C. The right to life, survival and development (art. 6) | 109 - 117 | 28 |
| D. Respect for the views of the child (art. 12) | 118 - 130 | 30 |
| V. CIVIL RIGHTS AND FREEDOMS | 131 - 162 | 33 |
| A. Name and nationality (art. 7) | 132 - 140 | 33 |
| B. Preservation of identity (art. 8) | 141 | 34 |
| C. Freedom of expression (art. 13) | 142 | 34 |
| D. Freedom of thought, conscience and religion (art. 14) | 143 - 148 | 35 |
| E. Freedom of association and of peaceful assembly (art. 15) | 149 - 151 | 36 |
| F. Protection of privacy (art. 16) | 152 - 155 | 37 |
| G. Access to appropriate information (art. 17) | 156 - 161 | 38 |
| H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a)) | 162 | 39 |

CONTENTS (continued)

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE | 163 - 231 | 39 |
| A. Parental guidance (art. 5) | 163 - 170 | 39 |
| B. Parental responsibilities (art. 18, paras. 1-2) | 171 - 176 | 41 |
| C. Separation from parents (art. 9) | 177 - 188 | 42 |
| D. Family reunification (art. 10) | 189 - 195 | 44 |
| E. Illicit transfer and non-return (art. 11) | 196 | 45 |
| F. Recovery of maintenance for the child (art. 27, para. 4) | 197 - 201 | 45 |
| G. Children deprived of a family environment (art. 20) | 202 - 210 | 47 |
| H. Adoption (art. 21) | 211 - 219 | 48 |
| I. Periodic review of placement (art. 25) | 220 - 223 | 50 |
| J. Abuse and neglect (art. 19), physical and psychological recovery and social reintegration (art. 39) | 224 - 231 | 51 |
| VII. BASIC HEALTH AND WELFARE | 232 - 292 | 53 |
| A. Disabled children (art. 23) | 232 - 245 | 53 |
| B. Health and health services (art. 24) | 246 - 271 | 56 |
| C. Social security and child-care services and facilities (art. 26 and art. 18, para. 3) | 272 - 284 | 63 |
| D. Standard of living (art. 27, paras. 1-3) | 285 - 292 | 66 |
| VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES | 293 - 336 | 68 |
| A. Education, including vocational training and guidance (art. 28) | 293 - 321 | 68 |
| B. Aims of education (art. 29) | 322 - 330 | 75 |
| C. Leisure, recreation and cultural activities (art. 31) | 331 - 336 | 77 |

CONTENTS (continued)

| | | <u>Paragraphs</u> | <u>Page</u> |
|-----|--|-------------------|-------------|
| IX. | SPECIAL PROTECTION MEASURES | 337 - 470 | 79 |
| | A. Children in situations of emergency | 337 - 367 | 79 |
| | B. Children in conflict with the law | 368 - 435 | 86 |
| | C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39) | 436 - 468 | 101 |
| | D. Children belonging to a minority or an indigenous group (art. 30) | 469 - 470 | 108 |

Annexes*

- I. Laws and other regulatory instruments (adopted in the period 1993-1997) implementing provisions of the Convention on the Rights of the Child in the Russian Federation
- II. Statistical data

* The annexes may be consulted in the files of the secretariat.

Introduction

1. The initial report of the Russian Federation on implementation of the Convention on the Rights of the Child was considered on 21-23 January 1993 at the third regular session of the Committee on the Rights of the Child.
2. This report has been prepared pursuant to article 44, paragraph 1 (b), of the Convention in accordance with the general guidelines regarding the form and contents of the periodic reports to be submitted by States parties (CRC/C/58) on the basis of materials supplied by federal ministries and departments whose remit includes the situation of children and ensuring and implementing their rights, information from the authorities of members of the Russian Federation, official statistics, special studies and information from organizations concerned with children's problems.
3. Part I contains general information on the country and its population, the political system and the main trends of changes in the situation of children during the period under review. The rest of the report contains information on the measures adopted by the Russian Federation during the period 1993-1997 in implementation of the Convention on the Rights of the Child in accordance with the international obligations that it has accepted, on the progress achieved, difficulties encountered and further steps planned for future application of the provisions of the Convention.
4. The annexes contain a list of laws and other regulatory instruments of the Russian Federation adopted in implementation of the principles of the Convention on the Rights of the Child since submission of the initial report, and statistical data reflecting the changing situation of children.

I. GENERAL INFORMATION CONCERNING THE RUSSIAN FEDERATION

5. The Russian Federation covers an area of 17,075,400 km². It comprises 21 republics, 6 territories (krai), 49 provinces (oblast), 1 autonomous region, 2 cities with federal status, 10 autonomous areas (avtonomny okrug), 1,092 towns (13 of which have more than 1 million inhabitants), 1,994 urban settlements and 1,869 administrative districts.
6. As of 1 January 1997, the population (currently resident within the Russian Federation) was 147.5 million, of whom 107.8 million (73.1 per cent) were living in urban areas and 39.7 million (26.9 per cent) in rural areas. Of the total population, 69.0 million (46.9 per cent) are male and 78.1 million (53.1 per cent) female. The population of Russia has been declining since 1992 (by 1.2 million between 1992 and 1997). That decline has been through natural causes. Natural population growth was 5.3 per 1,000 in 1996. The natural decline of the population is partly offset by the influx into Russia of migrants coming mainly from States that were republics of the former USSR.
7. The population density (numbers per km²) ranges from 320.8 in Moscow to 0.03 in the Evenki autonomous area.

8. There are 36.7 million children up to 18 years of age in the Russian Federation, which is 25.0 per cent of the total population; 57.3 per cent of the population are of working age (16-59 years in the case of men, 16-54 years in that of women), and 20.7 per cent are of pensionable age. According to the 1989 census data, there were in Russia at that time 23.5 million families with children up to 18 years of age (58 per cent of all families). Of the families with children, 51 per cent had one child, 39 per cent had two and 9.8 per cent had three or more. The returns of the 1994 microcensus reveal an increase to 54 per cent in the proportion of families with one child and a simultaneous reduction in that of families with two children to 37 per cent and of families with three or more children to 9.4 per cent. Families with three or more children are more prevalent in rural areas (18 per cent) than in urban areas (6 per cent). A majority of large families have three children (77 per cent). The number of children per 100 families has reduced during this period from 163 to 160.

9. According to the 1989 census returns, Russia is inhabited by more than 120 nationalities and peoples. There are 120 million Russians (82 per cent of the total). Other nationalities whose numbers exceed 1 million include: Tatars - 5.5 million (3.8 per cent), Ukrainians - 4.4 million (3.0 per cent), Chuvashes - 1.8 million (1.2 per cent), Bashkirs - 1.3 million (0.9 per cent), Belarusians - 1.2 million (0.8 per cent) and Mordvins - 1.1 million (0.7 per cent).

10. The returns of the 1994 microcensus show an increase in the educational level: 857 out of every 1,000 persons aged 15 years or over had received higher education or secondary education (complete or incomplete), as against 806 per 1,000 in the 1989 census. An increase in educational level was noted in nearly all age groups. Some reduction was noted in young people 15-19 years old, among whom the proportion with unfinished higher and secondary (complete and incomplete) education at the time of the microcensus had declined to 91 per cent, as against 95 per cent in 1989.

11. The real volume of the gross domestic product in 1996 was 27 per cent lower than in 1992.

12. In July 1997 the consumer price index was 91.5 times higher than in December 1992: 82.5 times for foodstuffs, 53.1 times for non-food items and 859.9 times for paid communal services. The rate of inflation has been declining since 1996. The proportion of the population with earnings below subsistence level was 21.4 per cent in the first quarter of 1997.

13. In the period January-August 1997 the money income of the most well-off 10 per cent of the population was 12.5 times greater than that of the least well-off 10 per cent. On 1 July 1997 there were 2.3 million registered unemployed, 44.7 per cent of whom had dependent children; 88.3 per cent of the unemployed are in receipt of unemployment benefit. The unemployment figure increased nearly fourfold between January 1993 and July 1997.

14. There were considerable changes in political, economic and social life during the period 1993-1997. A new State system has been created for the Russian Federation. The political structure of the Russian Federation has been shaped in accordance with the Constitution of the Russian Federation

adopted on 12 December 1993. The Russian Federation is a secular democratic federal State subject to the rule of law and with a republican form of Government. State authority is exercised on the basis of separation into Legislature, Executive and Judiciary. State authority is exercised in the Russian Federation by the President of the Russian Federation, who is the head of State, and the Federal Assembly, which is the parliament of the Russian Federation, a bicameral representative and legislative body - the Federation Council and the State Duma. Executive authority is exercised by the Government of the Russian Federation. Judicial authority is exercised through constitutional, civil, administrative and criminal legal proceedings.

15. In the members of the Russian Federation State authority is exercised by the supreme State bodies that they themselves form. Local self-government in urban and rural settlements is recognized and guaranteed in the Russian Federation. The local government authorities independently manage municipal property, draw up, approve and carry out the local budget, set local taxes and charges, maintain public order and decide other matters of local importance. They may also be vested by law with some State powers and shall be provided with the material and financial resources required for the exercise of those powers.

16. The transformation of the economy under way in Russia has encouraged the establishment of a market economy, the active encouragement of a non-State sector and the development of new relations in the labour market.

17. There have been considerable changes in the social sphere, with the introduction of insurance principles in health care, including a combination of compulsory and voluntary medical insurance; broader participation of the non-State sector in the provision of social services in, *inter alia*, health care, education and culture; the provision of a wider range of paid public services, and transformation of the social security system in the light of the changes occurring in the economy and in the social sphere.

18. Social and economic changes have proceeded under crisis conditions marked by declining industrial output, an increasing budget deficit, rising unemployment, a reduction in living standards and an increase in the scale of poverty. The most acutely negative changes were apparent in 1993-1994, when inflation was running at particularly high rates and there was a sharp fall in real incomes.

19. Legal and administrative measures were taken during the period under review, within the limits of the available resources, to protect the rights and interests of children and alleviate the effects of the social crisis upon them. The steps taken led to a reduction in infant mortality (from 19.9 per 1,000 live births in 1993 to 17.4 in 1996) and in juvenile mortality (including mortality in the first five years of life from 24.3 in 1993 to 21.4 in 1996, and in the range 1-14 years from 68.2 in 1993 to 56.3 in 1996 per 100,000 children of the corresponding ages). Immunization coverage against diphtheria, pertussis, poliomyelitis, measles, tuberculosis and other diseases has increased. The network of pre-school establishments and access to them has been successfully maintained on the whole, as has access to free education in ordinary secondary schools and to health care for children. New relief institutions for the alleviation of hardship among

children and families have sprung up and spread dynamically (the number of new institutions of all kinds increased from 107 at the end of 1993 to 2,048 at the end of 1996); new forms of placement in a family setting have been developed for orphans and children deprived of parental care; an extended range of measures to improve the conditions for the social adaptation and rehabilitation of disabled children has been made available; more people are receiving State assistance on various grounds; and more commodities for children, including baby foods, have come on the market, although at considerably increased prices.

20. Advances were made in 1993-1997 in legislation implementing the rights and interests of children in line with the provisions of the Convention on the Rights of the Child. More than 100 pieces of legislation and regulatory instruments concerning the interests of children were adopted, including laws, decrees of the President of the Russian Federation and orders of the Government of the Russian Federation. There was considerable expansion in the activity of official bodies concerned with the family and children at the federal level and in the members of the Russian Federation. Extensive use was made of targeted programmes in dealing with various problems concerning the life of children at the federal, regional and local levels.

21. We should distinguish certain objective factors hindering changes in the situation of children, despite the steps taken. Those factors include the inertia of social processes, the appreciable time lag between the adoption of measures in the interests of children and achieving an effect from them, and the relatively slow formation of new protective arrangements in the social, moral and spiritual spheres as an adequate response to social and economic phenomena, some of them negative, connected with the greater openness of society and the substitution of democratic methods for authoritarian means of government.

22. The serious problems that exist in the Russian Federation in the main areas of the life of children are a cause of concern both for the authorities and for society at large. It is proposed that special efforts be directed towards dealing with them.

23. The rapid transformation of the social structure, taken in conjunction with the economic crisis, has had the result that many people have experienced difficulties for various reasons in adapting to the new social and economic conditions, which is leading in a good many instances to disorganization of the family, increased domestic violence, including violence towards children, deviant behaviour on a wider scale and, in consequence, neglect of children and social orphanhood.

24. Social orphanhood, when children whose parents are still alive are deprived of parental care for various reasons, is a problem causing special concern in Russia at the present time. During the period under review the number of children annually found to be orphans and lacking parental care has increased by nearly 70 per cent (from 67,000 in 1992 to 113,000 in 1996). The number of parents deprived of parental rights has quadrupled, partly in connection with the increasing scale of asocial parental behaviour, partly with a strengthening of the control exercised by the police and more active

defence of the rights of children by the social services. There has been an increase in the number of instances of children being removed from families when life or health have been at risk.

25. The prevention of social orphanhood is coming to be of prime importance in this situation, along with the task of providing effective care for those who are orphaned, including their social and psychological rehabilitation, the provision of guarantees for their education and employment, the provision of accommodation and job placement on completion of schooling. The key factors for the prevention of social orphanhood are the reinforcement of State support for the family, the development of active forms of social protection for families suffering hardship, including various kinds of assistance with employment, and the offering of a wider range of social services to the family with the aim of preventing adult and juvenile asocial behaviour.

26. The last five years have witnessed the adverse spread of such socially dangerous phenomena as drug addiction, alcoholism and crime, including juvenile crime. Although the increase in the number of offences committed by minors peaked in 1993, declined gradually thereafter and in 1996 was 101.2 per cent of the 1992 figure, the statistics for serious crimes were three times worse in 1996 than in 1993, the year when statistical returns on these kinds of crimes were initiated. Precocious alcoholism among adolescents is becoming more prevalent. A quarter of the adolescents registered with the commissions are on their lists as drinkers of spirits. The number of adolescents making non-medical use of narcotics and powerful stupeficients has increased. The number of registered drug addicts and substance abusers in 1996 was 20,200, three times higher than in 1993. If allowance is made for occasional drug users, the real number of users is 10 times greater.

27. Poverty in families with children is a long-term problem. The existence of juvenile dependants in the family has had the effect that the decline in the standard of living of families with children has been greater than in other social and demographic groups. Equally with the generally low recorded levels of household incomes, the emergence of intractable extreme poverty in families with children is a most disturbing factor. In 1996, the money income of 9.6 per cent of households with children did not exceed half the subsistence level and 9.6 per cent of households with children had money incomes below the subsistence level all year round. It is these groups of families that are priority recipients of social care under the regional programmes of social support and of various forms of assistance established at the federal level, which is targeted on families with many children and one-parent families. Given the shortage of resources, measures are being devised to target social assistance more rigorously, so as to provide it only to the families most in need. There are appreciable differences in the standard of living of families with children in urban and rural settings, primarily at the level of money incomes; there are also regional differences in living standards.

28. The combined efforts of all the members of the Russian Federation have been an important factor in making State policy more effective in the interests of children. During the last five years non-governmental organizations have become appreciably more active, but even so their potential is not being fully utilized.

29. The Russian Federation, recognizing the need to move steadily towards fuller implementation of the provisions of the Convention and, on that basis, to improve the situation of children, has largely developed the machinery for practical defence of the rights of children and has adopted a medium-term strategy for operations down to the year 2000. That strategy envisages measures to solve the problems that give the greatest cause for concern. In shaping its policy in the interests of children Russia takes as its starting point the recognition that it is harder to overcome negative trends that have already arisen than to maintain positive trends. In that context great importance is attached to measures of a preventive, precautionary and protective nature, as has been reflected in the National Plan for Children in the Russian Federation down to the year 2000.

II. GENERAL MEASURES OF IMPLEMENTATION

(arts. 4, 42 and 44, para. 6)

30. The USSR ratified the Convention on the Rights of the Child without any reservations. In taking over the obligations of the USSR stemming from participation in the Convention, the Russian Federation also supports the call from the World Conference on Human Rights for those States that made such reservations to consider withdrawing them.

31. In accordance with article 4 of the Convention on the Rights of the Child, legislative, administrative and other measures are being taken in the Russian Federation for implementation of the standards of the Convention. The Constitution of the Russian Federation, adopted in 1993, proclaims that human and civil rights are recognized and guaranteed in the Russian Federation in accordance with the accepted principles and standards of international law. Under the Constitution, motherhood, childhood and the family are protected by the State, which creates the social, economic and legal prerequisites for the normal development, upbringing and education of children. The confirmation of government policy in this area in the new Constitution of the Russian Federation is in line with the international legal instruments in this sphere and, in particular, the Convention on the Rights of the Child.

32. During the review period 1993-1997 there were further developments of Russian legislation guaranteeing the rights and interests of children in conformity with the provisions of the Convention and the concluding observations of the Committee on the Rights of the Child on the initial report of the Russian Federation. The ways and means of protecting the rights of the child have been appreciably expanded in connection with the adoption of the new Civil Code of the Russian Federation (1994), the Family Code of the Russian Federation (1995), the Criminal Code of the Russian Federation (1996) and the Punishment Code (1997).

33. The adoption of the Family Code was of particular importance as a guarantee of the rights of the child in the light of the provisions of the Convention. The principles of legislation on the family have been brought into line with the basic principles and provisions of the Convention. There is a special chapter in the Code entitled "The rights of minors" which, in accordance with the requirements of the Convention, establishes the right to live and be brought up in the family, to protection, freedom of expression,

protection of property rights, and recovery of maintenance, protection of the interests of the child in the case of improper treatment, and protection of the rights and interests of children deprived of parental care. The Code defines the ways in which children deprived of parental care are to be brought up, establishes the procedure for identifying and placing such children, including the legal procedure, and introduces a new institution, foster parents, for the raising of such children in a family environment. The Code is based on respect for parental rights, and on equality of the rights and obligations of the father and the mother.

34. Implementation of the standards of the Convention on the Rights of the Child has been assisted by the adoption of the Russian Federation's law on displaced persons (1995), the federal laws on State grants for persons with children (1995), on education (1996) and on additional guarantees for the social protection of orphans and children deprived of parental care (1996). Special measures for protection of the rights and interests of children are laid down in federal laws adopted during the period covered by the review - fundamentals of the legislation of the Russian Federation on health care (1993), principles of social services in the Russian Federation (1995), the social protection of the disabled (1995), on refugees (1997), and amendments to the Labour Code of the Russian Federation. The adoption of decrees of the President of the Russian Federation on prevention of the neglect of minors, juvenile crime and protection of the rights of minors (1993), on the presidential programme "The Children of Russia" (1994), and on approval of the main lines of State social policy for improvement of the social situation of children in the Russian Federation to the year 2000 (National Action Plan for Children) (1995) is helping to give expression to the rights of the child embodied in the Convention. Orders of the Government of the Russian Federation regarding the action plan for improvement of the situation of the children of the Russian Federation in the period 1995-1997 (1996), approving model regulations for an educational establishment for orphans and children deprived of parental care (1995), on the procedure for the handing over of children who are citizens of the Russian Federation for adoption by citizens of the Russian Federation and by foreign nationals (1995), on foster parents (1996) and on regulations governing concessions for disabled persons and families with disabled children concerning the provision of accommodation, payment of rent and provision of communal services (1996) are some of the provisions adopted in furtherance of the international obligations of the Russian Federation. ¹

35. In addition to the federal laws, the members of the Russian Federation adopt legislation for protection of the rights and interests of children within their territory that take their own special features into account.

36. We are still working to bring national legislation and practice fully into line with the principles and standards of the Convention. An analysis was made in 1995 of the correspondence between Russian legislation and the provisions of the Convention on the Rights of the Child. The results were submitted to the federal legislative and executive bodies. The conclusions testify to the progressive development during the period under review of Russian legislation in accordance with the Convention on the Rights of the

Child. It is noted at the same time in the document that there is a need for further dedicated work to achieve implementation of the provisions of the Convention in Russian law. A similar analysis was made in 1997.

37. The status of the Convention on the Rights of the Child, like that of the other international agreements to which the Russian Federation is a party, is defined by article 15 of the Constitution of the Russian Federation: "Universally acknowledged principles and standards of international law and international treaties of the Russian Federation shall be a part of its legal system". This makes it possible for the standards of international law to be directly applied by the authorities, including the courts. Individuals and corporate bodies concerned may rely directly on the rules of international law in the settlement of disputes between themselves and State bodies, enterprises, establishments and organizations. The provision of the Constitution that acknowledges the priority of the standards of international law for the first time in the history of our country applies to the Convention on the Rights of the Child. This means that should a contradiction be found between an agreement to which the Russian Federation is a party and the law, the rules established by the standards of the international agreement shall be applied. The agreement takes priority over all laws, whether they be federal laws or laws of members of the Russian Federation, adopted before or after conclusion of the agreement.

38. The standards of Russian legislation in the educational sphere do more for implementation of the rights of the child than do the provisions of the Convention. Compulsory free basic general education (nine school years) has been introduced in the Russian Federation, and there is also the guarantee of the general availability of free secondary (complete) education and basic vocational training. These rights are guaranteed by the Constitution of the Russian Federation and by the Russian Federation's Education Act.

39. Before 1993 it was not the practice for the standards of international law to be directly applied in Russia. That practice began to take shape after the adoption of the new Constitution in 1993. The Constitutional Court of the Russian Federation adopted a number of decisions in which reference was made to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. An order of a plenary session of the Supreme Court of the Russian Federation adopted in 1995 gave guidance to the general courts on application of the standards of international law in the examination of specific cases. It remains a matter of some urgency to provide the courts with further clarifications and recommendations on this matter and, in particular, regarding application of the Convention on the Rights of the Child. Russian scholars are researching the theoretical and practical aspects of this problem.

40. During the last five-year period the system of legal means for safeguarding the interests of children has been further developed. Following the adoption of the new Constitution, a new institution, that of Commissioner for Human Rights, was included among the bodies providing such protection. The legislative changes extended the powers of the bodies traditionally responsible for protecting the rights of minors. In particular, the courts have been given wider powers to deal with administrative complaints and the

function of the prosecutor's office and of the commissions on minors is coming to be a priority. The legal representatives of children have been given wider powers and minors themselves have been given more scope for the implementation of their rights (Family Code of the Russian Federation). The changes that have taken place in the legislation (the Family Code, the Civil Code and the Criminal Code of the Russian Federation) have made the system of measures for protection of the rights of children more differentiated and refined.

41. The ordinary means of protection guaranteed by Russian legislation are employed when there are infringements of the rights defined by the Convention. Under the Constitution, everyone is entitled in accordance with the international agreements of the Russian Federation to approach the inter-State bodies for the protection of human rights and freedoms if all available domestic means of legal protection have been exhausted. Measures for defence of the rights of the child are examined more fully in the sections of this report.

42. The main lines of State social policy for improvement of the situation of children in the Russian Federation to the year 2000 (National Action Plan for Children) were approved by decree of the President of the Russian Federation in 1995. The National Action Plan was drafted in accordance with the provisions of the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation. The general aim of State policy in this sphere is stabilization of the situation of children and, in addition, creation of the real prerequisites for positive developments in their support system. The priorities of the main lines document are consolidation of the legal protection of children; support for the family as the natural environment for children; safe motherhood and health protection for children; provision for the upbringing, education and development of children; and support for children in especially difficult situations. This document has become the basis for practical activities to improve the situation of children during the next five years; all problems concerning implementation of the rights of children are in accordance with the proposals and recommendations set out in the concluding observations. The main lines of State family policy, one of the basic principles of which accords priority status to the rights of the child, were approved by decree of the President of the Russian Federation in 1996.

43. Machinery for the formulation and implementation of State social policy concerning the protection and implementation of the rights of children and guaranteeing their survival and development at the national level has been developed in the Russian Federation; the proposals made in the concluding observations were taken into consideration in that process. In accordance with the order of the Government of the Russian Federation concerning implementation of the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children, a Coordinating Committee reporting to the Government of the Russian Federation has been set up for operations connected with the implementation of the Convention. The Committee is headed by the Deputy Chairman of the Government of the Russian Federation with responsibility for social policy. The members of the Committee are the heads of ministries, departments and public organizations concerned. An Interdepartmental Commission on Juvenile Affairs

reporting to the Government of the Russian Federation has been established to coordinate the activity of ministries and departments concerning prevention of neglect of minors, juvenile crime and protection of the rights and legal interests of minors. The Commission is headed by the Deputy Chairman of the Government of the Russian Federation with responsibility for social policy. A Commission on Women, the Family and Demography reporting to the President of the Russian Federation has been established. The State Duma of the Federal Assembly of the Russian Federation has a Committee on Women, the Family and Young People. The Ministry of Labour and Social Development of the Russian Federation has a department dealing with matters relating to the family, women and children. Protection of the rights of children is also a concern of the ministries of education and vocational training, health, and the interior, the State Commission on Juvenile Affairs, the Russian Federal Migrating Service and other departments.

44. In 1997, a federal constitutional law established the post of Commissioner for Human Rights in the Russian Federation to provide guarantees for State protection for civil rights and freedoms, including those of children.

45. A decision of the Government of the Russian Federation has introduced the practice of the preparation and distribution of annual reports on the situation of children in the Russian Federation; reports for 1993, 1994, 1995 and 1996 have been published. These reports, which monitor the situation of children in the Russian Federation, contain an in-depth analysis of the basic indicators and trends of changes in the situation of children, set out recommendations for its improvement and give an account of the implementation of the National Action Plan for Children. The reports are a tool for the assessment of progress at the federal and regional levels on implementation of the rights of children (as recommended in the concluding observations). The State reports on the situation of children in the Russian Federation are published and circulated among the federal authorities and the authorities of the members of the Russian Federation to give them practical assistance in developing and amending measures to deal with children's problems. The reports are also sent to public organizations and associations, including those concerned with children, for coordination of joint efforts for the welfare of children.

46. The social and economic potential of families has been monitored since 1995. Some of the approaches are a study of the social and economic situation of families with children below the age of majority and the demographic study of the family, including divorce and children born out of wedlock. These problems were a cause of concern to the Committee on the Rights of the Child, as is reflected in the concluding observations, and they continue to be a central preoccupation of the State.

47. Work is in progress on the national system of statistical indicators characterizing the situation of children for the purpose of updating the statistical base and bringing it into line with international statistical indicators. For example, the live-birth criteria recommended by the World Health Organization were introduced in Russia in 1993, statistics on the development of social services for the family and children have been collected in Russia since 1994 and statistics on juvenile disability since 1996.

48. The practice has been instituted of holding parliamentary hearings with the participation of individuals and corporate bodies on matters concerning the situation of children. During the period 1994-1997 some 30 hearings were devoted to problems of this kind. They included hearings on "The actions of the Government of the Russian Federation to stimulate social policy concerning children", "Social protection of the family, motherhood and childhood", "The draft Family Code of the Russian Federation" and "Social problems of children and young people and the legal provisions for dealing with them".

49. A national conference on the situation of children, "Problems of childhood in present-day Russia: situation and prospects", held in 1995 and attended by many governmental and non-governmental organizations, had the aim of finding ways of making the measures taken in the interests of children more effective. Two national congresses held in the period 1994-1997 were devoted to health care for children and adolescents. International conferences were held on "The State and children: Russian realities" and "The family on the threshold of the third millennium" and national conferences on "The system of the development, rearing and health care of children and adolescents in curative establishments for children under present-day conditions". Ministries and departments have held seminars and conferences on specific trends of official policy in the interests of children attended by various public organizations, professional groups and associations. Non-governmental organizations have stepped up their seminar activity. From among the interesting initiatives we may mention national training seminars of the International Federation of Children's Organizations on "Problems of legal and social support for children and adolescents: forms, methods and interaction with ministries and departments concerned" and a round table meeting of the Russian Children's Foundation, "The State, society and the family: rights of the child". Arising from the public discussions on problems concerning the situation of children and the corresponding measures of State policy, recommendations were made in most instances to the authorities for consideration in their practical activity.

50. The interaction that has developed between the authorities, public associations and non-governmental organizations at the federal, regional and local levels has been an important result of the democratization process of recent years. There are now 90 organizations registered with the Ministry of Justice whose main activity is concerned with solving the problems of children. Of those organizations, 19 have international status, 19 are pan-Russian and 52 are interregional. There are also 30 registered children's organizations (3 with international status, 10 pan-Russian and 17 interregional). Similar organizations are being created regionally and locally. There is traditionally a close interaction between the authorities, professional associations, the Russian Children's Foundation, the Federation of Children's Organizations and the Russian Red Cross. It is increasingly the practice for many other public organizations to be involved in the carrying out of federal and regional targeted programmes concerning the interests of children, in the preparation of draft legislation, the development of social services, including family planning services, the medical and social reintegration of children with disabilities, the organization of summer holidays and recreation for children, and social assistance and reintegration of children who have been in crisis situations. In Russia as a whole more than 500 non-governmental organizations are now carrying out individual

projects concerning the problems of children. Adoption of federal laws on charitable activity and charities (1995), on State support for youth organizations and children's organizations (1995), on non-commercial organizations (1996) and on public associations (1995) has helped to encourage the activity of non-governmental organizations in implementation of the provisions of the Convention and the suggestions of the Committee on the Rights of the Child made in the concluding observations.

51. The most topical problem in the short term is to ensure the full practical implementation of these laws and to improve the machinery for the interaction of State structures with individuals and corporate bodies.

52. In accordance with the Constitution, State social policy, including policy towards children, is conducted jointly by the Federation and the members of the Federation. It is financed from the State budget and from the resources of State social funds outside the budget. Measures of a local nature are financed from the resources of the corresponding local budgets. The State budget consists of a federal element (federal budget) and the budgets of the members of the Russian Federation; it is the latter that are entrusted with the bulk of the expenditure of the State budget for social purposes, including the interests of children. Allocation of the resources of regional budgets is the province of the regional authorities, which apportion expenditure on health care, education, social protection and physical culture. These budgetary headings are most considerable for regional budgets.

53. The Russian Ministry of Finance estimates that expenditure on the protection of children and on maternal and child health as a proportion of the total expenditure of the consolidated budget on health care, education and social policy was 12.5 per cent in 1993, 13.2 per cent in 1994, 13.4 per cent in 1995, 14 per cent in 1996 and 16.7 per cent in 1997 (according to returns on 1 September 1997).

54. The proportion of resources devoted to social needs differs from region to region. In some regions it is less than 30 per cent of all expenditure, while in others it is more than 60 per cent, depending both on the actual economic and social situation of the regions and on the priorities that the authorities of the members of the Federation set for themselves.

55. The fairly high quota of financial resources earmarked for the strengthening of maternal and child health care is proof of the priority accorded to the problems of children by many members of the Russian Federation: 34.5 per cent of total health care expenditure in Kirov Province, 35 per cent in Belgorod Province, 35 per cent in Samara Province, 41 per cent in Stavropol Territory, 30 per cent in the Kalmyk Republic and 36 per cent in the Kabardinian-Balkarian Republic. On average more than 20 per cent of the resources for health care in the territorial budgets are expended on medical care for children.

56. In order to overcome the disproportions that have developed in the financial situation of individual republics a federal financial support fund for members of the Russian Federation that lack sufficient resources of their own to carry out State social policy, including the policy towards children, has been set aside annually since 1993 to provide additional resources. The

fund takes into consideration expenditure on child allowances, the development of social services for mothers and children, and health care and education.

57. It is not the practice in Russia to record all resources directly allocated for children under all social needs expenditure headings. The resources devoted to the most considerable and major measures of social policy in the interests of children are covered, as a rule, by a separate heading in budgets at all levels. They include targeted programmes.

58. During the period under review there was development of the programme goal method for dealing with specific problems. Its use ensures closer interdepartmental interaction, the targeting of allocated resources, and the attraction of additional sources of finance.

59. In 1994 the federal programme "The Children of Russia", first devised in 1993, was accorded the status of a presidential programme, as a mark of its priority importance. It initially had 6 target programmes, but by 1997 the number had risen to 13: Disabled children, Children of the North, Children of Chernobyl, Orphan children, Family planning, Development of the baby food industry, Safe motherhood, Children of the families of refugees and involuntary migrants, Gifted children, Prevention of social deprivation, security and juvenile crime, Development of social services for the family and for children, Organization of summer holidays for children, and Development of the pan-Russian "Orlenok" and "Okean" children's centres. The main thrust of the presidential programme "The Children of Russia" is the prevention of social deprivation. Programme implementation is continuously monitored by the Government of the Russian Federation and by bodies reporting to the President of the Russian Federation and the State Duma.

60. There are also federal programmes aimed at guaranteeing the rights of the child. These include the Preventive Immunization and AIDS Prevention programmes, the federal programme for the development of education, the federal target programme on employment, and the presidential programme "The Youth of Russia".

61. The budget deficit is a problem that is complicating the implementation of State social policy in the interests of children, reducing the scope for the full financing of the measures envisaged. The practice of having dedicated subheadings of the budget, the expenditure on which cannot be reduced, is being used to alleviate the adverse consequences arising in this connection. The programme on "The Children of Russia" was among the subheadings of the budget protected in this way in 1995 and 1996. Despite the tightness of the budget and other economic difficulties, various measures were applied to ensure that children should suffer as little as possible from the effects of the reforms. This problem, which was a cause of concern to the Committee on the Rights of the Child, as was noted in the concluding observations, is at the centre of attention when formulating the social policy of the State.

62. Funds for measures in the interests of children are also earmarked in State social funds outside the budget. For example, provision is made in the budget of the Pension Fund for the payment of pensions in the event of loss of the breadwinner and of social pensions for disabled children. The budget of

the Social Insurance Fund of the Russian Federation provides for the payment of a grant on the birth of a child, an allowance for the upkeep of the child to the age of one and a half years, for temporary inability to work in connection with caring for a sick child, and also for the organization of a summer holiday for children and for restoration of the health of parents and children. Resources for maintaining the maternal and child health service are earmarked from the Federal Compulsory Medical Insurance Fund.

63. The drafting and implementation of programmes in the interests of children is a widespread practice in non-governmental organizations. There are, for example, 29 pan-Russian programmes in the children's movement, more than 170 regional and interregional programmes and some 500 private programmes. This ensures that children are able to choose activities in line with their interests.

64. The international cooperation of the Russian Federation in promoting the implementation of the aims of the Convention was developed in the period 1993-1997. We may note collaboration with UNICEF, WHO, ILO, UNESCO, UNHCR, the World Bank, the Council of Europe, the European Union and the Red Cross. Joint projects have been carried out at the bilateral level with Canada, the United States, France, Germany and others. Interaction has been developed with international charitable organizations (the Salvation Army, Medecins sans frontières and others). Russia, however, does not have the facilities to monitor the overall level of financing of international projects at different levels and of various kinds. In that context it is difficult to determine the extensiveness of international programmes, including those for implementation of the rights of children and improvement of their situation.

65. We have worked to publicize the provisions of the Convention on the Rights of the Child among children and adults. The text of the Convention has been repeatedly published by the authorities and by public organizations: the Russian Federation's Ministry for Social Protection and Ministry of Education, and the Russian Children's Foundation. The initial report of the Russian Federation on implementation of the Convention on the Rights of the Child and the concluding observations of the Committee on the Rights of the Child were published in 1993. Publications have included a collection of regulatory instruments, "Main lines of State social policy concerning improvement of the situation of children in the Russian Federation" (1996); a collection of universal and regional international documents including the text of the Convention (1997); a collection entitled "The Convention on the Rights of the Child (reference materials)"; a book "The rights of the child"; the first version of the Convention adapted for children in the journal Shkolnaia roman-gazeta; and a collection of articles, "Protect me", illustrating the provisions of the Convention. The text of the Convention has also been published in Semya v Rossii, Materinstvo and other journals.

66. The text of the Convention has been distributed to government offices at the federal level and in the members of the Russian Federation and disseminated amongst public, scientific and educational organizations providing training and refresher courses for teachers, doctors, staff in the offices and establishments of the Ministry of the Interior and specialists in social work.

67. Study of the standards of the Convention has been included in school curricula, in the courses of institutions of higher education and in postgraduate training programmes. The text of the Convention has been translated into the national languages of peoples of the Russian Federation.

68. Children's organizations are involved in popularizing the main provisions of the Convention on the Rights of the Child. They have produced and carried out various programmes, including "Social protection of children in the activity of children's organizations" and "The school of parliamentary culture", and they produce teaching aids and instructions, such as "Where should the rights of the child be sought? In their defence" and "I am a citizen of the Republic!". Organizations that are actively engaged are "The school of democratic culture", an interregional children's organization "Children's Business Club" and the Children's Order of Charity.

69. This report has been prepared by a wide range of specialists. A working group was formed with representatives of the Ministries of Labour and Social Development, Education, Health, Foreign Affairs, Justice, the Economy, Finance, and the Interior, committees on the development of the North, statistics, young people, the migration service, and scientific and public organizations. Independent experts, specialists on the defence of human rights, the rights of the child and international law, contributed to the drafting of the report. The drafting process and the draft itself were discussed in meetings of the Coordinating Committee for implementation of the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children in the Russian Federation. Official statistics, information documents and analyses from federal ministries and departments and from the executive authorities of members of the Russian Federation, and special studies were used in the preparation of the report.

70. Just as was done for the initial report, a separate edition of this report is planned with the aim of informing the general public about the problems of implementing the rights of the child. Further steps will be taken to publicize the report (press conferences, press releases, publication in the mass media, etc.).

III. DEFINITION OF THE CHILD

(art. 1)

71. Under current Russian legislation:

(a) The age of majority is 18 years;

(b) The concept of a minimum age for obtaining legal representation without parental consent has not been established (Family Code of the Russian Federation), the minimum age for consulting a doctor without parental consent is 15 years (Fundamentals of the legislation of the Russian Federation on health care);

(c) The minimum age for medical treatment or for surgery without parental consent is 15 years (Fundamentals of the legislation of the Russian Federation on health care);

(d) The requirement for compulsory basic general education (nine school years) as applied to a specific pupil remains in force until the pupil has reached the age of 15 years (Education Act of the Russian Federation);

(e) Nobody less than 15 years old may be hired for work. It is permissible for a pupil who has reached 14 years of age to be hired for light work in his or her free time, with parental consent, provided that there is no risk of damage to the child's health and no disruption of education; the amount of time that may be worked is reduced for workers less than 18 years old; the employment of workers less than 18 years old on heavy work, on work under harmful or hazardous conditions, work underground or work the performance of which may damage moral development is prohibited (Labour Code of the Russian Federation);

(f) The minimum age for marriage is 18 years. Should there be valid reasons the local authorities may permit the marriage of individuals who have reached the age of 16. On the basis of the laws of members of the Russian Federation, marriage below the age of 16 years may be permitted as an exception (Family Code of the Russian Federation);

(g) Sexual relations of an individual who has reached 18 years of age with an individual known to be below the age of 16 years is a criminal offence (Criminal Code of the Russian Federation);

(h) The minimum age for call-up to the armed forces (and for voluntary enlistment) is 18 years (Military Service Act of the Russian Federation);

(i) The minimum age for active service is 18 years;

(j) The minimum age for purposes of general criminal liability is 16 years, while for offences legally deemed to constitute a serious threat to the public is 14 years (Criminal Code of the Russian Federation);

(k) The minimum age for purposes of deprivation of liberty, including custody and detention, is 14 years for custody as exceptional preventive detention, 16 years for custody as a means of punishment; minors are not imprisoned as a means of punishment (Criminal Code of the Russian Federation);

(l) No minimum age has been established for an application for the granting of asylum and accommodation for children in establishments of the social security and health care system;

(m) Sentence of death or of life imprisonment is not pronounced for crimes committed before the accused reached the age of 18 years (Criminal Code of the Russian Federation);

(n) A teacher is required to be present when witnesses up to 14 years of age are being questioned in a court hearing and when witnesses between 14 and 16 years old are being questioned. If necessary, their parents, adoptive parents, foster parents or legal guardians may also be summoned to be present (Code of Criminal Procedure of the Russian Federation);

(o) When the rights and legitimate interests of a child are infringed in relations between the child and the parents or persons in loco parentis, the child shall be legally entitled to approach the child-care authorities to seek their protection (no minimum age has been set for such an approach - Family Code of the Russian Federation) or a court on reaching the age of 14 years;

(p) A child is entitled to be heard in any legal or administrative hearing. The opinion of a child who has reached the age of 10 years must be taken into consideration, other than when so doing would be against the interests of the child (Family Code of the Russian Federation);

(q) The minimum age of consent for a change of personal status, including a change of family, family relations, adoption, fostering and wardship, is 10 years (Family Code of the Russian Federation);

(r) Every child is entitled to know who its parents are, so far as is possible, and no age limit is set on that right (Family Code of the Russian Federation). At the same time the confidentiality of adoption is protected by the law;

(s) Irrespective of age, the child is entitled to property received by it as a gift or through inheritance (Family Code of the Russian Federation); a minor between the ages of 14 and 18 years has property accountability for transactions that he or she enters into in accordance with the law; children between the ages of 6 and 14 years may conclude minor transactions for non-returnable gain and certain other transactions, but the property accountability concerning these transactions shall be borne by the parents (Civil Code of the Russian Federation);

(t) The opinion of a child who is 10 years old or older must be taken into account in matters concerning choice of religion or attendance at religious schools provided that it is not against the interests of the child;

(u) The acquisition of tobacco goods and alcoholic beverages is restricted for children up to the age of 18 (Regulations governing retail trade in alcoholic products in the territory of the Russian Federation approved by order No. 987 of the Government of the Russian Federation dated 19 August 1996).

72. The minimum age at which children may be hired for work coincides with their age of completion of compulsory schooling and is 15 years.

73. There are no differences in Russian legislation between girls and boys regarding the age for marriage and sexual relations, nor for application of the criterion of sexual maturity in criminal law.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

74. The Constitution of the Russian Federation guarantees equality of human and civil rights and freedoms to all, irrespective of age, race, nationality, language, origin, property status, place of residence, attitude to religion, membership of public associations or other circumstances. Any forms of restriction of civil rights on grounds of social, racial, national, linguistic or religious affiliation is prohibited. Everyone is equal before the law and the courts. Basic human rights and freedoms are inalienable and belong to every person from birth. See also paragraphs 46-50 of the initial report.

75. Foreign nationals and stateless persons, including refugees, enjoy the same rights in the Russian Federation as citizens of the Russian Federation except where specified to the contrary by federal laws or by an international agreement of the Russian Federation. The social legislation of the Russian Federation also embodies the principle of non-discrimination concerning the basic rights and freedoms set out above. Stateless children and refugee children have the right to social security and social protection, medical care and education extended to citizens of the Russian Federation.

76. Human and civil rights and freedoms have direct force. They determine the sense, content and application of laws and the activity of the legislative and executive authorities and local government, and they are guaranteed by the judicial system in accordance with the Constitution.

77. Actions aimed at inciting national, racial or religious hostility, detracting from national dignity or propounding the superiority or inferiority of citizens on grounds of their attitude towards religion or of their national or racial origin are criminal offences.

78. In accordance with the federal law on the social protection of disabled persons in the Russian Federation, disabled persons, including children with disabilities, are guaranteed a system of economic, social and legal measures providing the conditions for them to overcome (find substitutes for) the restrictions on their activity and aimed at giving them equal opportunities of taking part in the life of society along with other citizens.

79. The State takes special measures to alleviate the inequality of children arising from economic and geographic differences, and state of health. Depending on their category, families with only one breadwinner are given additional material assistance in the form of a pension or a larger State child allowance. Families with many children are given concessions concerning payment for medicines, children's travel, school meals, and accommodation for the whole family, and the children are provided with their school uniform free of charge. The dependent burden on families with many children is also taken into consideration in the assessment of unemployment benefit. Unemployed persons with children receive a higher benefit.

80. Disabled children are provided with free medicine and essential medical items, free hospital and health resort services and free travel to the place of treatment, and concessionary rates for accommodation. Disabled children

are provided with pre-school education and are educated in accordance with their individual rehabilitation programme. Steps are being taken to establish the conditions for their training and instruction in children's pre-school and general educational establishments of the ordinary type, or in special establishments if their health precludes them from attending establishments of the ordinary type. When it is impossible for disabled children to receive training and education in ordinary or special pre-school and general educational establishments they are taught at home under the full general educational syllabus or under an individual programme. Following adoption of the federal law on the education of individuals of limited health potential (special education), they will be educated in accordance with their capacity and abilities in a teaching environment suited to their state of health. A network of establishments for the social reintegration of disabled children is being developed, the task of which is to establish the potential of these children, help them to realize it and promote their active entry into social life. See also paragraphs 233-246 of this report.

81. Steps are being taken to protect the rights and interests of homeless children and street urchins. A network of social refuges and reintegration centres providing social reintegration and adaptation has been under active development since 1993, and new forms of family placement of children are being developed so that they may be brought up in a family environment.

82. In order to level out differences in the situation of children arising from the geographic factor, and above all from living in regions of the Far North, State children's allowances have been increased, special forms of medical service for children have been provided (mobile teams of doctors) and vitamin supplements are given. Mobile teams of doctors are being increasingly used in rural areas.

83. The legislation of the Russian Federation does not contain any discriminatory provisions against girls. Children have equal rights, irrespective of sex, to education, social security and health care. There are at the same time some restrictions on vocational training for girls for a number of occupations in accordance with the Schedule of industries, occupations and work under heavy and harmful conditions in which the employment of female labour is prohibited. There has been public discussion in recent years on a review of this Schedule and a further reduction in the restrictions on girls being trained for certain occupations.

84. There are official statistics in the Russian Federation on disabled children in receipt of a social pension, orphaned children and children deprived of parental care, the children of refugees and displaced persons, and the children of the indigenous peoples of the Far North; there are also statistics on families with children below the age of majority, including the number of children in them. Records are kept in the members of the Russian Federation on families with many children, single mothers and also badly off families with children.

85. There is no such social phenomenon in Russia as prejudice against children on ethnic and other grounds. Neither are children persecuted for the opinions of their parents.

86. There are still appreciable differences in the Russian Federation in the material security of families with children below the age of majority, and the fact that the proportion of families with a low per capita income remains high is an obstacle to full implementation of all the rights of the child. There has been an increase in the number of families with children and also of children in need of State support, the scope for which is limited by the continuing high level of the budget deficit. The legal standards aimed at guaranteeing the rights and interests of children in difficult situations, including disabled children, the children of refugees and displaced persons and orphaned children are not being fully implemented. De facto differences in opportunities for implementation of the rights offered to children de jure have not been eliminated in present-day Russia.

87. Fuller implementation of the provisions of article 2 of the Convention will be facilitated by the carrying out of the already approved target programmes and measures in the interests of children, including the prolongation to the year 2000 of the presidential programme "The Children of Russia", implementation of the main lines of State social policy for improvement of the social situation of children in the Russian Federation to the year 2000 and the medium-term programme of the Government of the Russian Federation for the period 1997-2000 entitled "Transformation and economic growth", and the Programme of social reforms in the Russian Federation for the period 1996-2000. Improvement of the conditions for the upbringing and development of children in the family will be objectively aided by ensuring income growth and improving the well-being of families on that basis.

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

88. The principle of best interests of the child and the need to take those interests into account in all measures affecting children is enshrined in the existing Russian legislation in the Family Code, the Criminal Code, the Code of Criminal Procedure, the Labour Code, Fundamentals of the legislation of the Russian Federation on health care, the Education Act of the Russian Federation and federal laws on additional guarantees for the social protection of orphaned children and children deprived of parental care, on social protection of disabled persons in the Russian Federation, and on refugees. The National Action Plan for Children is based on this principle.

89. The task of ensuring the best interests of the child is taken into consideration by the courts and the authorities in cases concerning divorce, deprivation of parental rights, placement of orphaned children and children deprived of parental care, and in other instances when deciding the subsequent fate of a child.

90. Parental rights may not be exercised in contravention of the interests of children. Parents who exercise parental rights to the detriment of the rights and interests of the child are legally liable. All matters concerning the upbringing and education of children shall be decided by the parents on the basis of the interests of the children and having regard to their opinion. When differences of opinion arise between parents in this respect both parents or one parent is entitled to seek resolution of the differences through the child-care authorities or through the courts. When the parents are living

apart the place of residence of the children is decided by agreement between the parents. In the absence of such agreement the matter is decided by the court on the basis of the best interests of the children and having regard to their opinion. Should the parents (or one parent) deny close relatives (grandfather, grandmother, brothers, sisters, etc.) right of access to the child, the dispute may be settled by the court, which shall arrive at its decision on the basis of the child's best interests and having regard to its opinion. When a court considers a demand by parents for the return of a child it is entitled, having regard to the opinion of the child, to reject the suit of the parents should the handing over not be in the child's best interests. When a court considers the question of the restoration of parental rights to both parents (one of the parents) it is entitled, having regard to the opinion of the child, to reject the application should the restoration of parental rights not be in the child's best interest. Once a child has reached 10 years of age the restoration of parental rights is possible only with the consent of the child.

91. When there is a direct threat to the life or health of the child, the child-care authorities are entitled to remove the child forthwith from the parents or from persons having care of the child. When a child deprived of the care of parents is to be placed, consideration is given to the child's ethnic origin, the fact of belonging to a particular religion or culture, the mother tongue and the feasibility of ensuring continuity in upbringing and education. The legislation of the Russian Federation specifies that priority should be given to upbringing in a family when deciding the placement of a child deprived of parental care.

92. The need to safeguard the interests of children is taken into account when making allocations from the budget and from State social funds outside the budget, as is reflected in the laws on the federal budget, the budgets of members of the Russian Federation and the budgets of the corresponding State funds not forming part of the State budget (see paras. 52-63 of this report). Social standards approved by the Government of the Russian Federation in the sphere of culture, mass information, health care, physical culture and sport, social protection of the population and education are used when formulating social and economic policy in construction, transportation and the environment.

93. The status of child refugees accompanied by their parents is decided in accordance with the principles of the unity of the family and the decision taken on the asylum application made by an adult. The father or the mother is entitled to include in the application the children who have come seeking asylum with them. When the head of the family is recognized as a refugee, asylum is granted to all his or her under-age children that are with them. A child who has arrived seeking asylum unaccompanied by parents or guardians is also issued with a certificate for admission to a temporary accommodation centre. The migration authorities help the child to obtain information on the existence and whereabouts of the parents, relatives or guardians.

94. Legal procedures in cases concerning minors are governed by the general rules of the criminal procedural legislation. There are additionally special rules concerning minors. A defence lawyer must be present at the court examination in cases concerning minors. The parents or other legal

representatives of a minor against whom a charge is brought must be summoned to attend the court hearing. The legal representatives of an accused minor shall be present in the courtroom throughout the court examination. When an accused minor below 16 years of age is being interrogated, a teacher may be present at the discretion of the investigator or public prosecutor or at the request of the defence lawyer. At the end of the interrogation the teacher is entitled to examine the interrogation report and to comment in writing on the correctness and fullness of the record.

95. A child below the age of majority who has committed a minor offence or a moderately serious crime for the first time may be relieved of criminal liability and be placed under the supervision of the parents or persons acting in loco parentis, or of a special State authority. In that case the leisure time of the child may be restricted and special requirements regarding his behaviour may be imposed. Minors between 11 and 14 years of age who commit punishable acts may be sent to special residential schools for children and adolescents with deviant behaviour. Minors between 14 and 18 years of age who have committed moderately serious crimes may be relieved of punishment and sent to special residential educational and training establishments. In these cases the criminal proceedings are abandoned and the accused is relieved of criminal liability. The pupils have the right to complain about the activity of these establishments to the administrations of the establishments, their hierarchical superiors and inspectorates, and international organizations, and also to petition non-governmental organizations concerning protection of their rights.

96. The rights of the child are best ensured in various forms in the social security system: provision of allowances (pensions) to some categories of children and to families in connection with the upbringing of children (including a monthly child allowance); provision in kind for a number of the needs of the child; full maintenance of the child in social security establishments (when appropriate).

97. A diversified network of child-care establishments that has been developed in the Russian Federation operates within the educational, health care and social security systems. They include children's homes, boarding schools for disabled children, ordinary boarding schools, pre-school establishments, summer camps, children's centres, social refuges, medical social centres for disabled children, social reintegration centres for maladjusted children, etc. The best interests of the child are a prime consideration in the placement of children in these establishments, in which the need for care, upbringing, education and medical, psychological and social reintegration are considered, along with the need for the child to be looked after in connection with the occupation of the parents (pre-school establishments, summer convalescent camps).

98. The activity of State and municipal establishments responsible for the care or protection of children is governed by regulations approved by the Government of the Russian Federation. The qualifications that the staff of such establishments are required to have are specified in their regulations. The establishments and their equipment must conform to the health standards and regulations that ensure the safety of the children. The activity of

non-State establishments is licensed by the authorities and they are required to satisfy the same requirements regarding health safety and staff qualifications as State establishments.

99. Pupils of the various kinds of establishments are able to realize their rights with the assistance of non-governmental organizations (including children's organizations) which use the existing legislative basis to present, advocate and defend the rights of the child. They include the Children's Order of Charity, the Association for the Protection of Children, the Russian Children's Foundation, the Union for the Social Protection of Children, and the Pupils' Association of Children's Homes and Residential Schools.

100. In accordance with article 3, paragraph 2 of the Convention a number of measures were taken in the Russian Federation during the period under review for protection of the rights of children which are essential for their well-being, including the rights and obligations of their parents and guardians, as well as of other persons with legal responsibility for them. The changing socio-economic conditions of social life are taken into consideration in this process. See also paragraphs 31-36, 52-63, 88 and 90-99 of this report.

101. A paediatric service with a network of treatment facilities and trained medical staff has been created to implement the rights of children to health care. The health-care establishments providing treatment and preventive medical care for children consists of paediatric polyclinics, children's wards and hospitals, the clinics of medical institutes and medical schools, specialized centres providing high technology forms of paediatric care, sanatoria, children's homes and children's centres, forming a four-level system of paediatric establishments capable of providing almost all forms of medical care for children, including organ and tissue transplants and plastic surgery.

102. The maternal and child health care that is being developed at an accelerated rate in the health service in order to provide children with the best medical care includes medical techniques aimed at a reduction of juvenile and infant mortality, prevention of infant disability (prenatal diagnosis, medical genetic advice service, resuscitation and intensive care, the nursing of premature and sick newborn infants, and the development of various kinds of rehabilitation service and immunoprophylaxis.

103. All treatment establishments concerned with the provision of treatment are subject to compulsory licencing and certification in order to ensure that children receive health care of a high standard. In 1996 the Ministry of Health of the Russian Federation approved Regulations on departmental control of the quality of medical care. Private medical establishments are also subject to licencing and certification. With the aim of ensuring that the work of medical personnel reaches an appropriate level a system of licencing and certification has been introduced for them, medical education has been overhauled, and higher and secondary medical teaching establishments are being licenced. In accordance with the recommendations in the concluding observations, qualification tests for personnel working with children have been devised for all the main medical specialities.

104. The inadequacy of the machinery for ensuring that some of the provisions of the existing legislation are implemented and failure to apply them to the fullest extent are unresolved problems concerning the best interests of the child. Lack of finance is a factor that adversely affects measures in the interests of children. There are gaps in the legislation of the Russian Federation regarding legal definition of the position of migrant children who arrive without their parents.

105. The vocational training of specialists working with children is being actively developed, as recommended in the concluding observations. New specialisms are being introduced, training syllabuses are being continuously updated and the number of special practical sessions that bring out the specific features of work with children is being increased. As an example, a new specialism, that of paediatric nurse, was introduced in 1997. There is a diversified network of specialized secondary and higher educational establishments in the Russian Federation for the training of specialists for work with children, including medical workers, among them paediatricians, a range of teachers and care attendants and psychologists.

106. The inspectors of the Ministry of the Interior whose work is concerned with the prevention of juvenile crime must have higher education in the legal or educational sphere.

107. Special attention is being paid to the development of what is a new area for Russia - occupational training and refresher courses for social workers. Such training is now being provided in 67 of the higher educational institutions of 47 members of the Federation.

108. How to take into account the principle of the best interests of the child is an important element in occupational training. Effect is given to it in various ways: by ensuring an adequate level of theoretical and practical training for social workers, teachers in the social work field, lawyers, doctors, schoolteachers and other professionals working in the social field: study of the Convention on the Rights of the Child and other international legal instruments and the legislation of the Russian Federation; use of foreign experience (study of the foreign specialist literature, involvement of foreign specialists in the teaching process, practical work and work experience in foreign establishments and organizations, the holding of international conferences, seminars, symposia and so on).

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

109. In accordance with the Constitution of the Russian Federation every citizen has the right to life, to the protection of health and to medical care.

110. In the field of criminal law, the right of the child to life is ensured by stiffer penalties for attacks on the life and health of the child. In 1997 the killing of a newborn baby by its mother was made a crime. The list of punishable acts relating to children has been increased and the scale of punishments for crimes against children has been stiffened: for torture, infection with venereal disease, HIV infection, knowingly leaving a minor without assistance in a life-threatening situation, trafficking in children,

involvement in committing crimes and antisocial acts, engaging in prostitution, inducement to use narcotics and psychotropic drugs, kidnapping or holding as a hostage. The death penalty is not given for crimes committed before the perpetrator reached 18 years of age. See also paragraph 169 of this report.

111. The Fundamentals of the legislation of the Russian Federation on health care contains an article entitled "Rights of minors", which defines measures for the monitoring and treatment of children in clinics, the provision of medical and social care to them and hygiene and health education for children.

112. The changes made in 1992 to the criteria of live birth in accordance with the recommendations of WHO were the forerunners to an expansion of the criteria for the resuscitation of newborn children previously treated as stillborn. The guidelines for the intensive care and nursing of newborn babies with a very low and extremely low birth weight have been revised, common standards have been introduced for primary resuscitation treatment of newborn babies in the delivery room, and steps have been taken to strengthen the resuscitation and intensive care services in maternity homes, to provide them with up-to-date equipment and also measures for the care of greatly premature babies. As a result the death rate of children in maternity homes and children's clinics has been considerably reduced.

| Percentages | 1992 | 1993 | 1994 | 1995 | 1996 |
|---|------|------|------|------|------|
| Death rate of newborn babies in maternity hospitals | 4.0 | 3.7 | 3.2 | 2.7 | 2.3 |
| Hospital death rate of children in the first year of life | 2.43 | 2.29 | 2.17 | 2.00 | 1.84 |
| Hospital death rate for children 0-14 years old | 0.6 | 0.6 | 0.5 | 0.5 | 0.4 |

113. Special measures to safeguard the lives of children affected by radiation disasters are defined in the 1996 draft of the federal act on the social protection of citizens exposed to radiation as a result of the disaster at the Chernobyl nuclear power plant and in the federal acts on the accident in 1957 at the Mayak production association and discharges of radioactive waste into the River Techa, and on the social protection of persons exposed to radiation as a result of nuclear tests in the Semipalatinsk test grounds.

114. The procedure followed in the Russian Federation when recording deaths of children, including the indication of the cause of death, has been approved by a decree of the Ministry of Health of the Russian Federation on further improvements to the keeping of medical records certifying cause of death and the recording of births and deaths. The same decree also approves the statistical report forms "Doctor's death certificate", "Paramedical worker's death certificate", "Perinatal death certificate" and instructions for the completion of these forms. Completed statistical forms on deaths of children are submitted to registry offices, which then forward them to the offices of the Russian State Statistical Committee, where they are processed in

accordance with the concise list of causes of death based on the ninth revision of the International Classification of Diseases, Injuries and Causes of Death.

115. The practice in Russia of conducting a compulsory autopsy on dead children makes it highly likely that the diagnosis of cause of death will be verified. All deaths of children are subjected to expert scrutiny and are examined in hospital conferences. Deaths of children other than in hospital are subject to forensic examination.

116. Deaths of children up to 15 years of age, including death not through natural causes, are on the decline (from 150.6 in 1993 to 131.5 in 1996 per 100,000 children of the corresponding age). The highest mortality statistics, including deaths other than from natural causes, which also includes suicide, were recorded in 1993-1994. Deaths of children by suicide between the ages of 5 and 9 years per 100,000 of the population were as follows:

| Year | General statistic | Boys | Girls |
|------|-------------------|------|-------|
| 1992 | 0.2 | 0.4 | 0.0 |
| 1993 | 0.2 | 0.3 | 0.0 |
| 1994 | 0.1 | 0.2 | 0.0 |
| 1995 | 0.2 | 0.2 | 0.1 |
| 1996 | 0.1 | 0.2 | 0.1 |

Deaths of children by suicide between the ages of 10 and 15 years per 100,000 of the population of the corresponding age were as follows:

| Year | General statistic | Boys | Girls |
|------|-------------------|------|-------|
| 1992 | 3.3 | 5.3 | 1.4 |
| 1993 | 3.6 | 5.6 | 1.6 |
| 1994 | 3.7 | 6.0 | 1.3 |
| 1995 | 3.5 | 5.7 | 1.2 |
| 1996 | 3.2 | 5.1 | 1.3 |

117. The telephone service of the emergency psychological help centres (confidential help lines) and the psychological educational help centres, which began to be developed in 1993, are of great importance in the prevention of suicide among minors in the Russian Federation. The number of such establishments increased from 8 in 1993 to 216 in 1996; the service was used by 250,000 children in 1996. See also paragraph 169 of this report.

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

118. In the legislation in force in the Russian Federation respect for the views of the child is reflected in the Constitution of the Russian Federation, the Family Code of the Russian Federation, the RSFSR Code of Criminal Procedure and some other laws. In the context of the basic human rights and freedoms belonging to the individual from birth, everyone is guaranteed freedom of thought and of speech. See also paragraph 66 of the initial report.

119. In accordance with the Family Code a child has the right to express an opinion when any matter affecting its interests is decided in the family, as well as the right to be heard during legal or administrative proceedings. See also paragraphs 90-99 of this report.

120. In some instances the wish of a child who has reached the age of 10 years has legal force. Certain actions concerning the child cannot be carried out if the child objects. Change of the child's given name and family name, restoration of parental rights to the parents, adoption of the child, change of the child's given name, family name and patronymic on adoption, registration of the adoptive parents as the parents of the child, change of the child's given name and family name on revocation of adoption and the handing over of the child to a family for fostering are all impossible without the agreement of the child. In accordance with the Education Act of the Russian Federation a school pupil has the right to respect for his human dignity and the right freely to express personal views and opinions.

121. Social service is based on the principles of voluntary participation and humanity. Social services are provided as a priority to minors living under difficult conditions.

122. Russian legislation makes provision for measures aimed at ensuring the right of the child to express personal views when brought before a juvenile court, and also when being sent to a child-care establishment and during the time spent there. See also paragraphs 90-99 of this report.

123. In accordance with the Education Act of the Russian Federation a pupil has the right to participate in the running of the educational establishment in a manner laid down by the rules of the establishment. This right is implemented both directly, through participation in general school meetings, and indirectly, through the organized body of children, when the collective (the group of children) elects the most authoritative leader (representative), bestowing certain powers or rights upon him, which he is in turn obligated to defend in a self-governing body: teachers' council, parents' committee, council of the educational establishment, parliament, etc.

124. In accordance with the federal act on public associations, matters affecting the interests of public associations, including youth organizations and children's organizations, are decided by the State and local government authorities with the participation of the public associations concerned or in agreement with them.

125. Arising from the collaboration between legislative bodies and children's associations a new kind of work has developed during the last 3-4 years - the Children's Parliament, the Children's Chamber, the Children's Duma, etc. under the legislative assembly (Moscow, Kemerovo, etc.). These are bodies that have the right to initiate legislation, to make an expert appraisal of decisions taken, and to move additions and amendments to existing legislation.

126. The vocational training of specialists working with children (teachers, branch personnel of the Ministry of the Interior, and social and medical workers) includes study of the provisions of the Convention on the Rights of the Child. Syllabuses have been produced on human rights and the rights of

the child and teaching materials for them have been published. We may take as an example the publication of a teaching aid "Teaching human rights in classes 5-7 of the secondary school" issued by the Youth Centre for Human Rights and Legal Culture. Instruction on human rights and the rights of the child is an area of teaching new to Russia. Special courses are being introduced into teaching practice in educational establishments in the light of the increased social interest in legal knowledge and of the recommendations set out in the concluding observations.

127. "Law" is being introduced as a compulsory discipline in the curriculum of higher teacher-training establishments; the subjects covered include study of the Convention on the Rights of the Child, international legal standards in the educational sphere and the legal foundations of the work of teachers. The classificatory manual on specialisms in teacher training includes teachers having a qualification as a "teacher of law, teacher-psychologist, psychologist working with children with developmental abnormalities, teacher of sociology", etc. The requirements for the psychological and pedagogical training of future teachers have been considerably expanded.

128. The principles and provisions of the Convention have been reflected in the syllabuses at medical higher education institutes and training institutes for middle-level medical staff, and in postgraduate medical training for doctors. In postgraduate training on aspects of child development one or two sessions are included on the content of the Convention; the same amount of time is allocated in the syllabuses of medical institutes and establishments and in courses for nurses. Study of the provisions of the Convention is obligatory in educational establishments providing training for social workers, and since 1997 study of the Convention has been included in the training syllabuses for branch personnel of the Ministry of the Interior. Higher educational establishments decide for themselves how many hours should be devoted to study of this material for each category of worker.

129. The opinions, needs and interests of the child are taken into consideration when defining additional educational disciplines, in the organization of activity outside school and in the children's movement. In recent years there has been a radical shift in the approach of children's organizations to implementation of the principle of the best interests of the child: they have switched from a dictatorial and unitary approach, monopolism and uniformity to a democratic approach and have given the children the opportunity of choosing not only the kind of activity, but also the organization (association) that is in keeping with the personal interest of each child. The existing legal basis enables every child (personally or through a children's association) not only to express opinions on various aspects of daily life, but also to have those opinions taken into account in the adoption of economic, legal, political and other decisions.

130. During the drafting and discussion of the Constitution of the Russian Federation and of legislation on privatization, public associations, State support for children's organizations and other matters, children put forward their proposals, comments and amendments. The opinions of children are discussed in the assemblies of children's and young people's organizations, in conferences and in "round table" meetings of youth leaders before being formulated and generalized in a composite document sent to the

Federal Assembly of Russia, the Government, the Administration, the President, individual deputies and the heads of ministries and departments. The proposals of children, children's organizations and associations are, as a rule, attentively considered: the document "Remember! We are the children!" was well received; many of the proposals on the law of the Russian Federation on State support for youth organizations and children's associations were taken into consideration, an amendment initiated by children to the 1995 federal law on public associations which was accepted, changed the minimum age for membership of a children's organization; in accordance with the 1997 amendment the minimum age for joining a children's organization, formally 10 years old, is now 8 years old.

V. CIVIL RIGHTS AND FREEDOMS

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

A. Name and nationality (art. 7)

132. The birth of a child is registered in registry offices in cities and towns and in local government offices in rural areas. The birth has to be reported verbally or in writing within a month of the date of birth by the parents or by one of them. In the event of the illness or death of the parents, or should they be unable to make the declaration, the birth is registered on the basis of a declaration of the relatives, neighbours, the administration of the hospital where the mother was at the time of the birth, or other persons at the birthplace of the child or the place of residence of the parents (parent). The entry in the Register of Births records the given name, patronymic and family name of the child, information on the parents, nationality, and the place and time of birth.

133. In accordance with the Family Code the child has the right to a given name, a patronymic and a family name. The given name of the child is that agreed by the parents and the patronymic is taken from the father's given name, unless otherwise provided by the legislation of members of the Russian Federation or unless not based on national usage. The family name of the child is the family name of the parents. When the parents have different names the child is given the family name agreed by the mother and father, but in the absence of agreement concerning the given name and/or the family name of the child the disputes are settled by the child-care authorities.

134. The entry concerning the mother of a child whose parents are not married to each other is completed on the basis of a declaration by the mother, and the entry concerning the father of the child on the basis of a joint

declaration of the father and the mother, or of the father alone, or by court decision. In the event of a child born to an unmarried mother and in the absence of a joint declaration of the parents or in the absence of a court decision establishing paternity, the entry for the family name of the father of the child in the Register of Births shall be the family name of the mother, and the entries for given name and patronymic are those indicated by the mother.

135. An adopted child retains his given name, patronymic and family name. At the request of the adoptive parents the court may decide that the adoptive parents should be recorded in the Register of Births as the parents of the child whom they have adopted.

136. Children born in the Russian Federation to asylum seekers and to refugees are registered in the same way as the children of citizens of the Russian Federation.

137. Every child has the right to live and be brought up in a family, insofar as may be possible, the right to know its parents, the right to be cared for by them, and the right to live with them, other than when so doing would be against the interests of the child. The rights of the child are not affected by dissolution or nullity of the marriage of the parents, or by their living apart. Children born to parents not married to each other have the same rights and obligations concerning their parents and relatives as children born to parents who are married to each other.

138. The procedure for acquisition or change of the citizenship of children is set out in paragraph 69 of the initial report. The basic criteria for the citizenship of the child are the citizenship of the parents and the place of birth of the child.

139. Refugees have priority over ordinary foreign nationals for admission to citizenship of the Russian Federation. The granting of asylum in the Russian Federation is a circumstance that facilitates acquisition of citizenship.

140. A child born in the Russian Federation to parents who are nationals of other States shall be a citizen of the Russian Federation if those States do not accord the child their citizenship. A child born to stateless parents in the Russian Federation shall be a citizen of the Russian Federation.

B. Preservation of identity (art. 8)

141. The Family Code and the Criminal Code of the Russian Federation establish liability for substitution of a child, illegal adoption of a male or female child and disclosure of the confidentiality of adoption of a male or female child. See also paragraphs 90-99, 143-146, 152-156 and 184-187 of this report.

C. Freedom of expression (art. 13)

142. The child's right to freedom of expression is governed by general civil legislation. Under the Constitution of the Russian Federation every citizen

has the right freely to seek, receive, transmit, produce and disseminate information by any legal means. Use of that right must not violate the rights and freedoms of other individuals. The schedule of the types of information that constitute a State secret is legally defined. The freedom of the mass media is guaranteed. Censorship is prohibited. This constitutional provision has been developed in the laws of the Russian Federation on information, information technology and protection of information, the mass media, and education, and in the Criminal Code of the Russian Federation. See also paragraphs 90-99 and 118-122 of this report.

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

143. The Constitution of the Russian Federation guarantees to every citizen freedom of thought, conscience and religious worship, including the right to practise any religion individually or with others, or not to profess any faith, to hold and to disseminate religious and other convictions and to act in accordance with them.

144. Respect for the rights of the child to freedom of conscience and religion and respect for the rights of the parents to guide the child in the exercise of that right are established by the federal act on freedom of conscience and religious association (1997). Under the act the parents or persons in loco parentis shall bring up and educate their children with regard to the right of the child to freedom of conscience and freedom of religious practice. The involvement of juveniles in religious associations is prohibited, as is the teaching of a religion to juveniles against their will and without the consent of their parents (or persons acting in loco parentis).

145. Education in State and municipal educational establishments is of a secular nature. At the request of the parents (or persons acting in loco parentis) and with the agreement of the children attending State and municipal educational establishments, the administration of those establishments may, by agreement with the local government body concerned, allow a religious organization to provide religious instruction as an extracurricular subject. In addition, religious organizations are entitled to establish their own educational establishments.

146. Convicted adolescents are legally guaranteed freedom of conscience and religious practice. Ministers of religion have the right and possibility of free access to places of detention. Special rooms for religious rites have already been fitted out in the vast majority of detention settlements.

147. The right of peoples inhabiting the territory of the Russian Federation, including the indigenous peoples of the North, to follow their culture, practise their religion and observe its rites is enshrined in the Constitution of the Russian Federation, in the federal act of the Russian Federation on national cultural autonomy and in laws on the languages and culture of the Russian Federation and the members of the Federation. Recent years have seen the opening of new places of worship and religious schools (Sunday schools) of various faiths, in which children may receive religious instruction on a voluntary basis in addition to their basic general education.

148. The active development of religious consciousness and religious organizations has been accompanied by the appearance of a number of religious associations, the activity of which has threatened the morals and health of the population and violated the fundamental rights and freedoms of the child, especially the right of the development and retention of family ties and a family environment (the "Aum senrikë" and "White Brotherhood" [Beloe bratstvo] movements). With the aim of protecting the morals and health of the population, including children, and protecting other rights and freedoms of other people, the grounds for dissolution of a religious association and prohibition of its activity are set out in the federal act on freedom of conscience and religious associations. Those grounds include, in particular, compulsion for the breaking up of the family; impeding the receipt of compulsory education; harming the morals and health of citizens, including the use of narcotic and psychotropic drugs, hypnosis and the performance of obscene acts in connection with their religious activity; encouragement of suicide or the refusal of medical assistance on religious grounds. The dissolution of a religious association or restrictions on its activity require a court decision. There is a provision in the Criminal Code of the Russian Federation for liability for the establishment of a religious organization the activity of which is connected with violence towards citizens or otherwise harming their health, or with the incitement of citizens to refuse to fulfil their civic obligations or to carry out other illegal acts.

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

149. Citizens of the Russian Federation are guaranteed the possibility of implementing their right to association and to establish, operate, reorganize and dissolve organizations. Freedom is guaranteed for the activity of associations. Nobody may be forced to join or to remain in any association.

150. Every child has the right to belong to or take part in the activity of children's associations and youth organizations in accordance with the act of the Russian Federation on State support for youth organizations and children's organizations, the adoption of which marked a step forward in implementation of the rights of the child. This is the first law in the history of the children's movement in Russia to establish a legal basis for the activity of children's associations and to guarantee the right of the child to take part in the work of associations and organizations. The rights and the sphere of activity of children's associations and their members have been broadened. They may play a part in fulfilling the demand of the State for the establishment and operation of social services, information and innovation centres and leisure centres, in the development of various plans for the organization of social work, further education and activity in the sphere of culture, the environment and health care, and in the prevention of neglect of children and juvenile delinquency.

151. The children's movement has been developing along the following lines in Russia in recent years:

(a) Improving the content of activity (the activity programmes of children's associations aim to establish conditions for implementation of the rights and interests of every child);

(b) Introduction of new approaches and methods for the training of organizers for the children's movement (a training college for organizers has been opened, permanent training courses and refresher courses for workers in children's organizations have been organized on the basis of the "Democracy and Development" centre and the practice of holding training courses for youth leaders has been continued);

(c) Creation of non-governmental facilities (the House of Children's Associations and Youth Organizations, the National Council of Children's Associations and Youth Organizations, the Assembly of the Children's Associations and Youth Organizations of Russia), the task of which is to coordinate the activity of the various children's associations and youth organizations and to initiate changes in policy towards children and young people in State bodies;

(d) Support for the process of the creation of new organizations for children and young people at the federal, interregional and regional levels. By the beginning of 1997 the Ministry of Justice of the Russian Federation had registered 96 youth organizations and children's associations (31 of them had been created in 1991, 35 in 1992 and 10 in 1993). More than 500 associations are registered at the regional level. This is evidence of the transition to a multiplicity of organizations, associations and groups of various kinds.

F. Protection of privacy (art. 16)

152. In accordance with the Family Code of the Russian Federation the child has the right to protection of its rights and legitimate interests. The rights and legal interests of the child are protected by the parents (persons acting in loco parentis), the child-care authorities, the office of the State prosecutor and the court. A minor, deemed to be fully legally competent on reaching the age of majority, is entitled to exercise the right to defend himself independently under the general law.

153. Nobody is entitled, other than on legal grounds, to enter a dwelling against the wishes of the persons living in it. The law safeguards the privacy of citizens, and the confidentiality of correspondence, telephone conversations and telegraphic communications. Searches, examinations of the dwelling of citizens, interception of correspondence and its seizure in postal and telegraph offices may be carried out only on the basis and in the manner laid down by the Code of Criminal Procedure of the Russian Federation. These provisions are applicable in their entirety to minors.

154. Illegal acquisition or dissemination of information on the private life of an individual that is confidential to that individual or his family, without the agreement of the individual, or the dissemination of such information in a public pronouncement, a work on public display or in the mass media shall be punishable if such acts were done for gain or other personal interest and if they caused harm to the moral and lawful interests of citizens, as shall breach of the confidentiality of correspondence, telephone conversations or other communications of citizens, and illegal entry into a residence against the wishes of the person living in it. These provisions are applicable in their entirety to minors.

155. A draft federal law on the fundamentals of State policy on protection of the rights of the child is in course of preparation.

G. Access to appropriate information (art. 17)

156. The access of children to appropriate information is covered in legislation currently in force by the mass media act of the Russian Federation, the RSFSR national languages act and the act of the Russian Federation on participation in international exchange of information. Paragraphs 74, 76 and 77 of the initial report, which deal with the legal basis for the development of publishing and the mass media, touch upon the right of children to access to information, including access in the various languages of the peoples of Russia.

157. The number of children's periodicals (newspapers and magazines) in the Russian Federation has increased in recent years. The fact that children are being given the opportunity of access to the Internet, the international computer information network, is a reflection of the openness of information.

158. Books in the series entitled "The Library of the National Schools of Siberia and the Far East" and books in the languages of the smaller ethnic groups of the Northern peoples for reading out of school have been published under the programme "Children of the North". The system of free libraries for children is being retained. There is a network of 4,600 libraries for children and young people.

159. The Russian State Television and Radio Corporation and the large independent corporations (TV-6, NTV) and interregional corporations broadcast popular scientific, documentary, literary and artistic programmes, and also special programmes for and with the participation of children. The programmes of regional television corporations and radio stations include broadcasts in the languages of the peoples living in their area.

160. Fewer copies of children's periodicals (magazines and newspapers), books and pamphlets are being published, but at the same time commercial publishing is promoting access, including access by children, to literary classics, encyclopaedias and works of reference.

161. The appearance in the mass media, including electronic media, of publications, cinema and television films, broadcasts and advertisements containing elements of violence and pornography has resulted from the multiplicity of bodies involved in the information industry and from the lack of censorship. A first reading has already been given to a draft federal act restricting the circulation of goods, services and entertainments of a sexual nature in the Russian Federation, the purpose of which is to preserve public morals and protect minors against the harmful effect on the psyche of information with a pornographic and crudely erotic content encouraging a cult of brutality and violence. The act prohibits the involvement of minors in the production and distribution of such goods, and imposes restrictions on the places where such goods may be sold and displayed and on the times at which they may be broadcast on generally available television channels.

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

162. It is laid down by the Constitution of the Russian Federation that no one shall be subjected to torture, violence or other cruel or degrading treatment or punishment. The criminal legislation of the Russian Federation guarantees security of the person. Punishment and other measures applied under criminal law to an offender may not have the aim of causing physical suffering or degradation. Neither the death penalty nor life imprisonment are applied for an offence committed by persons up to 18 years of age. Under the Punishment Code of the Russian Federation, the use of the correctional legislation is based on strict observance of the guarantees of protection against torture, violence and other cruel or degrading treatment of convicted persons. The causing of physical or mental suffering to minors by systematic beating, with the use of torture, is an indictable offence. Furthermore, higher penalties are provided for a number of offences knowingly committed against a minor. See also paragraph 38 of this report.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

163. In the Russian legislation currently in force the parental right to exercise guidance in accordance with the developing capabilities of the child is enshrined in the Family Code of the Russian Federation (chap. 8, Rights and duties of parents regarding the upbringing of children), in the education act of the Russian Federation and in the RSFSR act on languages of peoples of the RSFSR.

164. According to the 1989 census returns there were 23.5 million families in Russia with children up to 18 years of age (58 per cent of all families). Of these families, 51 per cent had one child, 39 per cent had two children and 9.8 per cent had three or more children. According to the returns of the 1994 microcensus, the proportion of families with one child had risen to 54 per cent, that of families with two children had fallen to 37 per cent, and that of families with three or more children had fallen to 9.4 per cent. Most large families (77 per cent) have three children. Large families are more common in the countryside (18 per cent) than in towns (6 per cent). During this period the number of children per 100 families decreased from 163 to 160. One of the parents is absent from 20 per cent of families. In 94 per cent of these instances the father is the absent parent. The reasons are birth outside wedlock, divorce and death. The number of divorces in the Russian Federation has been on the decline since 1994. Between 1992 and 1996 the number of divorces of couples with children declined by 16 per cent and the number of children in dissolved marriages by 18.6 per cent. The number of children born in unregistered marriages is on the increase; in 1996 they accounted for 23 per cent of total births. At the same time, 43 per cent of the fathers of children born out of wedlock acknowledge paternity at the time when the child is registered.

165. Parental rights arise at the time of the child's birth and cease when the child reaches the age of 18 years (majority) or when the child acquires

full legal responsibility, as provided by the legislation, before reaching the age of 18. The right of the parents to bring up their children takes preference over that of all other individuals. Both parents, including an absent parent, have equal rights with regard to their children. The parents are the legal representatives of their children and protect their rights and interests in relations with individuals and corporate bodies, including courts without special powers.

166. Parents are required to ensure that their children receive basic general education. They have the right, having taken the opinion of the children into consideration, to choose the educational establishment and the forms of teaching until the children have received basic general education. Parents or others acting in loco parentis have the right to opt for an educational establishment for their children that provides training and tuition in some given language. A child's legal guardian (foster parent) may independently determine how a child is to be educated, having regard to the child's opinion and the advice of the child-care authorities.

167. The above measures ensure the responsibility of parents (guardians and other legal representatives of a child), allow the child to be controlled and guided in the interests of its development, and ensure that divorced parents participate in bringing up the child.

168. One of the main tasks carried out by family counselling services is to ensure free development of children's individual abilities and inclinations, bringing out their creativity under conditions of emotional well-being and in cooperation with their adult teachers. Various models of family counselling services are being devised and introduced in Russia. The number of educational psychological care centres has risen from 3 to 123 since 1993. The network of medico-social psychiatric clinics is being expanded. Teachers, psychologists, doctors and social workers provide knowledge and information to parents on child development and on the growing capabilities of each child. Social, educational, medical and other establishments have special approaches and methods for work with families at the various levels of the child's development.

169. Parental rights may not be exercised in a manner contrary to the interests of children. The main concern of parents is to ensure the interests of children. In the exercise of their parental rights parents are not entitled to act in a manner that causes harm to the physical or mental health or the moral development of their children. Under the legislation, the ways of bringing up children must be such as to exclude neglectful, cruel, rough or degrading treatment, or the humiliation and exploitation of children.

170. In its policies the State pays special attention to the family. The family policy that is being developed is a set of measures that has at its centre the family and its problems, and especially how the family functions with regard to the rearing of children under the most varied circumstances, including divorce, adoption and children born out of wedlock.

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

171. The Russian legislation in force stipulates that parents are responsible for the upbringing and education of their children. They are required to look after their children's health and their physical, mental, spiritual and moral development. Parents must maintain their children during their minority, but the way in which they do so is independently decided by them. The principle has been introduced that both parents have general and equal responsibility for the upbringing and development of the child. The mother and the father are equally responsible for the upbringing and maintenance of their children even when their marriage has ended in divorce. In the absence of agreement between the parents on the child's upbringing and with whom it shall live (if the parents are living apart), disputes are settled by the courts, acting in conjunction with the child-care authorities, on the basis of the child's interests and opinion being paramount.

172. Appropriate assistance to parents in the carrying out of their parental responsibilities includes legally established preferential working arrangements, maternity grants and family allowances, provision of the services of pre-school child-care establishments, institutional care for children with disabilities, after-school care facilities (extended day groups) and summer health camps, income tax concessions for parents, child pension provision following the loss of the breadwinner and supplementary pension provision for children with disabilities.

173. The Labour Code of the Russian Federation bans night work, overtime and the sending on mission of pregnant women and women with children up to the age of three years, restricts overtime and the sending on mission of women having children up to 14 years old or children with disabilities up to 16 years old, provides for release from work at the request of the woman to care for a child up to the age of three years, a right which may also be exercised wholly or on a shared basis by the child's father or other close relative, and establishes guarantees concerning, inter alia, the employment and sacking of pregnant women. The administrative sacking of women who are pregnant or who have children up to three years of age (single mothers with children up to 14 years old or a child suffering from disability up to 16 years old) is not permitted other than when the enterprise is closed down completely, in which event it is stipulated that jobs must be found for them. The same preferential measures apply to fathers bringing up a child in the absence of the mother and to foster parents and guardians.

174. The types and amounts of material assistance to parents are laid down in the federal law on State grants for persons with children. A maternity grant is paid on the birth of each child. Working and studying parents and servicewomen receive a monthly grant while on paid child-care leave until the child reaches an age of 18 months.

175. The most vulnerable groups of families with children (those with many children, single-parent families and families with children suffering from disabilities) are entitled to priority for the services of pre-school care facilities. Unemployed persons with children receive an increased unemployment benefit. Foster parents (guardians) who bring up orphans and children deprived of parental care are paid an allowance to cover food,

clothing, footwear and incidentals at rates laid down by the Government of the Russian Federation. At the level of the subjects of the Russian Federation and at local government level, families whose income is below the subsistence level are given additional assistance from available resources in money and in kind, including free school meals.

176. On 1 January 1996 the maternity grant paid on the birth of a child was increased from 10 times to 15 times the minimum wage, while the monthly allowance for child-care leave until the child is 18 months old was increased from the minimum wage to twice the minimum wage. The additional expenditure of the Social Insurance Fund of the Russian Federation for these purposes was respectively 1,244.8 and 523.5 billion roubles. The limited financial resources do, however, mean that the essential needs of families with children are not yet being fully met.

C. Separation from parents (art. 9)

177. Matters relating to separation from parents are dealt with in the Family Code of the Russian Federation, the Criminal Code of the Russian Federation, the RSFSR Code of Criminal Procedure and the Punishment Code of the Russian Federation.

178. Every child has the right to live and to be brought up in a family insofar as may be possible, the right to know who its parents are, the right to be looked after by them, and the right to live with them, except when so doing would be against the interests of the child. The parents have the right to demand the return of a child being held by any person illegally or without a decision from a court. Criminal liability for kidnapping is increased in the case of the kidnapping of a minor. The switching of children for personal gain or other base motives is also a punishable offence.

179. When the parents are living apart, the place of residence of the child is agreed between them by common consent. In the absence of such agreement, the place of residence is established by a court acting on the basis of the interests of the child (children) and taking their opinion into consideration. In arriving at its decision the court considers the attachment of the child to each of the parents and to its brothers and sisters, the age of the child, the moral and other attributes of the parents, the relations existing between each of the parents and the child, and the possibilities for the upbringing and development of the child.

180. The parents (or one parent) may be deprived of parental rights in instances of failure to carry out their parental responsibilities, abuse of parental rights, harsh treatment of the children, if they are alcoholics or drug addicts, or if they have made a premeditated attack on the life and health of their children or their spouse.

181. When one parent is deprived of parental rights or has restrictions placed upon those rights, the child is transferred to the other parent. Should that be impossible or should both parents be deprived of or have limitations placed on their parental rights, the child shall be placed in the care of the child-care authorities. Deprivation of parental rights may be legally effected following an application by one of the parents (or persons

acting in loco parentis) or the prosecutor's office, and also following an application from the authorities or institutions responsible for protecting the rights of juveniles. The prosecutor's office and the child-care authorities are involved in the hearing of cases concerning deprivation of parental rights. In recent years the child-care authorities have been more active in identifying families in which the parents need to be deprived of parental rights in the interests of the children, with the result that the number of cases of deprivation of parental rights has increased.

182. There were 24,359 successful actions for deprivation of parental rights in 1996, as against 6,724 in 1992. The number of children removed from their parents without deprivation of parental rights in cases of threat of violence or cruelty, and also of improper care, almost doubled (from 3,401 in 1993 to 6,724 in 1996). Proceedings for restrictions on parental rights are instigated by close relatives of the child, by the authorities and institutions legally entrusted with protection of the rights of juveniles, by pre-school educational, general educational and other establishments and by the prosecutor. In such instances the placing of restrictions on parental rights is a decision of the court. Restrictions on parental rights (removal of the child from the parents without deprivation of parental rights) is permitted in instances when to leave the child with the parents would place the child at risk for reasons not dependent on the parents (serious illness and other serious circumstances) and also should leaving the child with the parents be a risk as a result of their behaviour. In the last-mentioned case, should the parents fail to alter their behaviour in the six months following the decision of the court to restrict parental rights, the child-care authorities are obliged to instigate proceedings for the deprivation of parental rights. During this period the social services shall work with the parents whose parental rights have been restricted with a view to normalizing the family situation and establishing the conditions for the return of the child. This work will help to restore the family. During the course of legal proceedings concerning separation from parents all the interested parties (the parents or persons acting in loco parentis, the children, the plaintiffs and the child-care authorities) are given the opportunity both of taking part in the examination and of expressing their views.

183. Should the parents be living apart the child has the right to be in contact with both of them. The child also has the right of contact with its parents when they reside in different countries. The parent living apart from the child has the right to have contact with the child, to be involved in the child's upbringing and to participate in decisions on the child's education. The parent with whom the child is living must not prevent its contact with the other parent, provided that such contact does not cause physical and mental harm to the health of the child and to its moral development.

184. Should the parents be unable to agree on how to give effect to the parental rights of the parent living apart from the child, the dispute shall be settled by the court, with the involvement of the child-care authority at the request of the parents (or of one parent). Should there be persistent failure to give effect to the legal decision, the court may, if so requested by the parent living apart from the child, decide to hand the child over to him or her, on the basis of the interests of the child and having regard to its opinion.

185. A foster parent (guardian) is not entitled to impede contact between the child and its parents and other close relatives except when such contact is not in the interests of the child.

186. A child in a foster family has the right to maintain personal contacts with its natural parents and relatives, provided that such contact does not conflict with its interests and normal development and upbringing. Contacts between the parents and the child are permitted with the agreement of the foster parents. Where disputes arise, the nature of the contact between the child, its parents and relatives and the foster parents shall be decided by the child-care authorities. See also paragraphs 141 and 152 of this report.

187. Should the child be arrested (in custody) or held in a place of imprisonment, the parents or persons acting in loco parentis shall be fully informed as to the child's whereabouts. Where boarding school pupils are concerned, such information shall be given to the headmaster of the boarding school. See also paragraphs 143 of this report and 99-100 of the initial report.

188. The new legislation adopted since the submission of the initial report is a restatement of the previous legislation in this area (the Punishment Code of the Russian Federation, which came into force on 1 July 1997).

D. Family reunification (art. 10)

189. The newly adopted federal law on the procedure for leaving and entering the Russian Federation is largely a restatement of the previous rules and regulations as regards children entering and leaving the Russian Federation for the purpose of family reunification. As a rule a citizen of the Russian Federation who is a minor leaves the Russian Federation in the company of at least one of its parents, adoptive parents, foster parents or guardians. Should the child be unaccompanied it must have with it, in addition to a passport, the written agreement of the above-mentioned persons - certified by a notary - for it to leave the country, and should a citizen who is a minor be leaving for a period of more than three months that agreement must also be witnessed by the child-care authorities in the manner laid down by the Government of the Russian Federation. Should one of the parents, adoptive parents, foster parents or guardians not agree to a citizen who is a minor leaving the Russian Federation, the possibility of departure must be resolved through legal channels.

190. Responsibility for the life and health of under-aged citizens of the Russian Federation leaving the Russian Federation and for protection of their rights and legitimate interests outside the Russian Federation lies with their parents, adoptive parents, foster parents or guardians. When organized groups of under-aged citizens of the Russian Federation leave unaccompanied by parents, adoptive parents, foster parents or guardians the responsibilities of their legal representatives devolve upon the leaders of the departing groups.

191. When dealing with applications connected with separated families of refugees and with asylum seekers accompanied or not accompanied by children, the Russian Federation strives to achieve the reunification of the children with their parents or relatives. There have, however, been increasingly

frequent instances in which a third country, in which the family or relatives of the child who have still not acquired official status are to be found, experiences some difficulty over the granting of an entry visa to such a child. In such cases the child becomes the concern of the corresponding Russian child-care authorities, the office of the United Nations High Commissioner for Refugees (UNHCR) in Moscow and the Russian Federal Migration Service.

192. Should one of the parents, adoptive parents, foster parents or guardians express disagreement with the departure of an under-aged citizen of the Russian Federation from the Russian Federation, the possibility of departure shall be settled through legal channels.

193. Parents living in different countries have equal rights of contact with the child in the absence of any decision by a court to the contrary.

194. The right of a citizen of the Russian Federation to leave the Russian Federation may not be impeded other than on grounds and in the manner laid down by law, nor may a citizen be deprived of the right to enter the Russian Federation. The departure of a citizen of the Russian Federation from the Russian Federation shall not entail any restriction on the rights guaranteed by domestic legislation and by the international obligations of the Russian Federation for that citizen, his spouse or his close relatives.

195. The office of juvenile establishments deals with matters concerning the search for the parents of child refugees through the appropriate agencies, including the Red Cross. The Russian Ministry of the Interior organizes searches for the parents, persons acting in loco parentis and close relatives of children who have come from zones of conflict between peoples and military operations. In carrying out these search measures active use is made of the scope afforded by the agreement between the ministries of internal affairs of CIS member States regarding collaboration on matters concerned with the prevention of neglect of juveniles that was concluded on the initiative of the Russian Ministry of the Interior in September 1993.

E. Illicit transfer and non-return (art. 11)

196. The illicit transfer and non-return of children are covered in the existing Russian legislation in the Constitution of the Russian Federation and the Criminal Code of the Russian Federation. An Agreement was reached in 1993 on collaboration between the ministries of the interior of the CIS member States on the return of minors to their country of residence. The measures for the prevention and halting of unauthorized transfer of children out of their country of residence put together on the basis of the Agreement have led to more effective reciprocal action. During the past two years more than 5,000 vagrant children from CIS member States have been returned after establishment of their identity to their place of permanent residence or settlement.

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

197. The recovery of maintenance for a child is dealt with in the existing Russian legislation in the Family Code of the Russian Federation.

198. A child has the right to be maintained by its parents and by other members of the family. Parents are responsible for the upkeep of their children while they are minors. The parents themselves decide how they will maintain their children. In the event of divorce the parents have the right to conclude an agreement witnessed by a notary on the maintenance of their children while they are minors (maintenance agreement). In the absence of an agreement the cost of maintenance may be recovered from the parents by legal action. In the event of the child being seriously ill and in other exceptional circumstances both parents may be required by the court to contribute to the additional expenditure occasioned by these circumstances. In the absence of a maintenance agreement the court may require the parents to make a monthly maintenance payment of a quarter of their earnings and(or) other income for one child, a third for two children and a half for three or more children. Maintenance may also be ordered as a fixed sum, arrived at on the basis of keeping the child insofar as possible at the level to which it was accustomed. Acting on the principle of ensuring the best interests of the child and maintaining the former living standard, the fixed sum maintenance payment will be index-linked.

199. Maintenance is also recoverable for children deprived of parental care, including children in educational establishments, treatment establishments, social protection facilities and other similar establishments. In that case the maintenance is paid to the account of the establishment, in which there is a separate entry for each child.

200. Failure to pay maintenance is a criminal offence. The monthly child allowance is temporarily increased while a parent is under investigation.

201. The member States of the CIS have concluded a Convention on legal aid and legal relations in civil, family and criminal cases to ensure the continuing maintenance of children by parents now living in independent States formed in the territory of the former USSR. The Convention regulates the recognition and enforcement of decisions on child maintenance. A multilateral agreement has been concluded on the guaranteed rights of citizens in the area of social benefits, compensation payments to families with children and maintenance. The agreement is in force in the Republic of Moldova, Russia, Uzbekistan, Tajikistan, Armenia, Kazakhstan, Belarus, Kyrgyzstan and Georgia. From the time when the Russian Federation became independent a number of bilateral agreements on legal aid and legal relations in family cases, including maintenance, were concluded; agreements on legal aid in civil and criminal cases with China (effective from 14 November 1993), on civil, family and criminal cases with Kyrgyzstan (effective from 25 February 1994), Azerbaijan (effective from 20 January 1995), Lithuania (effective date 21 January 1995), the Republic of Moldavia (effective date 26 January 1995), Estonia (effective date 1 March 1995), Latvia (effective date 29 March 1995) and Georgia. Problems are, however, being encountered in ensuring adequate maintenance of a child resident in Russia owing to differences in the cost of living and in the real purchasing power of various CIS currencies in Russia. Although the State took all possible measures after the submission of the initial report, the material maintenance of children, especially children from one-parent families, remains a key concern of the Government.

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

202. In the existing Russian legislation the rights of children deprived of a family environment and the responsibilities of institutions and organizations to protect those rights are set out in the Civil Code of the Russian Federation, the Family Code of the Russian Federation, the federal law on additional guarantees for the social protection of orphans and children left without parental care, and the decree of the Government of the Russian Federation on the organization of centralized recording of children left without parental care. The Family Code of the Russian Federation establishes the following arrangements for children left without parental care: adoption as the arrangement that has priority for the bringing up of a child in a family; the fostering or guardianship of a child by an individual (foster parent, guardian); temporary placement with a receiving family, and institutional care.

203. In addition to the retention of the previously existing arrangements, the new institution of the receiving family was introduced in 1996 with a view to the establishment of conditions approximating to family life.

204. Since 1993 a network of specialized institutions for the social rehabilitation of children and young people (refuges, social rehabilitation centres and assistance centres for children left without parental care) has been developed in order to provide an effective refuge for children left without parental care and to remove them from an adverse environment threatening their life and development, including living on the streets. These institutions provide temporary refuge and social rehabilitation for children before they are finally placed in a family or in a boarding institution. This has created a real alternative to the keeping of such children in closed institutions (temporary isolation centres for juvenile offenders). The network of these institutions has developed most actively, increasing from 30 to nearly 600, and they have been set up in every member of the Russian Federation.

205. The number of children left without parental care for a year has increased by nearly 90 per cent over the last five years. One of the factors conditioning this appreciable increase has been more efficient identification and recording of children left without parental care, including their registration, and greater attention to the rights of the child. At the start of 1997 there were 572,400 registered orphans and children left without parental care (426,000 in 1992), of whom 419,000 (73 per cent) were being brought up in families (fostered and adopted) and 153,000 were in boarding institutions (100,000 in 1992).

206. In accordance with the legislation, maintenance allowances have been paid since 1992 to families that foster children. The amount of the payment for each child corresponds to the cost of maintaining a child fully provided for by the State.

207. The above-mentioned measures show that the State is doing as much as possible to reduce the number of children sent to boarding institutions and to restore their family environment. See also paragraphs 210-211 of this report.

208. The child-care authorities place children deprived of parental care. No other corporate bodies or individuals are permitted to concern themselves with such children. When children deprived of parental care are being placed consideration is given to the ethnic origin of the child, its membership of a particular religion and culture, its mother tongue, and the possibility of ensuring continuity in upbringing and education. Children left without parental care are, as a rule, placed in families or in juvenile boarding institutions in the region of their birth and permanent residence.

209. The statistics show that clear priority is given in the Russian Federation to bringing up children left without parental care in a family.

| | 1994 | 1995 | 1996 |
|-------------------------------------|---------|---------|---------|
| Children left without parental care | 102 682 | 113 296 | 113 243 |
| Of whom: | | | |
| placed with a family | 71 086 | 77 304 | 78 566 |
| sent to boarding institutions | 28 575 | 32 062 | 32 646 |

210. The material resources of boarding institutions cannot be adapted rapidly to a sharp increase in the number of children left without parental care. Considerable difficulties remain over the supply of furniture, children's clothing and footwear and medical equipment, and the number of buildings and installations in need of major repair work is on the increase. The legal requirements for the provision of financial resources for fostered children are being breached almost everywhere except in Moscow and Saint Petersburg. At the same time, these resources are roughly twice the subsistence level for a child and the average per capita income of most families with children who are still minors. The office of the public prosecutor of the Russian Federation regularly checks on respect for the rights of orphans and children left without parental care and appropriate steps are taken. Amendments to the federal legislation guaranteeing additional social protection for orphans and children left without parental care as regards their accommodation are currently being accepted.

H. Adoption (art. 21)

211. In the existing Russian legislation matters of adoption are governed by the Family Code of the Russian Federation, the RSFSR Code on Administrative Offences, the Criminal Code of the Russian Federation and the RSFSR Code of Civil Procedure. In accordance with the Family Code of the Russian Federation adoption is the preferred form for the upbringing of boys and girls left without parental care. Since 1996 the adoption of a child has been by decision of a court on an application from the prospective adopters. The child-care authorities are involved in adoption cases. The adoption of children who are minors is permitted solely in their interests. There is a list of individuals who cannot be adoptive parents (persons legally deprived

of their parental rights; persons relieved of their responsibilities as foster parents (guardians) for failure to carry out their responsibilities in an appropriate manner; persons whose health status prevents them from exercising parental rights). The consent of a child who has reached the age of 10 years is required for its adoption. When a child is adopted by one spouse the consent of the other spouse is required.

212. The law requires the adoption of a child to be confidential, for which purpose the court sits in closed session. The legislation of the Russian Federation on adoption does not give the child an absolute right to know its biological parents. It is possible in some instances for the adopted child to maintain relations with one of the parents or with the relatives of a dead parent.

213. Adopted children and their progeny stand in the same relationship to adoptive parents and their relatives, and adoptive parents and their relatives stand in the same relationship to adopted children and their progeny as relatives by origin with regard to non-property and property rights and responsibilities.

214. A legislative decision is being worked out regarding monitoring of the living conditions and upbringing of adopted children, including children adopted by foreign nationals.

215. The new Family Code of the Russian Federation has gone a long way towards regulating the process of the adoption of children who are citizens of the Russian Federation by foreign nationals. Systematic adoption by foreign nationals of children left without parental care began in 1991, but many aspects of the process had still not been regulated as late as 1996. The adoption of children by foreign nationals or stateless persons is permitted only when it is impossible to place these children in families of citizens of the Russian Federation permanently resident in the Russian Federation, or for the children to be adopted by their relatives irrespective of their nationality and place of residence within three months of the children being placed on the centralized register.

216. In accordance with the legislation, regional data banks on orphans and children left without parental care are being set up in every region, and a federal data bank on these children in the Ministry of General and Vocational Education of the Russian Federation. Information on 31,291 children from 71 regions was on the register on 6 February 1997. The authorities of the members of the Russian Federation and the Russian Ministry of Education keep a record of citizens of the Russian Federation and foreign nationals who have expressed the wish to adopt children, and they give assistance in the placing of children with families.

217. No corporate bodies or individuals apart from the child-care authorities are permitted to engage in the finding and handing over of children for adoption. Illegal acts concerning the adoption of children render the perpetrators liable to prosecution.

218. The adoption of Russian children by foreign nationals must be carried out in accordance with Russian law and with the law of the State of which the

adoptive parent is a citizen. Foreign adopters must submit a written undertaking from the competent body in their country that it will monitor the situation after the adoption of the child. A simplified procedure is envisaged pursuant to the Convention on legal assistance and legal relations in civil, family and criminal cases so as to facilitate the adoption of children by relatives resident in States of the CIS. In 1996 3,300 children were adopted by foreign nationals.

219. On the whole the advances in the legislation have helped to rationalize the process of adoption in the interests of protection of the rights of the child, prevention of the adverse effects of adoption and an increase in the number of adoptions of children.

I. Periodic review of placement (art. 25)

220. In the existing Russian legislation periodic review of placement is conducted pursuant to the Family Code of the Russian Federation and the Civil Code of the Russian Federation. The child-care authorities for the place of residence of fostered children monitor the activity of foster parents (guardians). Checks are made twice a year on the living conditions and education of fostered children with a view to providing appropriate assistance, as well as to observe the child's situation in the foster home. The child-care authorities also inspect the conditions in institutions for children deprived of parental care and their education and upbringing.

221. District children's clinics (outpatient clinics and polyclinics) are responsible for health checks on fostered children and children under the supervision of a guardian; these clinics have developed the practice of keeping a register of children in what are called "priority" families (they include families looking after children in care). In practice they also verify that the children are being suitably brought up. Local medical authorities and institutions are responsible for the medical care of the inmates of children's homes and other boarding institutions, each of which is obliged to have medical staffing at the levels laid down. Specialist medical care is provided, if required, in district or federal specialist medical centres. The medical care provided is paid for from budget resources.

222. In 1995 the Russian Ministry of Health approved instructions for regular preventive medical examination of children of pre-school and school age based on medical and economic standards. These instructions are also fully applicable to children removed from fostering and guardianship and put up for adoption, and to the inmates of boarding institutions of all kinds. The instructions are the main document for expert appraisal of the quality of the medical care given to these children. Orphans who are inmates of boarding institutions have an unconditional right to be admitted to hospital if suffering from conditions needing in-patient treatment.

223. The rights of a child left without parental care and placed in a family are protected as regards medical matters by special decrees of the Government of the Russian Federation and are regulated by instructions of the Russian Ministry of Health: (1) "The issuing of medical certificates for children being placed in families", which approved the Rules for the medical examination commission of the health service management of a member of the

Russian Federation that organizes the issuing of medical certificates for children left without parental care in medical establishments, boarding institutions, children's homes, refuges and other establishments, whatever the department that administers them. The same document permits independent medical examination of children for adoption at the request of the prospective adopters; (2) "On the procedure for the issuing of medical certificates to citizens wishing to become adoptive parents, foster parents (guardians) or temporary carers", which approved the Rules and form of the medical report on the results of medical examination, and the Schedule of medical conditions that disbar an individual from adopting a child, or becoming a foster parent (guardian) or temporary carer. These measures help to protect the rights of children in care.

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

224. The Family Code of the Russian Federation provides that parents are not entitled to harm the physical and mental health of their children, and their moral development. The means employed in child rearing must exclude slighting, harsh, coarse or degrading treatment, humiliation and exploitation. Officials of organizations and other individuals who become aware of a threat to the life or health of a child, or of violation of the child's rights and legitimate interests are obliged to inform the child-care authorities of the place where the child is found. Upon receipt of such information the child-care authorities are obliged to take the necessary steps to protect the child's rights and legitimate interests. Children who are being fostered (are in the care of a guardian) and children left without parental care who are in educational establishments, treatment facilities, social protection facilities and other similar establishments have the right to be provided with the conditions for their maintenance, upbringing, education and all-round development, to respect for their human dignity and to protection against abuse by the foster parent (guardian), workers of the institutions concerned and other individuals.

225. There are penalties in criminal law for physical violence, including beating and torture, offences against the sexual inviolability of the individual, and humiliation of all citizens, including children. Failure to carry out responsibilities for the upbringing of a child by a parent, and also by a teacher and an employee of institutions supervising juveniles, is an indictable offence. The new Criminal Code has a special chapter entitled "Crimes against the family and juveniles" that regulates the liability of adults who involve juveniles in the committing of offences, in systematic use of spirits and narcotics, in working as prostitutes, in vagrancy and in begging. The liability is greater when these offences are committed by parents and teachers. This chapter includes a provision that is new to Russian legislation, namely failure by parents, teachers and other staff of an educational or treatment establishment to carry out their responsibilities for the upbringing of juveniles, taken in conjunction with harsh treatment of them. The article provides a penalty of two years' imprisonment and loss of the right (for up to three years) to hold official posts or take part in a specified activity.

226. During the last three years the number of offences of which young persons were the victims has remained almost constant (more than 17,000), but the main weight of the offences has shifted into the sphere of family and domestic relations.

227. Sexual violence against young boys and girls up to 15 years old accounts for 30 per cent of all crimes in this category, and it is most often children between 8 and 12 years old who are attacked. The perpetrators are known to their victims in 50 per cent of cases, and roughly 40 per cent of crimes of this kind are committed by relatives.

228. Cases of the killing of babies in arms by single mothers or their cohabitees have become more common. The number of crimes of this kind was up by 50 per cent in 1996 by comparison with 1993 (from 121 to 178 cases).

229. A draft federal law on the fundamentals of social and legal protection against violence in the family is currently being prepared for the taking of measures and the elaboration of machinery for the prevention of harsh treatment of children; the provisions of the draft are aimed at strengthening social control of unsatisfactory families and at the application of adequate preventive measures to parents (other members of the family) who behave harshly towards children. The adoption of this law will enable the child's biological family to be preserved as the most suitable environment for the child's development and will counter the growth of social orphanhood and the associated forced removal of children from parents.

230. A network of special establishments providing social services for families and children has been developed since 1993 to provide the necessary support for children who have suffered mental and physical violence and various forms of neglect and to promote their social reintegration. These establishments give assistance to children in need of social reintegration and emergency medical and social care who live in problem families and have been subjected to physical and mental violence, who have refused to live in the family or in institutions for orphans and children left without parental care. These institutions provide a temporary home for juveniles who have been experiencing a difficult life and who need assistance. The children are given first aid treatment and a range of medical and social forms of assistance, and there is provision of individual reintegration programmes, temporary placement in a family and other measures.

231. The federal target programmes entitled "Development of institutions providing social services for families and children" and "Prevention of vagrancy and juvenile crime" have been in operation since 1997. The programmes have been included in the Presidential programme "The Children of Russia" for the period down to 2000. They envisage expansion of the network of institutions and improvement of the reintegration procedures for work with child victims of violence.

VII. BASIC HEALTH AND WELFARE

A. Disabled children (art. 23)

232. Provision for mentally and physically impaired children, including disabled children, is dealt with in the Constitution of the Russian Federation, laws of the Russian Federation entitled Fundamentals of the legislation of the Russian Federation on health care, and psychiatric care and guarantees for the rights of citizens receiving such care, the Education Act, the RSFSR Labour Code, federal laws on the social protection of invalids in the Russian Federation and on social services for the elderly and invalids, an order of the President of the Russian Federation on additional measures of State support for invalids, and a number of orders of the Government of Russia setting out procedures for the granting of benefits to families with disabled children.

233. During the reporting period there were appreciable positive changes favouring the social integration of children with limited abilities. The existing legislation is aimed at protecting the rights and interests of children with mental and physical defects to life and development, and at encouraging their active participation in the life of society. See also paragraphs 76-82 of this report.

234. In addition to treatment establishments in which children with mental and physical disabilities receive medical care along with other children, there are specialist establishments treating children with specific medical conditions or defective health. The International Classification of Impairments, Disabilities and Handicaps is used in the establishment of disability. Official juvenile disability statistics were developed and introduced in 1996. The medical indications for a diagnosis of juvenile disability were widened in 1992. Depending on the nature of the pathological state or functional changes, disability may be established for a period of between six months and attaining 16 years of age. In accordance with the legislation of the Russian Federation a disabled child is a child of up to 16 years of age, while between the age of 16 and 18 years a child with limited capacity may be recognized in the established manner as having been disabled from infancy.

235. During the reporting period services were developed for the prevention of disability from infancy (antenatal and medico-genetic diagnosis, resuscitation and intensive care for the newborn in maternity homes). The number of ultrasonic scans of pregnant women was nearly three times greater in 1996 than in 1990. This led to the more frequent detection of foetal abnormalities and prevention of the birth of children with developmental defects. Ultrasonic scans of neonates and babies in arms increased almost fourfold. This became possible as a result of the strengthening of the diagnostic services of paediatric establishments (in 1990 only 10 per cent of paediatric hospitals had ultrasonic scanners, while in 1996 the figure was 68.5 per cent). Medical genetics units have been established in all members of the Russian Federation. Screening programmes have been established for the early detection of a number of genetic diseases and impaired hearing. Forms

of care, treatment and rehabilitation of such children have been established in relation to the degree and nature of the physical and mental developmental defect.

236. In 1996 there were 157 boarding houses for disabled children (35,000 places) with 30,700 residents suffering from various forms of mental backwardness and physical ailments who could not be kept by their parents under domestic conditions, or orphans whose physical and mental health was seriously impaired.

Boarding institutions for disabled children in the
Russian Federation (at the end of the year)

| | 1992 | 1993 | 1994 | 1995 | 1996 |
|--|------|------|------|------|------|
| Number of boarding institutions | 158 | 158 | 158 | 159 | 157 |
| Number of places (thousands) | 37.4 | 36.6 | 35.9 | 35.3 | 35.0 |
| Number of disabled resident children (thousands) | 33.4 | 32.5 | 31.8 | 31.3 | 30.7 |

Of the 30,700 children in these boarding institutions, 5,600 are permanently confined to their beds.

237. There are 1,889 special schools for less seriously affected children; the curriculum and teaching methods in these schools are adapted to the needs of children with mental and physical developmental defects (blind or partly sighted, hard of hearing, suffering from the after-effects of poliomyelitis and cerebral palsy, and mentally retarded). There are 277,200 pupils in these schools. In addition, there are 202,200 children in 1,471 special boarding schools for mentally and physically retarded children.

238. The number of general schools in Russia that have remedial classes for children who are mentally retarded or suffering from physical developmental abnormalities has been increasing since 1994. In 1996 there were 1,307,500 children attending such classes.

239. Disabled children may be provided with vocational training along with other pupils in general educational establishments or in special educational establishments offering basic vocational training and special secondary education for disabled children.

240. During the period covered by the report a new trend has been actively pursued in the provision of assistance for children with limited capabilities through the provision of a wide range of rehabilitation services to stimulate them. For example, 95 medical rehabilitation and reintegration centres and departments for children in these categories were newly organized in the health-care system during the period 1994-1996. More than 150 social rehabilitation centres have been set up in the social protection system and there are more than 60 departments of the same kind functioning in other establishments of the social services. The medical and social rehabilitation

of children is individually programmed and their parents are simultaneously taught rehabilitation skills and provided with educational psychological counselling and legal assistance.

241. The National Action Plan for Children includes measures to tackle the problems of children with limited capabilities; a federal target programme for disabled children was begun in 1993. In addition, regional interdepartmental coordinating programmes for disabled children have been produced and are being carried out in 65 territories of the Russian Federation.

242. New methods for the instruction and socialization of children with limited capabilities are being worked out and specialists are being instructed in conductive education. Thirteen Russian universities and other higher education establishments have begun to provide vocational training and refresher courses on a new course entitled "social rehabilitation of children with limited capabilities". New requirements for the design, siting and equipping of rehabilitation centres have been drafted and are being introduced under the federal target programme for disabled children.

243. Public organizations, and especially organizations of the parents of children with limited capabilities, are making a great contribution to dealing with the problems of juvenile disability and are cooperating more and more with official bodies and local administrations. Several measures of social support for families bringing up disabled children have been adopted. There is no charge for medicaments prescribed for disabled children. They receive free health spa treatment when it is prescribed by doctors and a grant has been introduced to cover 50 per cent of the cost of travel to the health spa establishment for the disabled child and an accompanying person. Disabled children have priority in the allocation of places in pre-school establishments and in paediatric medical and convalescent facilities. Concessions over working conditions have been increased for working parents to enable them to look after a disabled child.

244. Disabled children are entitled to a disability pension and other benefits as laid down in the law on State grants in the Russian Federation. In addition, disabled children receive the same monthly child allowance as all Russian children. A non-working person of working age looking after a disabled child of up to 16 years old receives a compensation payment.

Disabled children up to 16 years old in receipt of
a disability pension

| | 1992 | 1993 | 1994 | 1995 | 1996 |
|---|-------|-------|-------|-------|-------|
| Total number of disabled children up to 16 years old in receipt of a disability pension (thousands) | 284.7 | 344.9 | 398.9 | 453.6 | 513.7 |
| Number per 10,000 of the juvenile population | 80.9 | 99.9 | 117.5 | 136.6 | 159.1 |

245. There is constant development of the measures of social support for disabled children. A draft federal law extending the list of such measures was produced in 1997. Standards introduced in 1994 stipulate that no new towns and settlements may be built and no buildings and other structures erected or converted without allowance for the need to provide access for disabled persons. Nevertheless, the complete social integration of children with limited capabilities does require solutions to a whole series of problems that involve appreciable financial resources and a fairly lengthy period for their implementation. This applies in particular to the creation of a living environment accessible to the disabled, which takes in premises of the social and production infrastructure, transport facilities, communications and informatics. Unresolved problems persist in this area.

B. Health and health services (art. 24)

246. Matters concerned with health care for children, the implementation of their rights to use the services of the health-care system, treatment and convalescent facilities, and the guaranteeing of access to such services for every child are reflected in the existing Russian legislation in the Constitution of the Russian Federation, the laws of the Russian Federation on fundamentals of the legislation of the Russian Federation on health care, and medical and epidemiological welfare of the population, the RSFSR Labour Code and the federal laws on environmental protection and on compulsory medical insurance. See also paragraphs 101-103, 109-113 and 233-246 of this report.

247. Since submission of the initial report, the health services providing medical care for children have been operating under the conditions of an economy in a state of transition. Reduction in the amount of finance for health care and inadequacy of the resources coming both from the State budget and from sources connected with the development of medical insurance have been features of this period. The cost of medicaments has risen and the range of medical services for which payment must be made has been extended against a background of decline in the level of earnings. In this connection, preservation of the basic potential of the maternal and child health service and its adaptation to the new economic conditions through restructuring and an increase in the role of the outpatient polyclinic element has been a key task in the health service for ensuring access to medical care for all children and strengthening the services that give effect to the right to life. To that end the Russian Ministry of Health has devised strategic approaches to maternal and child health care under the conditions of the social and economic reforms, including the matters referred to in the concluding observations: immunization, the quality of antenatal care and family planning problems. Regional maternal and child health-care programmes have accordingly been adopted in the members of the Russian Federation. The carrying out of the presidential programme "The Children of Russia" and other federal programmes adopted in the period covered by the report has made a considerable contribution to solution of the problems as stated. See also paragraphs 52-63 of this report.

248. A monitoring system has been introduced to verify the quality and effectiveness of medical care for women and children. The indicators monitored include the provision of medical staff and outpatient and hospital facilities for women and children; the amounts of preventive and curative care

for women and children, with an assessment of availability; the trends of neonatal, juvenile and maternal mortality, statistics on the efficiency of preventive care for women and children; female and juvenile mortality; the restructuring of maternal and child health facilities; ring-fenced resources for health care for women and children; and the effectiveness of federal programmes on medical trends.

249. During this period public non-governmental organizations have become appreciably more active, have exerted increasing influence on the decisions of official bodies and have made a practical contribution to problem-solving (the International Foundation for Protection of the Health of Mothers and Children, the Russian Family Planning Association, the Russian Mercy and Health Foundation, the Russian Children's Fund, the Society of Russian Paediatricians, the Russian Contraception Society, professional associations of doctors and many women's groups).

250. In the context of the development of international collaboration during the period 1992-1994 measures were undertaken with the assistance of UNICEF for the improvement of preventive immunization and the prevention of anaemia in pregnant women. Twelve centres for juvenile oncology and haematology were set up together with the CARE charity (Germany) in all the geographical regions of Russia. We are working actively with the International Family Planning Association on the control of abortion.

251. Between 1993 and 1996 neonatal mortality fell from 19.9 to 17.4 per 1,000 live births. Perinatal mortality fell from 17.4 to 15.9 per 1,000 births. In assessing the progress made during the period covered by the report and the effectiveness of the steps taken to reduce infant mortality, we should take into consideration the increased demands being made, in connection with the switch over of Russia to new criteria of live birth, on the resuscitation and intensive care of neonates with a high probability of a fatal outcome. In connection with the measures adopted during the same period the reliability of the recording of infant death increased, especially in the newborn and infant periods. The mortality of children in the 0-4 years age range fell from 24.3 per 1,000 neonates in 1993 to 21.4 in 1996. Infant mortality in the age range 0-14 years fell during the same period from 150.6 to 122.6 per 100,000 of the child population. The pattern of hospital mortality is an important criterion of the effectiveness of work on the prevention of infant mortality. With a sustained volume of hospital admissions of children during the years covered by the report, hospital mortality statistics for neonates, babies in the first year of life and children 0-14 years old are evidence of positive shifts in the quality of medical care and the increased survival rates of sick children. See also paragraphs 104-117 of this report.

252. The availability of medical care for children, including basic health care, is ensured by an extensive network of medical establishments, including rural facilities. In the countryside there is, as a rule, a peripheral network of sectorial rural hospitals, outpatient clinics run by doctors, and district paramedical and midwifery posts that operate in conjunction with the central district hospitals. One statistic of the availability of medical

services is provided by the number of paediatricians working in Russia. Over the period 1993-1996 the number of children up to 15 years old per paediatrician fell from 423 to 390.

253. In the course of the planned restructuring of the network of medical establishments for children priority has been given to outpatient polyclinic services at the expense of the number of hospital beds. Preventive care facilities have been more intensively developed: medical genetic services (surgeries), family planning centres and consultation and diagnostic centres. The number of day hospitals of all types increased from 140 in 1992 to 206 in 1996. The number of children being seen in outpatient clinics has increased: from 201 to 250 per 1,000 children. There have not been any changes in the numbers of children seen by doctors in polyclinics and in domiciliary visits: 6.2-6.1 visits per child annually.

254. There are still disproportions in Russia in the quality of medical care for children in the towns and in the countryside. These are not related to age, sex, and the ethnic and social origin of the children, but are mainly due to the uneven development of highly specialized services in the various regions of the country. The new economic relations between the centre and the members of the Russian Federation are enabling the territories to conduct an independent policy in the development and consolidation of some of their health services.

255. During the period covered by the report the intensification of preventive immunization has been an important trend, due in no small measure to the federal "Preventive Immunization" programme, partly influenced by the views expressed in the concluding observations. The purchase and delivery of vaccines for children has been centralized and funded through the State budget for distribution to all members of the Russian Federation. The extensive public information campaign that was organized made use of the mass media. National poliomyelitis immunization days were held in 1996 and 1997. A cold chain was organized for the delivery and storage of vaccines. Much has been done to train medical staff in immunoprophylaxis. The contraindications against immunization have been reduced. Immunization against hepatitis was introduced into the immunization programme in 1997. As a result of all this activity the immunization coverage of children in the first year of life was sharply increased in 1996 relative to 1992: from 72.6 to 95.1 per cent for diphtheria, from 62.0 to 86.9 per cent for whooping cough, and from 69.0 to 96.8 per cent for poliomyelitis; the increases for two-year-old children are from 82.6 to 95.3 per cent for measles and from 61.7 to 83.4 per cent for mumps. The statistics for the timeliness of immunization have improved. Immunization of neonates against tuberculosis has reached 93 per cent (86.2 per cent in 1992). The increased levels of immunization led to a reduction of morbidity during the period 1992-1996 of 36.3 per cent for whooping cough and by a factor of 3.3 times for measles, marked a turning point in the control of diphtheria and enabled us to cope with an outbreak of poliomyelitis in Chechnya. The requirements for further progress in this area are improvements in vaccine production processes, the creation of new multi-component vaccines and the introduction of immunization against rubella into the immunization programme. Immunization against hepatitis is being introduced slowly, despite the availability of the vaccine and the accompanying documentation.

256. Children receive basic health care on a territorial basis in children's polyclinics in the place where they live. There are 7,900 polyclinics and 468 hospitals providing preventive care and treatment for children and 275 maternity homes. Independent specialist paediatric diagnostic centres have been created in 11 regions. Hospitals have a total of 260,400 beds for children. The coverage in 1996 was 87,400 beds per 10,000 of the juvenile population, with the breakdown 33.6 for non-infectious conditions, 19.4 for infectious diseases and 28.7 for specialist care. There are 76,300 paediatricians and neonatologists working in the establishments providing preventive care and treatment for children, which is 25.6 doctors per 10,000 children, and 42 per cent of paediatricians have higher categories of qualification reflecting a high level of specialist skills. Paediatricians are trained in paediatric faculties in 39 medical colleges. The total number of hospital beds for children is 8.5 per cent lower than in 1992 and admissions of children are 2 per cent down. The number of paediatric sanatoria has been reduced by 11 during the last three years, with the loss of 6,000 beds, but the number of children treated in sanatoria has increased by 21,100 to 384,600. The juvenile morbidity pattern is not uniform throughout Russia.

257. The diagnostic capabilities of children's hospitals have increased appreciably during recent years as a result of the establishment of highly informative services (ultrasound diagnosis, endoscopy, functional diagnosis), introduction of screening tests and development of specialized services. Official statistics record increased illness among newborn babies and greater prevalence of chronic conditions in all age groups. Conditions of a functional nature (affecting the nervous system, the skeleto-muscular system, eyesight, etc.) have become quite prevalent among children. The total number of conditions diagnosed for the first time per 1,000 children remained practically unchanged over the period 1993-1996: 1,142 in 1993, 1,162 in 1996. The annual fluctuations are largely accounted for by the pattern of acute respiratory infections in connection with epidemics of influenza and other viral infections.

258. There has been an increase in morbidity due to harmful environmental factors (including radiation): neoplasms and skin diseases have increased by 25.9 per cent among children, bronchial asthma by 53.7 per cent and congenital defects by 33.3 per cent. There has been a perceptible increase in conditions due to an unbalanced diet, mainly trace element and vitamin deficiencies and excess of carbohydrates. Endocrinal and metabolic disorders have increased by 33.6 per cent, diseases of the digestive organs by 19.7 per cent, and diseases of the blood and haematopoietic organs (mainly anaemia) by 28.6 per cent. Iodine deficiency has become an acute problem in recent years in connection with the lack of mass iodine prophylaxis. Special studies have shown iodine deficiency to be endemic throughout 50 per cent of the country. Subclinical hypothyroidism is widely prevalent in the territories affected (10-36 per cent) and the prevalence of goitre ranges from 18 to 50 per cent. Some State support has recently been given to enterprises manufacturing iodized preparations and iodine-enriched foods.

259. Dental disease is one of the problems that must be regarded as having global dimensions. Prevalence of dental caries reaches 70-90 per cent in

children of school age, partly on account of the lack of mass prevention, partly owing to the diet of children, in which carbohydrates are present to excess.

260. It is probably not possible to exclude diseases due directly to undernourishment. Such diseases are not, however, on a large scale, but are connected with the social and economic position of certain families. The global national indicator advocated by WHO as a measure of the prevalence of starvation is birth weight distribution over a range of weights. The distribution of newborn children by body weight remained virtually unaltered in Russia during the period 1993-1996. The proportion of children with a low birth weight, 6.2 per cent, is that typical of most developed countries and is not an indication of mass starvation in the country. During the period 1993-1995 there was a regulation in force for the free provision of special milk products to children in the first and second years of life with the aim of improving their nutrition. The principle now being adopted in the members of the Russian Federation is that of the targeted distribution of these products, with priority for children in low-income families in the first year of their life.

261. The increased tuberculosis morbidity among children is a cause of alarm. Its causes are, first and foremost, the fall in the standard of living and in the quality of the diet, an increase in the number of people with no fixed abode, and the rise in alcoholism. Sexually transmitted diseases should be given a special mention. There has been a sharp increase in syphilis morbidity among children, including congenital syphilis. During the period 1993-1996 syphilis morbidity increased tenfold among young children and by 6.8 times among adolescents. The poor epidemiological situation has been conducive to the spread of scabies, which is 4.5 times more prevalent among children than it was in 1992.

262. State guarantees for health care for pregnant women are set out in the fundamentals of the legislation of the Russian Federation on health care, the RSFSR Labour Code and the federal law on State grants for persons with children. See also paragraph 121 of the initial report.

263. Midwifery services are mainly provided in the Russian Federation in establishments staffed by doctors. When a difficult birth is foreseen and there are extragenital complications, pregnant women are admitted for delivery to maternity homes or the maternity wards of general hospitals on a planned basis. In 1996 the pregnancy of 5 per cent of women ended in miscarriage or medical abortion and 4 per cent of births were premature.

264. The index of maternal mortality per 100,000 live births was 51.6 in 1993, 53.3 in 1995 and 48.9 in 1996. The main cause of maternal mortality is death from abortion (23.2 per cent), with haemorrhage in second place, late toxicosis in third place and sepsis in fourth place. During the period 1993-1996 the number of deaths of women from abortion and haemorrhage was reduced. The carrying out of the Federal "Safe Motherhood" programme, in which the recommendations of the concluding observations were reflected, was of assistance in overcoming the adverse trends in the maternal mortality statistics.

265. Breastfeeding has to be admitted to be one of the problems not being satisfactorily dealt with. The declining trend in the number of breastfed children has persisted in the period covered by the report:

| Percentages | 1993 | 1994 | 1995 | 1996 |
|--|------|------|------|------|
| Children breastfed to an age of 3 months | 45.6 | 45.2 | 45.1 | 44.8 |
| Children breastfed to an age of 6 months | 32.7 | 31.6 | 32.5 | 32.3 |

Steps taken to encourage breastfeeding in recent years have included the provision of more congenial conditions for the purpose in maternity homes.

266. The problems of family planning in Russia were regarded as most difficult and unresolved up to 1992, as was reflected in the concluding observations. Family planning activity has been more actively pursued during the period 1993-1997, encouraged by the federal "Family Planning" programme, one of the main purposes of which is to introduce a system for the provision of advice and instruction for adolescents and young people on sex education, family planning, sexual and reproductive behaviour, the use of reliable and safe means for the prevention of unwanted pregnancies, and the prevention of sexually transmitted diseases. A network of family planning centres has been established in Russia. There were 209 centres at the beginning of 1997. We are working on the provision of free contraceptives for adolescents and women from badly off families. The production of modern means of contraception is being expanded. We have been especially active in the sphere of public education, including the distribution of a range of informative material (publications and video films) and the regular broadcasting of television and radio programmes on the subject. There were 47 "Family" television broadcasts and 220 radio broadcasts in the period 1995-1996.

267. Reduction in the number of abortions has been an important result of the measures carried out during the period covered by the report. According to the official statistics, there was a 23 per cent reduction over the period 1992-1996. There were 235 abortions to 100 births in 1993 and 203 in 1996; the number of abortions per 1,000 women (15-49 years old) was respectively 88 and 70. The reduction in the number of abortions was due mainly to an increase in the number of women using modern means of contraception. The number of women using oral contraceptives more than doubled over the period 1993-1996. Intrauterine contraception is the most widely used method. Sterilization as a means of preventing unplanned pregnancy has become approximately 1.7 times more frequent. The proportion of women using the above-mentioned means of contraception has increased from 22.4 per cent to 24.7 per cent. Use of abortion as the main means of family planning is gradually declining. A key role in the spreading of knowledge and skills concerning the health care and feeding of children, hygiene, the child's environment and accident prevention is being played by health service facilities: women's clinics, maternity homes, children's polyclinics, family planning centres, physical culture clinics staffed by

doctors and preventive medicine centres. The tuition given follows coordinated programmes in all stages, and wide use is made of readily understandable teaching methods and visual aids.

268. AIDS prevention and control is being carried out in Russia in accordance with the federal law on prevention of the spread in the Russian Federation of the disease caused by the human immunodeficiency virus adopted in 1995. During the period covered by the report we carried out the federal target programme for 1993-1995 on prevention of the spread of AIDS in the Russian Federation and the federal target programme on prevention of disease caused by the human immunodeficiency virus (HIV infection) in 1996-1997 and for the period up to 2000.

HIV infection 1993-1996

| | 1993 | | 1994 | | 1995 | | 1996 | |
|---------------------|-------|--------------------|-------|--------------------|-------|--------------------|-------|--------------------|
| | total | of which: children |
| Infected with HIV | 101 | 3 | 138 | 2 | 172 | 3 | 1 495 | 11 |
| Suffering from AIDS | 11 | - | 24 | 2 | 18 | 1 | 29 | 1 |

On 1 January 1997 there were 280 children registered as infected with the human immunodeficiency virus (HIV), of whom 102 were suffering from AIDS. Since 1987 there have been 71 deaths of children from AIDS.

269. The Russian AIDS clinical centre has a visiting team that provides medical care and gives specialist advice in the localities. All forms of medical care for HIV-positive children are free and free travel is provided for the child and one parent or a person accompanying an HIV-positive juvenile going to an establishment at the federal level for treatment and advice. The social protection of HIV-positive juveniles includes the provision of a social pension for HIV-positive juveniles up to 18 years of age and the granting to HIV-positive juveniles of the same benefits as for disabled children. Families with HIV-positive children are entitled to priority allocation of accommodation if they are in need of better living conditions.

270. No traditional practices detrimental to the health of children (e.g. genital mutilation and forced marriage) running counter to the principles and provisions of the Convention on the Rights of the Child are prevalent in Russia.

271. Russia is actively developing international collaboration over protection of the health of children. See also paragraphs 248-251 of this report and paragraph 125 of the initial report.

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

272. Every person in the Russian Federation, including every child, is guaranteed social security on grounds of age, sickness, disability, loss of breadwinner, in connection with the birth and upbringing of children and as otherwise provided by the law. The provisions concerned are reflected in the Constitution of the Russian Federation, the laws on State pensions in the Russian Federation, on State benefits for persons with children, on the principles of social services in the Russian Federation, on the social protection of the disabled in the Russian Federation, on the medical insurance of citizens of the Russian Federation and other legislation and regulations. The financial resources for these purposes come from the Federal budget, the budgets of members of the Russian Federation, local budgets and special State funds outside the budget. See also paragraphs 52-63 of this report.

273. Social security for children and those who look after them includes various social payments (social pensions, grants, etc.), including payments from social insurance, concessions, social services and assistance in kind. Depending on their purpose and pursuant to the legislation, social security provisions may be extended to all children (some kinds of grants, compulsory medical insurance, etc.) or to individual categories of recipient receiving assistance in connection with specific circumstances (loss of breadwinner, disability, lack of parental care, poverty and other difficult situations).

274. In the period covered by the report there was an increase in the number of children and families with children entitled to State aid, new social security norms were introduced and old ones were extended (the paying of supplements on the child disability pension, provision of a monthly benefit for a child irrespective of the payment of a pension, an increased child supplement on disability benefit), all of which entailed increased State expenditure for these purposes. At the same time the need for State assistance remains high, but the scope for its provision is limited. Not all the legally established provisions are being fully implemented.

275. The kinds and rates of social security, including social assistance and social insurance, the manner in which they are provided and the categories of recipients are governed by acts of the Russian Federation. Measures additional to the federal provisions are governed by the juridical acts and regulations of members of the Russian Federation.

276. Pensions granted for loss of the breadwinner are paid for each child irrespective of the length of employment of the dead parent (or parents). Children who have lost both parents and the children of a dead single mother receive a larger pension. An orphaned child remains entitled to a pension even following adoption.

277. In the period covered by the report much was done to improve the State system of allowances for persons with children, which now include maternity allowances (paid for 140 days, with extension of the payment period following multiple births or a complicated pregnancy), a one-off grant to women admitted to hospital in the early stages of pregnancy; a one-off grant following the

birth of a child; a monthly allowance for the period of release to look after the child until it reaches an age of 18 months; and a monthly child allowance. The grants have been increased on several occasions.

278. From 1994 onwards the monthly child allowance has been payable for all children from birth until 16 years of age. Some categories of children (children of single mothers, children of service personnel on fixed-term engagements, children for whom it is impossible to collect alimony following divorce of the parents) are entitled to an increased allowance. The grant is paid to the parents (adoptive parent, foster parent, guardian) for each child living with them. This grant is paid irrespective of any other social payments received by the children (social pensions, pensions awarded for loss of the breadwinner, etc.). There are currently 34 million children in receipt of a monthly child allowance. The range of benefits has been extended for certain categories of children in need of additional social protection (disabled children, orphans, etc.) and for some categories of families with children (families of the unemployed, families that include disabled persons, and families of refugees and displaced persons). See also paragraphs 173-196 of this report.

279. In addition to the federal provisions, there are target programmes in operation in members of the Russian Federation for children and families with children in the socially vulnerable category, including poor families. Public organizations, including charitable foundations and religious bodies, are widely involved in the provision of social assistance to children and families in need. A definite contribution has been made by international and other organizations that have given humanitarian aid to Russia and parts of Russia in the most difficult periods.

280. During the period covered by the report there was active development of the social services system for children and for families with children. New kinds of establishments provided social services with the aim of preventing social disorder, and also social assistance in difficult situations: social care centres for families and children, educational psychology services, social refuges for children and adolescents, social reintegration centres for minors, reintegration centres for children of limited ability, and comprehensive social service centres. Throughout Russia there were 2,041 of these establishments by the beginning of 1997, as against 107 at the beginning of 1994. In 1996 the number of families using the services of these establishments was 4.3 times greater than in 1994, and the number of minors using them was three times greater. In 1996 the number of children assisted in them reached 2.5 million. While noting the positive trend in the development of the system of social services, we should comment that the present capacity does not fully satisfy the existing need for social services, the network of which must be further developed. See also paragraphs 203-209 and 231-246 of this report.

281. There is traditionally a ramified network of pre-school children's establishments for child minding in the Russian Federation. During the period covered by the report it has been possible to maintain a State system of pre-school care adequate to the need, despite the considerable social changes. The activity of these establishments and the provision of services in them are governed by the education act of the Russian Federation and by the Model

Statute of a pre-school care establishment approved by the Government of the Russian Federation. It has been established, for example, that the payment made by parents for use of the services of pre-school care establishments must not exceed 20 per cent of their cost, and even less for certain categories of children (especially for children from families with three or more children). Children with developmental defects are admitted to nursery schools without payment. The introduction of these rates has considerably assisted families with children since prices and the cost of services have risen appreciably under market conditions, and the increase has outstripped the rise in average earnings and family incomes.

282. During the period under consideration the number of children's pre-school establishments declined from 82,000 in 1992 to 64,200 in 1996 and the number of children in them fell from 7.2 million to 5.1 million. There were certain objective reasons for this. Some establishments were closed in 1993-1994 because of difficulties in maintaining them. At the same time, some reduction was noted in the demand for their services in the period covered by the report owing to a reduction in the number of children of pre-school age and the development of alternative forms of child care (private nursery schools, walking groups and the reappearance of governesses and nannies), as well as in connection with an increase in the number of women looking after their own children. As a result, the number of children seeking admission to children's pre-school establishments fell from 496,000 in 1992 to 294,000 in 1996. The coverage of children up to six years old by the traditional network of pre-school establishments declined only slightly over the period 1992-1996, from 57 to 55 per cent of the children of that age group, on account of a reduction in the number of nursery school places in rural localities from 44 to 38 per cent. In urban localities this indicator was unaltered relative to 1962 and was 62 per cent of children of pre-school age in 1996. Under the existing regulations children are accepted in pre-school establishments from an age of two months, although most families avail themselves of the legal entitlement to leave of absence to look after a child until it reaches an age of three years and bring up their children at home until that age. Less than 1 per cent of children up to 18 months old are in pre-school establishments, while the figure is 36 per cent between 18 months and three years and more than 60 per cent above three years old.

283. The social security and child-care system has been retained in the main in Russia. At the same time we are bound to note that it is constantly developing and adapting to changing social and economic conditions.

284. Delayed payment has become an acute problem in recent years. Intermittent long delays in the payment of benefits and pensions adversely affect the material situation of families with children and aggravate social tensions. Arrears in pension payments were cleared by 1 July 1997. New arrangements for the payment of family allowances being introduced in 1998 should help to reduce payment arrears. Having regard to the increasing stratification of the population in terms of material well-being and also to the shortage of public financial resources, it is planned in future to limit the entitlement to child benefit in families with adequate incomes. Draft legislation to that effect is being considered by the State Duma. Further development of the social services network so as to meet the demand for

various social services more fully and place greater stress on preventive measures is an important long-term assignment. The development and consolidation of social partnership in this area, fuller use of the potential of the non-State sector and the development of voluntary social insurance, including private pensions, will be of great importance.

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

285. In accordance with article 27 of the Convention the Russian Federation recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Under the Constitution motherhood, childhood and the family are protected by the State, and everybody has the right to education, health protection and medical care, accommodation, social security dependent on circumstances, participation in cultural life and access to cultural values. These norms are reflected and given concrete expression in much of the legislation of the Russian Federation. The standard of living of most children in Russia is determined by the income pattern of their families and by observance of the rights and guarantees provided for the family and children by the State. The primary responsibility for the upkeep and rearing of a child lies with its parents, as is laid down in the Constitution of the Russian Federation and in the Family Code of the Russian Federation. The State provides support for families with children, assumes full responsibility for children deprived of a family environment and ensures social guarantees for children in accordance with the legislation and on the basis of the possibilities at every stage. See also paragraphs 172-176, 233-247, 273-281 and 294-295 of this report.

286. Statistics on average per capita money income and expenditure, subsistence level, the composition of the money income and expenditure of families with children, food consumption in families with children and other indicators are used to assess the living standard of the population, including families with children. The subsistence level is used as a criterion of the standard of living; it is calculated both for the Russian Federation as a whole and for each region, since considerable differentiation of regions regarding social and economic situation and the cost of living is a feature of the Russian Federation. Subsistence level is calculated by the method of the Ministry of Labour approved at the end of 1992, with allowance for the sex and age composition of the population; it includes food expenditure based on a calculation of minimum consumption, expenditure on goods other than foodstuffs and on services, and also taxes and compulsory payments. The subsistence level is calculated both as an average for the population and differentiated by sex and age (for the population of working age, pensioners and children). Official statistics contain information on the distribution of households by average per capita money income separately for urban and rural areas, and also having regard to whether there are children in the family and if so, how many. The relationship between the average per capita income of families and the subsistence level may be used to identify badly off families. This information is used in the formulation of social care programmes in the regions of Russia. Families with children are the largest group of badly off families.

287. During the period covered by the report the ability of families with children to ensure an adequate living standard for the development of the

children declined considerably. Living standards fell appreciably in 1992, after which the process continued less abruptly until the situation was stabilized towards the end of 1995. Real incomes declined more rapidly in families with children than in the population as a whole. The proportion of households with children up to 16 years old with incomes below the subsistence level was 54.3 per cent in 1995 and 41.4 per cent in 1996 (for all households this statistic was 41.7 per cent in 1995 and 29.6 per cent in 1996). Significant differences are to be noted in the distribution of poverty by types of families: in the fourth quarter of 1996, for example, money incomes were below subsistence level in 39 per cent of families with two children and in more than 64 per cent of families with three or more children. Particular difficulties were experienced by families in which one or both parents were unemployed, and in incomplete families. Considerable differentiation of the poverty indicator is also to be noted with respect to the members of the Russian Federation.

288. Rising food prices have the effect that a higher proportion of the family budget is spent on food and the feeding pattern worsens. In 1996 families with one child spent 48.2 per cent of their consumption expenditure on food, those with two children spent 47.1 per cent, those with three children 49.6 per cent and those with four or more children 56.9 per cent. Actual consumption of almost all foodstuffs fell.

289. The State took steps to provide assistance for parents and others bringing up children. Wages were index linked and social payments were increased. When a common system of allowances for families with children was introduced in January 1994 child benefits were increased by a factor of 2-2.5 times on average. Extending the payment of child benefit to children in receipt of a pension (for loss of the breadwinner or disability), taken in conjunction with the regular review of pensions, has noticeably increased State support for children in this category. However, the tardy index linking of the minimum wage to which the amount of the child benefit is related has resulted in the benefit playing a lesser role in providing for the child.

290. Despite financial difficulties, State support has been provided for summer recreation for children, especially those from large, badly off families, and disabled children and orphans. The number of children having annual holidays in summer camps has increased since 1992. It has also been possible to keep the network of popular children's libraries and free further education facilities.

291. In addition to the privileges and benefits at the Federal level, there are regional assistance programmes for children and families with children. The basis for the provision of such assistance is usually being badly off, with an average per capita income of less than the average for the region concerned. Assistance has been given to large families, families bringing up disabled children and broken families.

292. The measures of State assistance for families with children have slightly eased the adverse effect of the economic crisis and the transitional state of the economy on families in this category. At the same time, the amount of State help to parents and others bringing up children to provide the standard of living required for the child's development has not always met the

need. The principles of State support for families with children are currently under review with the aim of making its provision more dependent on need. A federal law on the subsistence level in the Russian Federation adopted at the end of 1997 establishes a legal basis for determination of the subsistence level as a criterion for the provision of social assistance. In order to ensure the right to accommodation under the conditions of reform of the communal housing sphere and the change in the principles of payment for accommodation and communal services, the granting of housing subsidies is envisaged by an edict of the President of the Russian Federation on the reform of communal housing in the Russian Federation and by an order of the Government of the Russian Federation on regularization of the system of payment for accommodation and communal services.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

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

293. In recognizing the right of the child to education, the Russian Federation is consistently overhauling the legislative basis, bringing it into line with changing educational requirements and with the standards of international law. Matters concerned with education, including vocational training and guidance, are reflected in the existing Russian legislation in the Constitution of the Russian Federation, the laws of the Russian Federation on education, on higher and postgraduate vocational training, on compensation payments for the feeding of pupils in State and municipal general educational establishments providing primary and secondary vocational training and in the RSFSR Labour Code.

294. Education is looked upon in the Russian Federation as a purposeful process of upbringing and tuition in the interests of the human being, society and the State, accompanied by the attainment of educational levels (educational qualifications) laid down by the State: basic general education; secondary (complete) general education; primary vocational training; secondary vocational training; higher vocational training; postgraduate vocational training. Every level of education concludes in State examinations, on the basis of the results of which the students receive certificates of educational achievement of a form laid down by the State. The State assists the development of all forms of pre-school, general, vocational, special and further education; steps are being taken to ensure that all levels of education are available to all children. The compulsory minimum content of the main education syllabuses, the maximum study load and the requirements for the level of tuition for students and course finishers are laid down by the Ministry of General Education and Vocational Training and set out in State educational standards. Provisional standards have now been introduced for all the main subjects in the curriculum. A draft federal law on a State educational standard for basic general education has been prepared. Education is recognized as a priority area of State activity in the Russian Federation. Educational policy is based on principles ensuring the de jure accessibility of all levels of education to all citizens of the Russian Federation. The education act of the Russian Federation helps to prevent discrimination in the

educational sphere, extends the right to education laid down in the Constitution of the Russian Federation and guarantees equality of educational opportunity to all citizens.

295. The principle of the best provision for the educational interests of the child is embodied in the legislation of the Russian Federation and reflected and given concrete expression in the model statutes of educational establishments of all types (general education, primary and secondary vocational training, evening (shift system) general education, pre-school, special and additional education (for children)).

296. A pupil in an educational establishment of any type and under any administration (pre-school, general education, vocational training, for orphans and children deprived of parental care, additional education, State, municipal and non-State education) is entitled to respect for his or her human dignity, to freedom of conscience and information, and to the free expression of his or her views and convictions.

297. Educational establishments licensed by the State follow a differentiated teaching approach, basing themselves on humanist values and aiming to satisfy individual educational needs, having regard to the principles of providing in the best way for the interests and views of the child. See also paragraphs 38, 74-78, 90-99, 120-125, 157-162, 195-196 and 233-246 of this report.

298. A new approach to education applied in Russia in recent years aims at a staged, gradual transition from global conformism to an acknowledgement of the intrinsic value of the individual creative development of the personality of each child. The teaching fraternity has rapidly become aware of the social importance of the conditions for the self-determination and self-realization of children, and of free choice of the form of education received, the curriculum, the textbook and the educational establishment. A system of educational establishments offering more advanced programmes is being developed in the Russian Federation (schools making an in-depth study of certain subjects, high school and grammar schools); we are working hard on innovative models of the general school; trials are in progress on methods of self-education and self-development, correspondence courses, education through the media and problem-solving education; external studies and family education are finding practical uses; the system of special education for children with developmental and behavioural problems is being revived on a fundamentally new basis. An additional education system is being developed to satisfy the intellectual, social and creative needs of children in their free time. The new educational paradigm being assimilated in teaching practice is activity orientated, in which connection we are going through the complicated, lengthy and costly processes involved in the renewal and adaptation of teaching methods, procedures, techniques and equipment to the new educational aims and values.

299. Citizens of the Russian Federation have the real possibility of being given (complete) secondary education in the native language. The education act of the Russian Federation and the RSFSR law on the national languages of the RSFSR, the order of the Government of the Russian Federation on measures to preserve and develop the national languages of Russia and the language

laws adopted in most of the republics provide the legal regulatory basis for the development of national education. Instruction is provided in 36 of the 75 national languages of Russia (as a comparison, 26 national languages were studied in 1989). The "ethnization" of schooling is both a quantitative and a qualitative process. Programmes for the revival and development of schooling have been produced in all the national republics and territories for the ethnic groups living in them, whether named as such or not.

300. The education act of the Russian Federation provides that at least 10 per cent of national income should be set aside annually for educational needs. These circumstances are not however fully realized. The share of expenditure on education in the GDP is less than in 1993. A number of problems have been exacerbated in this connection: there is less scope for the development of pre-school education (55.5 per cent of children attend pre-school establishments); starts on nursery school buildings from all funding sources have been reduced by a factor of 5.7 times over five years; the number of schools working two and three shifts is increasing (35 per cent); the equipment of educational establishments is deteriorating; the number of establishments in need of major repairs is increasing; the quality of the meals for children in educational establishments is declining. The number of new schools commissioned has fallen by a factor of 2.5 times over the last five years, while the number of pupils has risen by 1.1 million. There are virtually no special (correctional) establishments for deviant young offenders. The provision for the maintenance, instruction and rearing of juveniles on preventive remand for criminal and deviant behaviour covers only 7-8 per cent of the requirement. Arrears in payment of the salaries of workers in the social sphere, including staff in the educational system, have become an acute problem in recent years. Between November 1995 and December 1996 the monthly salary debt in the social sphere increased by 34 per cent.

301. Education is financed in the Russian Federation at several levels of authority. The activity of establishments providing higher education, secondary education and, in part, primary vocational training, educational establishments with federal status providing additional education and a limited number of pre-school establishments and schools are financed at Federal level. In 1996 the Federal budget provided finance for 89.9 per cent of the planned functions of the educational system, including nearly 90 per cent of salaries, 95 per cent of student grants, and 80 per cent of the other expenditure headings. Higher and special secondary educational establishments were financed to 78.6 per cent and basic vocational training establishments to 83.3 per cent. Financing of the bulk of the educational establishments as regards quantitative indicators is effected at the regional and municipal levels. The financial responsibility for giving effect to the rights of the child to education is delegated to the regions, whose possibilities are unequal. Regional per capita expenditure on child education varies appreciably (by up to one third). The budgets of educational establishments were not fully approved in 1996; the finance provided covered only 60-70 per cent of the real need. See also paragraphs 52-63 of this report.

302. The shortage of budgetary financing is stimulating the commercialization of education and limiting the availability of high-quality education. Given

the great differentiation of the population by income level, that may deepen the inequality of educational opportunity. In 1996 some 40 per cent of the pupils in general education and 75 per cent of those receiving basic vocational training came from families in which average per capita income did not exceed the subsistence level.

303. Educational administrations, aware of the magnitude of the social consequences stemming from inadequately financed educational development, are taking the measures envisaged by the federal programme for the development of education regarding transition to financing from multiple sources, the tapping of additional resources, well-thought-out savings and profitable use of available resources.

304. The whole area of education is being kept intact in order to prevent the development of increased disproportions in the educational opportunities of citizens of the Russian Federation, in which connection common educational standards are being introduced and unified systems established for the certification of educational syllabuses and the results of their use; standard requirements for entrance examinations to higher educational establishments are being devised on the basis of standard systems for assessment of individual potential and abilities. A federal office is being formed to assess (test) the achievements of pupils, gifted pupils are being selected and the range of services provided by the National Testing Centre of the M. V. Lomonosov Moscow State University is being extended. Reviews, contests and open competitions are being organized, various kinds of correspondence course and education through the media are being used, and a differentiated approach is being adopted to education.

305. Procedures and techniques are being formulated for the elimination of secondary illiteracy in children and the correction of social experience. Establishments providing additional education are carrying out programmes for the social adjustment of educational potential through the offering of additional free educational services. The eradication of illiteracy is not a particular problem for the Russian Federation. It is being solved in connection with the maintaining of a high level of teaching in primary schools. According to statistical returns, less than 0.5 per cent of the population of Russia at an age of 15-19 years, including the mentally retarded, have not had primary education.

306. The Russian Federation has a pre-school educational system aimed at the intellectual, physical, mental, spiritual and moral development of children below school age. The system has painstakingly formulated and scientifically based plans, programmes and instructional materials. Pre-school educational establishments are typified by relationships of trust with the children, the emotional commitment and professional competence of the staff and their devotion to the interests of children. The specialists of these establishments jointly and severally perform functions at various levels: diagnostic, correctional, compensatory, recreational and health promotional, social, parental, cultural and developmental. In recent years the system has been going through a period of reorganization. The differentiation of nursery schools through the profiling of their activity content being conducted at the instigation of and with the assistance of the Ministry of General Education and Vocational Training lacks the necessary scientific grounding. In the

opinion of specialists, the modifications that have begun to be made in the pre-school development of children may have serious consequences. In the light of the special importance of the pre-school educational system, steps are being taken to maintain and develop it. Solutions are being found to the questions of the setting up of non-State establishments and the attraction of additional sources of finance. See also paragraphs 169 and 282-283 of this report.

307. There have been appreciable changes during the period covered by the report. It is not only the aims and values of education that have changed, but also the forms for its provision, the ways in which the system is managed and its results. The Russian Federation has taken steps to integrate itself into the international education field, while at the same time preserving the achievements of previous years that were based on national social and cultural traditions and incorporated effective and accessible systems of pre-school, general and (complete) secondary education, basic, secondary and higher vocational training, and special and additional education; high quality instruction and training, the system of State guarantees of education, including the creation of additional conditions for the education of children with special behavioural and developmental problems; prompt assistance from an educational psychologist in the socially positive socialization of children of all groups; development of various forms of education to make good the deficiency of educational opportunities for children in the countryside and living in areas a long way away from cultural and academic centres, for orphans and for children deprived of parental care; additional support for pupils, including the provision of textbooks without payment, grants for the purchase of school uniform, school meals and organized recreation for children from large families; a high level of educational standards; and a legislative foundation excluding discrimination against the educational interests of children.

308. The right to education is one of the basic and inalienable constitutional rights of citizens of the Russian Federation. The State guarantees general access without payment to primary general education, basic general education, (complete) secondary general education and basic vocational training, as well as admission on a competitive basis to free secondary, higher and postgraduate vocational training in State and municipal educational establishments within the limits of State educational standards, provided that the person is receiving education at this level for the first time. Citizens of the Russian Federation are also entitled to receive free vocational training repeatedly when directed by the State employment service, when no longer able to work in a profession or occupation, in the event of occupational illness and (or) disability, and in other cases as provided by the legislation of the Russian Federation.

309. Basic general education is compulsory until the pupil reaches 15 years of age. There is no legal minimum age for admission; the age of admission is set by the Statutes of the educational establishment. The maximum age for receipt of basic general education in a general school is set at 18 years, but that limit may be extended for children and adolescents with deviations in development and with (socially dangerous) deviant behaviour who are in educational and work establishments and in corrective labour establishments. See also paragraphs 74-78 of this report. Children enter school (any kind

of general school) mainly at the age of seven years (65 per cent of children), but also at six and eight years old. Primary general education is not a separate educational level (educational qualification) in the Russian Federation. Children may not drop out of primary school.

310. At the end of basic schooling (having received a basic general education) juvenile citizens of the Russian Federation are entitled to continue studying at the third level without passing a competitive examination. In the 1995/96 school year 63 per cent of pupils completing the basic general education stayed on (the figure was 53 per cent in the 1992/93 school year). On completion of basic general education 5 per cent of pupils, some of whom never study and never work, are weeded out. These children are handled by the social services and the employment services, which provide special syllabuses and are developing labour exchanges for young people.

311. There are instances of the expulsion (exclusion) of children less than 14 years old from school for gross breaches of discipline. The system for reacting to the expulsion of socially deprived children (children of the "at risk group") is inadequately developed, in which connection steps to correct the social behaviour of these children, who constitute a "social risk group", are not always taken promptly. A network of specialized establishments is recently being developed in order to step up work with children in this category: these establishments include social reintegration centres, social refuges for children and adolescents, and assistance centres for children deprived of parental care. See also paragraphs 203-209 of this report. The existing network of social reintegration centres does not yet correspond to the scale of the problem or to the number of children and adolescents in need of purposeful corrective work so as to restore their educational potential and their social education.

312. The problem of ensuring continuity in the education of children is a key preoccupation both of teaching theory and practice and also of society in general. Its solution is dependent on a whole series of factors, prominent among which is the state of the system of basic vocational training. For many years this system accepted children who were low achievers and was fairly successful in enabling them to learn a trade, to start working and to continue to receive further education. Now, however, the system is experiencing difficulties in connection with the reorganization of State industrial enterprises, which previously sponsored basic vocational training. The equipment of one third of basic vocational training establishments has not been renewed in recent years. The list of trades and professions is being expanded and revised with the aim of supporting the system of basic vocational training; educational standards and accompanying syllabuses have been prepared; a system of vocational training is being prepared for study and work programmes (simultaneous general education and vocational training). The educational services on offer to children are being brought into line with the demands of the job market; a modular system is being prepared for the provision of vocational training at various levels in educational and training establishments of various types; the materials and equipment base is being strengthened; the legal basis is being revised on fundamentally new foundations; greater possibilities are being created for the provision of basic vocational training in various forms and in a variety of educational establishments.

313. Vocational training may be had in Russia in educational establishments providing basic vocational training, in inter-school study centres, in study and work workshops, and in the study departments (workshops) of establishments providing additional education. The President of the Russian Federation has issued a decree on measures to improve social provision for students in educational establishments providing basic vocational training and in special secondary industrial education schools, and reform of the basic vocational training system. A draft law of the Russian Federation on basic vocational training has been prepared.

314. A solution to the problems of size in the reform of education will depend on the staff training potential of the educational system. The staffing requirements of educational establishments are not declining but remain between 80,000 and 90,000 a year. Teacher training colleges have resources for an intake of 65-66,000 students. Some instructors, about 5,000, are trained in State universities. More than a half of the country's teachers took all the courses that they could in 1995-1996 and increased their qualifications.

315. No children in the Russian Federation are deprived of the right to education. The legal and regulatory basis of education makes provision for special study conditions for children in difficult circumstances. See also paragraphs 79-82, 84, 90-99, 173-176, 233-246 and 369-375 of this report.

316. Discipline is maintained in education on the basis of respect for the human dignity of pupils, students and teachers. The use of physical and mental coercion against pupils and students is not permitted. These and other provisions are enshrined in the education act of the Russian Federation, other legislation and the Model Regulations of educational establishments. Any reported breaches of the legal provisions have to be examined in the manner laid down. See also paragraphs 90-99, 296-308 and 369-375 of this report.

317. Since 1992 Russia has been financing the education of foreign nationals admitted to Russian institutions of higher education and technical colleges through the State budget in accordance with undertakings of the USSR. In 1996 Russia resumed admissions of foreign students on the basis of governmental decrees, financing their education from Federal budget resources. Some 1,500 students, 80 per cent of whom are from developing countries, were admitted with State grants in this way in 1996.

318. In accordance with the existing legislation educational workers are entitled to use any teaching methods capable of ensuring the educational, cultural and social aims envisaged by the education act of the Russian Federation and the educational standards.

319. The federal programme for educational development is the organizational basis of State education policy defining the strategy and means of reforming the educational system in accordance with the aims, values and principles of education laid down in the education act. The programme is called upon to maintain the integrity of the educational system of the Russian Federation, ensure that a humanist approach is followed, protect the rights of the child in educational establishments, and make a systematic analysis and assessment of the results of education through licensing, certification and

accreditation. The federal programme is supplemented by republican, regional, sectoral and institutional educational development programmes that take account of national and regional social, economic, ecological, cultural, demographic and other features and that point specialists in the direction of solving problems within the competence of the members of the Russian Federation, local government and ministerial agencies and educational establishments in accordance with the educational legislation. See also paragraphs 65-68 and 356-361 of this report.

320. The main aim of the programme is to ensure that education receives the priority proclaimed by the Government of the Russian Federation as a basic tenet of State policy, and to preserve and develop the potential of the education system in the interests of human creativity and as a most important social guarantee of the progress of the whole of society. The main measures (assignments) of the programme are to guarantee the right to education accessible to all; to develop the legislative and regulatory basis for the functioning and development of the educational system and the matching social and economic conditions; to formulate and apply the economic machinery for development of the education system; to elaborate standards and quotas for the resourcing of education in finance, materials, equipment, etc. in a period of social and economic instability; to draft, introduce and apply a succession of State education standards and specimen education programmes for the various levels, stages and trends of education; to give education a content reflecting the best level of knowledge domestically and internationally; to develop correspondence courses and other forms of learning at a distance through the media; to formulate a system for the licensing, certification and accreditation of educational establishments; to develop and introduce innovative and computerized technology in the education system; to ensure quality control in education; to provide initial and further training for teachers and researchers; to put together a package of measures for the State and social protection of workers in the educational system; to carry out prioritized pure and applied research in the educational field and elaborations for innovative projects and programmes; and to organize the preparation and publication of the educational, academic and methodological literature needed to ensure that the potential of the education system in the Russian Federation is maintained and developed.

321. Not all the finance was forthcoming in 1996 for the federal programme for the development of education. The 1996 arrears at the beginning of 1997 were 104 billion roubles out of the 258.4 billion roubles envisaged for programme implementation.

B. Aims of education (art. 29)

322. The aims of education, as defined in the existing Russian legislation in the education act of the Russian Federation and in the model regulations for the various types of educational establishment, envisage that the child will be brought up to have a sense of civilization, love of work, respect for human rights and freedoms, and love for the motherland, the family and the natural environment. The carrying out of a series of federal target programmes, including "Disabled children", "Children of the North", "Gifted children",

"Prevention of neglect and juvenile crime" and "Development of social service facilities for the family and children" is helping to achieve the aims of education.

323. The system of civil rights education in Russia envisages the training of pupils to lead an active and properly qualified life in a State governed by the rule of law and a civil society. Elementary knowledge about democracy, human rights, the rights of the child, and standards of morality is imparted from the primary school onwards. At the stage of basic general education and (complete) secondary general education the pupils form fairly clear views of the world, social ties and relations, and models of behaviour are developed that help the individual to participate in problem solving at various levels, from those of everyday life to the national scene and public life. The child is educated in a spirit of tolerance, non-violence and friendship between peoples. See also paragraphs 65-68 of this report.

324. The tasks of establishing the infrastructure of a system of continuous environmental education are being tackled with the aim of developing environmental awareness in the rising generation in implementation of the decree of the President of the Russian Federation on the State strategy of the Russian Federation on environmental protection and the securing of sustainable development; curricula are being reviewed; practical work by pupils to improve the environment is being organized; and teaching staff are being trained in aspects of environmental education and are increasing their qualifications.

325. Large-scale retraining of teaching staff is being carried out with a view to the organization of teaching at various levels. There are 93 further training (refresher course) institutes for teaching staff in Russia and 21 regional branches. Training in the multi-level system is provided in 33 teacher-training colleges. The training of social teachers, domestic science teachers and remedial teachers has been initiated in recent years in teacher-training secondary schools. The training of staff for national schools is being expanded. The training of teachers in national languages not previously studied in the Russian Federation has begun in teacher-training schools and colleges.

326. Improvement of the professional level of rural teachers remains a most important problem. On average throughout Russia 74.3 per cent of teachers in short-course secondary schools have higher education, but only 44.9 per cent of the teachers in primary schools with few pupils. The training of rural teachers is aimed primarily at diversification, a combination of subjects (often not just two, but three and even four-five subjects). The State is assisted in organizing the education of rural children by non-governmental organizations and associations, including associations for children and young people. The International Federation of Children's Organizations runs six different programmes for rural children: "Alenka" for village girls, "Young Farmer", "From culture and sport to a healthy life style", etc. Roughly 100,000 young housewives, more than half of whom were village girls, took part in the competitions "The secrets of grandmother's trunk" and "A traditional family dish". Sessions for young leaders, young entrepreneurs, young talents, etc. are held annually in the pan-Russian children's centre (the "Eaglet" Centre).

327. Work in school councils and other self-governing bodies and in public associations enables pupils to take part in decisions on education and leisure, helps the development of social experience and ensures the incorporation of juveniles into the system of public relations.

328. Educational establishments not run by the State may be established as non-commercial organizations in accordance with the civil legislation of the Russian Federation (the education act of the Russian Federation). A draft law of the Russian Federation on non-State education has been prepared. The State controls the activity of non-State educational establishments by licensing, certification and accreditation. The number of such establishments in Russia is on the increase (368 in 1993, 540 in 1996). They are, however, unevenly distributed; most of them are in Moscow and Saint Petersburg.

329. In accordance with the Education Act of the Russian Federation it is the federal authorities and education authorities at all levels that are responsible for verifying compliance with the educational legislation of the Russian Federation. The procedures needed to ensure effective verification have been devised and are being used. There are syllabus and methods councils in educational establishments of all types that systematically analyse performance. Teaching councils verify the quality of education. Educational management bodies at the municipal and regional levels gather and analyse quantitative and qualitative indicators of the performance of educational establishments on the tasks assigned to them, and theoretical and practical conferences are held regularly to evaluate innovative experience and set long-term assignments. Expert committees operating at the municipal, regional and federal levels assess educational syllabuses and the level of achievement in their application.

330. The Russian Federation has a ramified educational system encompassing 142,000 educational establishments with some 33.7 million pupils and students. Despite the appreciable financial and economic difficulties of the last five years, there have been developments in the content of education and some positive results have been achieved. See paragraphs 294-315 of this report.

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

331. The leisure, recreation and cultural activities of children in the educational sphere are organized by the system of additional education that involves some 16,000 State and municipal establishments. Some 8,315,000 juveniles between 6 and 18 years of age (38 per cent of pupils) follow freely chosen courses without payment in 8,733 establishments of the education system and their branches. The activity of establishments providing additional education is governed by the education act of the Russian Federation, the fundamentals of the legislation of the Russian Federation concerning culture and other laws and regulations. These establishments enable children to use their free time to safeguard and strengthen their health and their physical, mental, spiritual, moral and intellectual development, to learn about rights, civics and values, to decide on their vocation and to get preparatory vocational training. These educational establishments help to involve children in artistic and technical creativity, in investigative and research

activity and in problem solving and planning, in physical culture and sport, tourism and regional studies, and assignments on astronomy and space travel, economics, environmental studies, psychology and philosophy.

332. During the last four years the number of establishments providing additional education has increased by 373 and the number of pupils by 200,000. Some 230 institutions of new types have come on the scene (schools of applied arts, centres of folk crafts, interesting occupations and technical education). There are 396 centres (stations for young tourists and tourist bases) that organize tourism and regional studies and are used by 160,000 children. Roughly 450,000 pupils regularly engage in physical culture and sport in special groups offering 410 kinds of sport. The aesthetic education of children is covered by 5,900 additional education establishments: 3,126 music schools, 673 art schools, 2,054 applied arts schools and 30 choreographic schools. Additional conditions for obtaining an environmental and biological education are provided by some 480 young naturalists' stations and environmental biology centres.

333. Nearly 10 million pupils took part in the First Pan-Russian Summer and Winter Games held in 1996. About 6,000 children competed in the finals in 11 winter and 29 summer sports. The applied science conferences "Youth, Science and Education" have been held annually for more than 10 years. More than 500 young researchers working in 28 areas of knowledge in additional education establishments attended the conference in 1996. Children from 60 regions of the Russian Federation took part in an exhibition devoted to the seventieth anniversary of the children's technical creativity system. More than 183,000 art clubs, circles and groups for children and adolescents meet in club premises. The programme "Support for gifted young people in the artistic and cultural sphere" has been in operation for the last three years.

334. The system of additional education is a varied one in its aims, the types of establishment, the departments responsible for them, the types of programme and educational levels. Establishments providing additional education are open to all children without any restrictions on admission. The additional education system has been intensively developed in recent years and is leading to the establishment of a leisure industry for children. Additional educational establishments for children perform a whole range of functions: recreation and restoration of the health of children, compensation for missing educational opportunities, individual assistance in creative development, socialization, diagnosis of potential, development of self-study programmes, education, assimilation of cultural achievements and restoration of cultural traditions and links between the generations. Local clubs and health education establishments occupying young people during the school holidays are a structural part of the additional education system. A federal programme "Organization of the leisure time of young people" has been prepared and included in the Presidential programme "Children of Russia". It provides for a system of measures for the development of a network of health-education establishments operating during the school holidays. In summer 1996 4.8 million schoolchildren attended holiday camps (4.4 million in 1992). Out of those numbers, 46 per cent attended suburban camps in 1992 and 39 per cent in 1996.

335. More than 1.5 million children go on organized hikes, expeditions and excursions in the summer, and up to a million children participate in zonal, interregional and federal measures concerned with the main forms of additional education (sport, tourism, the environment, and artistic and technical creativity). Almost one third of the pupils of general schools and basic vocational training establishments are occupied in organized forms of summer health education and working activity. The Social Insurance Fund of the Russian Federation is one source of finance for the summer recreation of children. The fund pays at least 50 per cent of the travel expenses for holidays for children of working parents in sanatoria apart from the cost of the stay. In 1996 128.8 billion roubles were allocated from social insurance resources for the preparation of convalescent establishments for the summer season, and 1,378.8 billion roubles as part payment for the travel of the children (823.4 billion in 1995, 196.6 billion in 1994 and 44.8 billion in 1993), and 78 members of the Russian Federation were assisted for these purposes from central funds to an amount of 398.1 billion roubles.

336. Implementation of the rights of the child set out in articles 28, 29 and 31 of the Convention on the Rights of the Child is ensured at different levels by different departments, in which connection a complicated system of legal relations has developed. Russian legislation does not provide answers to the question of what a child may and/or should do to take advantage of the rights accorded to it. The legal and regulatory basis of the education and of the leisure and cultural activity of children does not propose any model of the legal behaviour of the various subjects involved in organization of the educational process. For that reason the rights of the child to education, leisure and cultural activity may lack protection in certain circumstances. In that connection there is a State arbitration system for the settlement of disputes concerned with restrictions on the rights of children to education, leisure and cultural activity.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

337. In the existing Russian legislation matters concerning the children of families of refugees and displaced persons are governed by the federal laws on amendments and additions to the law of the Russian Federation on refugees; on amendments and additions to the law of the Russian Federation on displaced persons; the law of the Russian Federation on citizenship of the Russian Federation; the orders of the Government of the Russian Federation on approval of the issuing procedure and form of a certificate on the submission of an application for recognition as a displaced person and the identity card of a displaced person; on procedure for the payment of compensation for lost accommodation and/or property to citizens who have suffered as a result of the settling of the crisis in the Chechen Republic and who have left it not to return; on procedure for assistance to a person who has been given a certificate on the submission of an application for recognition as a displaced person and to a displaced person to cover the journey and the transportation of luggage to a new place of stay or place of residence; model statutes of a centre for the temporary accommodation of displaced persons; regulations on

the provision of a long-term, interest-free returnable loan to displaced persons for the building (purchase) of a dwelling; and regulations on procedure for working with foreign nationals and stateless persons arriving in and present in Russia in search of refuge, determination of their legal status, temporary accommodation and stay in the Russian Federation. See also paragraphs 74-75 and 138-140 of this report.

338. No special provision on the status of refugee children is made in the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, or in the federal law on amendments and additions to the law of the Russian Federation on refugees. The status of a refugee child accompanied by its parents is decided in accordance with the principles of the unity of the family and the taking of a decision on the application of the adult. The father or the mother is entitled to include in their application their children who have arrived with them in search of refuge. When the head of a family is accorded refugee status, asylum is granted to all his children who are minors and who arrived with him. In other cases, when minors are not accompanied by adults, a written declaration may be submitted through an authorized representative.

339. The authorized representative of a minor is recognized as a person who speaks on the child's behalf by virtue of a law or an administrative act (the parents of minors, the adoptive parents of adopted minors, the foster parents or guardians of children in care). In respect of minors without parents or foster parents (guardians), the duties of foster parents and guardians are exercised by the administration of the establishment in which the child is under guardianship.

340. The territorial offices of the Russian Federal Migration Service (Russian FMS) that receive and consider applications for the granting of refugee status in the Russian Federation are experienced in working with unaccompanied minors and operate in collaboration with the education authorities, the health service and the social services. At the same time, there are still gaps in the Russian legislation as regards provisions defining the legal position of child refugees arriving without parents.

341. In accordance with the law of the Russian Federation on citizenship of the Russian Federation refugees have preference over ordinary foreign nationals in the granting of citizenship of the Russian Federation. The normal condition for the granting of citizenship to a foreign national is permanent residence in the territory of the Russian Federation for a total of five years or for the three years immediately preceding the application for citizenship. These periods are halved for refugees. The granting of asylum in the Russian Federation facilitates the granting of citizenship.

342. At the instigation of the Russian Federation bilateral agreements on the regulation of resettlement were prepared and signed in the period 1992-1996 with Tajikistan, Turkmenistan, Latvia, Estonia, Georgia, Kyrgyzstan, Belarus, Azerbaijan and Armenia, and discussions on this matter with Kazakhstan are in their final stages. These agreements guarantee the right of citizens to free choice of the place of residence, impede uncontrolled migration between States, and provide for the legal regulation of a whole range of property matters connected with resettlement. The main stress is laid on the

possibility of free disposal of one's residence and property in the country of departure (sale, leasing, etc.), and the exemption of property, money and investments from duty, taxes and related levies on crossing the frontier. Special reference is made to the right to private property. All of this is conducive to observance of the property interests and rights of children.

343. In accordance with the law of the Russian Federation on amendments and additions to the law of the Russian Federation on displaced persons, minors accompanied by a parent (or parents) or by a person acting in loco parentis (foster parent or guardian) are recognized as displaced persons if the adult members of the family are given displaced person status and are entered on the identity card of one of the parents (or person in loco parentis). When the children reach adulthood they receive a displaced person's identity card on application to the migration service for the place of registration provided their parents (or person in loco parentis) have not lost or been deprived of that status. A similar procedure exists for recognition of the citizenship of a refugee in accordance with the law of the Russian Federation on amendments and additions to the law of the Russian Federation on refugees.

344. When orphans and children who have become separated from their parents or have lost them while travelling to Russia from a State that was a Republic of the former USSR (and also from members of the Russian Federation in connection with a conflict between nationalities or armed conflict) approach the territorial offices of the migration service they are questioned, a questionnaire is completed and steps are taken for their handing over to the child-care authorities. The status of orphans and children deprived of parental care is decided by the territorial office of the migration service in the light of their nationality, the reasons for their departure and the opinion of the child-care authorities.

345. The rights provided in the existing legislation of the Russian Federation are extended to the whole family when adult members of a family and their children who are minors are recognized as displaced persons or refugees, in respect of orphans and children who have become separated from their parents or lost them during travel to the Russian Federation from a State that was a Republic of the former USSR (and also from members of the Russian Federation in connection with a conflict between nationalities or armed conflict) and have been placed in children's homes, the duties of foster parents and guardians are carried out by the administration of the institutions in which they are placed. The administrations of the children's establishments take up the question of searches for the parents through the appropriate agencies, including the Red Cross.

346. Children who did not previously have citizenship of the Russian Federation and have acquired such citizenship with the assistance of the child-care authorities enjoy all the rights of Russian citizens. See also paragraphs 190-191 and 193-194 of this report.

347. The Russian Federal Migration Service and its territorial offices keep statistical records of persons granted the status of refugees and displaced persons, including records of their social and demographic composition (sex, age, educational level, source of income before arrival, nationality,

settlement: town or countryside) by regions of emigration and settlement. This is of assistance in making an inventory of children in families whose parents have acquired the sought-after status.

348. Early in 1997 there were 459,000 registered families of refugees and displaced persons, a total of 1,147,400 people, one third of whom, 329,600, were children and adolescents up to 16 years of age, including 96,600 up to 6 years of age. In addition, roughly 1,000 children were found who had arrived without parents from zones where there was conflict between nationalities. These children were registered by virtue of being admitted to various children's establishments. At the same time, difficulties in identification have the effect that we do not have a complete statistical record of unaccompanied children.

349. When the parents or other family members cannot be found the child is given the same protection as any other child permanently or temporarily deprived of its family circle for whatever reason. In accordance with the Standard Regulations on educational establishments for orphans and children deprived of parental care approved by decree of the Government of the Russian Federation, unaccompanied children are placed in the appropriate children's establishments where they are fully maintained by the State. Children from families of refugees and displaced persons may also be sent to these establishments for a period of up to one year. In accordance with the Standard Regulations on pre-school educational establishments approved by decree of the Government of the Russian Federation, children between the ages of 3 months and 7 years from families of refugees and displaced persons have priority for places in children's pre-school establishments.

350. In accordance with the legislation of the Russian Federation, the Russian Migration Service and its territorial offices give assistance in the reception and settling in of displaced persons. They receive a monthly allowance for each member of the family, are provided with food and communal services in the temporary reception centre, are given assistance in seeking vocational training or finding employment, in obtaining medical care and medicaments, are given information on their rights and obligations and are provided, where necessary, with the services of a translator, have their travel and the carriage of their luggage to their place of residence paid, and are allocated living space from the housing fund for temporary occupation.

351. The provision of adequate care for refugee children and displaced persons is a complicated interdepartmental assignment, concerning which there is a federal target programme "Children from families of refugees and displaced persons". There is provision in that programme for various kinds of financial and material assistance, medical care, sanitary and epidemiological services and the social and psychological rehabilitation and rest of children from zones of civil strife between nationalities and armed conflict, the organization of education for children in this category, and the placing of children who arrive without parents in foster families or the appropriate specialized social establishments. Special attention is given to children arriving without parents from zones of civil strife between nationalities and armed conflict, since they need additional assistance in psychological rehabilitation and social integration. The target programme covers such measures as the provision of additional school meals, textbooks and other

equipment, school clothing, footwear and sports gear, thorough medical examinations, bacteriological tests and compulsory immunization of this category of children, as well as the planning of a special diet for children in temporary reception centres, the best emergency rations and rates of provision for children in extreme situations, provision of summer holiday passes and instruction in the Russian language.

352. Activity programmes are being prepared for social and psychological rehabilitation and integration centres, for training in inter-cultural relations and prevention of asocial behaviour in children from families of refugees and displaced persons, as well as procedures for the psychological rehabilitation and social integration of children who have arrived without parents or lost them in the course of civil strife between nationalities and armed conflict. A major element of the federal target programme "Children from families of refugees and displaced persons" is development of the materials and technical base of educational establishments accepting children of displaced persons in regions where their concentration is high. There is provision for the building, conversion and repair of children's pre-school establishments and nursery schools in 15 of the members of the Russian Federation. Lack of finance and intermittent financing are the main obstacles to fulfilment of the measures in the programme.

353. The Russian Federation has ratified the 1951 Convention relating to the Status of Refugees. Russia attaches great importance to the activity of UNHCR in coordinating the efforts of States on the international protection of refugees. Its participation in dealing with the problems of refugees and displaced persons in Russia is constructive and fruitful, and there are very important working relations between the UNHCR office in Moscow and the Ministry of Foreign Affairs of the Russian Federation, the Russian Federal Migration Service, and the Ministry of the Russian Federation for Civil Defence, Emergency Situations and dealing with the Consequences of Natural Calamities (Russian Emergency Situations Ministry).

354. Russia takes a positive view of the deliberations of the working group monitoring fulfilment of the Programme of Action of the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the countries of the CIS (July 1997) and supports further development of the constructive interaction between all participants in the Conference in carrying out the decisions, closer coordination of the activities of UNHCR with IOM and OCSE and full utilization of the potential of international and national non-governmental organizations.

355. The Russian Federal Migration Service, which has offices in each member of the Russian Federation, was formed during the period covered by the report. Its duties include the reception, accommodation and registration of applicants for refugee or displaced person status, the keeping of statistical records, the organization and maintenance of temporary reception centres and medical and rehabilitation centres for these categories of people, including children, and helping unaccompanied minors up to 18 years of age to obtain information on the whereabouts of their parents or other close relatives. The Russian FMS gives assistance with travel and the carriage of luggage. A lone parent (or person acting in loco parentis) with a child or children up to 18 years of age and a large family with three or more children up to the same age are entitled

to free travel and carriage of luggage from the place where the application was made for temporary residence in the Russian Federation to the place of temporary residence and to receive one-off material assistance. During the period 1992-1997 more than 200,000 people (parents and children in badly off families) were given 10 billion roubles of assistance from the resources allocated to the federal migration programme. Furthermore, displaced persons of this category are entitled to priority in obtaining accommodation. During the period 1992-1997 189 billion roubles for dwelling construction for this category were used in the building of more than 4,000 flats. The education authorities established permanent monitoring of the admission of children from families of refugees and displaced persons to children's pre-school establishments and also of accompanied and unaccompanied children to educational establishments for orphans and children left without parental care.

356. The health authorities conduct sanitary and epidemiological inspections in temporary accommodation centres for displaced persons.

357. A progress report on the federal programme "Children from families of refugees and displaced persons" is submitted quarterly to the Government of the Russian Federation. The allocation for 1996-1997 was 26,496.981 million roubles. More than 50,000 children from families of refugees and displaced persons were assisted.

358. Russia is experiencing difficulties over the problem of how best to ensure the interests of children from families of refugees and displaced persons, both because of financial and economic difficulties and because of the sharp rise in the scale of enforced migration over short periods. Thus, the number of children in this category up to 18 years of age was more than six times higher in 1997 than in 1992. Nearly a quarter of displaced persons are in large families and single-parent families for whom it is especially difficult to start life in a new place and who need additional help with accommodation and work.

359. Despite the considerable measures adopted by Russia, far from all the many problems connected with the accommodation of displaced persons and their children and the provision of medical and social services for them have been solved. Russia acknowledges the importance of the problems being faced and is envisaging further measures up to the year 2000 under the federal migration programme and the Presidential programme "The Children of Russia", and also under the regional migration programmes being elaborated by members of the Russian Federation.

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

360. In the existing Russian legislation matters concerning children in the event of armed conflicts and their physical and psychological recovery and social reintegration are reflected in the law of the Russian Federation on the fundamental principles of social services in the Russian Federation, the law of the Russian Federation Fundamentals of the legislation of the

Russian Federation on health care, and an order of the Russian Government on Model Statutes for a specialized establishment for minors in need of social rehabilitation.

361. The legislation of the Russian Federation prohibits the calling up for military service of any persons below 18 years of age and their participation in military operations, as set out in the law of the Russian Federation on liability for call up and military service. In accordance with the law citizens are not called up for military service until they have reached the age of 18. In the course of the conflict in the Chechen Republic there were instances of the recruitment of minors to form part of illegal armed groupings, but we do not have information on the numbers involved.

362. In the course of the conflict in the Chechen Republic the practice of warning the civilian population of the commencement of military operations was instituted pursuant to the provisions of international law. So as to protect the civilian population, including children, humanitarian corridors were established for the withdrawal of the peaceful population and truces were called on occasions including national holidays. The situation that developed was observed by human rights representatives, groups of parliamentarians, public organizations in defence of human rights and the military prosecutor's office. The Russian Federation took steps to assist the temporary departure of persons with children wishing to leave the sphere of military operations. Top priority was also given to the evacuation of child victims from the zone of conflict.

363. A third of the people forced to quit the Chechen Republic were children. At some times there were more than 100,000 such individuals. Organized reception and accommodation of families of displaced persons from Chechnya in the territory of other members of the Russian Federation was begun in December 1994. Baby foods and children's clothing were sent to the temporary accommodation centres. Children were given essential medical assistance and children were identified for admission to boarding schools.

364. In order to deal promptly with the social security of children obliged to quit Chechnya, the Government of the Russian Federation simplified the procedure for the granting and payment of State benefits in connection with the birth and upbringing of children (order No. 306 of the Government of the Russian Federation dated 1 April 1995, which confirmed the temporary procedure for the granting of State benefits). Allowances were made for the extraordinary circumstances that had arisen in Chechnya, the loss of essential documents and so on. State benefits began to be paid in the Chechen Republic in May 1995.

365. International organizations also provided assistance for protection of the people who had suffered as a result of the conflict in the Chechen Republic. Humanitarian aid, including medicines, clothing and baby foods, was sent to the North Caucasian region on several occasions for the people of the Chechen Republic. Beginning in January 1995 UNICEF took part in the United Nations programme of humanitarian aid to people displaced within the country as a result of the emergency situation in Chechnya. Between January and September 1995 UNICEF sent humanitarian aid including vaccines, cholera prevention kits, first aid packs, mother and child medical packs, vitamins,

proprietary foods, baby foods, children's clothing and footwear, bedding, sports equipment for children and hygienic goods to Dagestan, Ingushetia and North Ossetia. Jointly with the international organization Médecins sans frontières, UNICEF organized support in Dagestan for a measles immunization campaign for all children of migrants between the ages of 9 months and 12 years, and for immunization against diphtheria and poliomyelitis in a number of the districts of the Republic. Much was done to prevent the spread of cholera. Three hospitals were prepared with the assistance of UNICEF for the admission and treatment of cholera cases.

366. Up to 1997 we did not keep separate statistical records on children treated as a consequence of armed conflicts. State statistics on situations of emergency and on the numbers of the wounded were introduced on 1 January 1997. As a result of the conflict in the Chechen Republic 125 wounded children were treated in the pan-Russian medical centre for disasters. The medical establishments of the Chechen Republic, Stavropol Territory, North Ossetia, Ingushetia and Dagestan admitted 684 children. Roughly 100 children were treated in clinics in Moscow, including 10 suffering from the effects of wounds. Treatment was provided free of charge. Public organizations gave help to the children of Chechnya. For example, the Russian Children's Fund has a charitable programme "Front line children of Chechnya". Rest in children's holiday camps was organized for children of the Chechen Republic in members of the Russian Federation bordering on Chechnya and also abroad (the Artek international children's centre).

367. Schooling begun to be resumed gradually in the Chechen Republic in March 1995. A day-to-day record was kept of the numbers of pupils. Lessons were provided in the remaining classrooms and in nursery school premises adapted for the purpose. Home teaching was arranged in some instances. The school year was extended to 1 August to make good the loss of teaching time. School-leaving examinations were organized in two stages. Children who had been unable to attend teaching establishments during the military operations were allowed to sit their examinations externally. A rehabilitation centre for disabled children was set up and equipped with funds from the federal target programme "The Children of Russia" in the settlement of Argun in the Chechen Republic by the Federal Government for children who had suffered during the conflict.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

368. The standards for the administration of justice set out in article 40 (1) of the Convention on the Rights of the Child have been further developed in the new Criminal Code of the Russian Federation that came into force on 1 January 1997, in which the principle of responsibility is related to age for the first time. Under that principle a child who has reached the age of criminal responsibility may be freed of that responsibility if not fully aware of the actual nature and danger to society of the act committed. Such an approach permits a more equitable assessment of the actions of a minor and promotes the use of adequate (non-penal) means.

369. The need for a humane approach to minors prompted the inclusion of a special chapter in the Criminal Code on "Special features of the criminal responsibility of minors and their punishment". The chapter contains regulations on the special punishment system applicable to minors. The law prohibits the sentencing of minors to death and to life imprisonment, and excludes the use of measures that might adversely affect the health and development of a minor (e.g. the restriction of liberty applied to adults). The types of punishment to which a minor may be sentenced have a lesser upper limit by comparison with the sentencing of adults to the same punishment (the longest prison sentence is 15 years for adults, 10 years for minors) and there are additional qualifications on sentencing (for example, only minors who have independent earnings may be sentenced to pay a fine).

370. The possibility of freeing minors of criminal responsibility and punishment is retained in the Criminal Code of the Russian Federation. It should be noted that the proportion of minors to whom this provision applies, although now reduced, still remains appreciable (in 1992, 29.7 per cent, which is nearly a third, were freed of criminal responsibility; in 1996, the figure was 13-15 per cent, i.e. approximately one sixth of those brought before the courts). This reduction has been due, in particular, to the fact that the approach to freeing from criminal responsibility has become more differentiated. This measure is used only for minor offences and moderately serious crimes.

371. The Criminal Code provides that the freeing of a minor from criminal responsibility may be accompanied by a sentence of compulsory measures having an educative effect. A new definition is given of the content of those measures. Consideration is given not only to the need to correct the behaviour of the minor, but also to upbringing, education and, in general, the formation of the personality.

372. Special attention is paid in the Criminal Code to such a measure as the placing of a juvenile offender in a special educational or curative and educational establishment. Limited use is made of this measure because it involves deprivation of liberty. It may be applied only for a fairly serious offence. It should be noted that the State adopted reorganization measures during the last five-year period for this system of establishments. In 1995 the Government approved new Model Regulations governing their activity. Under those regulations all special educational establishments were classified as being rehabilitative in type, and as having the aim not so much of punishing as of re-educating the juvenile offender: they were to instruct, educate and treat their inmates. The use of physical and mental coercion against inmates is prohibited, along with the use of measures that fail to take age into account, are educationally counterproductive, detract from dignity, restrict or prevent contact with the parents (or persons acting *in loco parentis*), reduce food quotas, result in loss of outings, involve the inmates in carrying out functions connected with the maintenance of discipline or use socially useful work as a disciplinary measure.

373. In accordance with the above-mentioned Model Regulations it is not only the activity of the special educational establishments that should be reorganized, but also their entire system. Open special schools and vocational technical schools must be included in the system to provide greater

scope for the prevention of juvenile crime, along with corrective educational establishments for juvenile offenders with slightly aberrant mental development (who could previously have been sent to a place of detention if they committed an offence).

374. Federal law No. 160-F3 of 21 December 1996 amended and supplemented the RSFSR Code of Criminal Procedure. When deciding their sentence the courts are obliged to consider the possibility of using compulsory education or referral to a special educational boarding establishment in place of a punishment. The procedure for ending the stay of the juvenile in the establishment is also regulated. When the court considers the question of sending a juvenile to a special educational establishment and of release from it, the juvenile retains all the procedural guarantees of legality, justice and humane treatment previously established by the procedural law. The parents, other legal representatives, a lawyer and the prosecutor take part in the hearing of these cases. The court must make a careful examination of the guilt of the juvenile, since under the above-mentioned federal law a juvenile may be sent to a special educational establishment only on the basis of a verdict (and not merely by court order, as was previously the case). The need for a balanced approach does not, however, rule out a combination of humanization with, in some instances, increasing the responsibility of juveniles for their acts, which enables the principle of social justice to be applied in relation to them.

375. The general rules of the administration of juvenile justice are based on the provisions of the Constitution of the Russian Federation. They include presumption of innocence, equality before the law and the courts, the inadmissibility of the use of torture, coercion and other cruel, inhuman or degrading treatment or punishment, State guarantees of the right to receive qualified legal assistance and the inadmissibility of illegally obtained evidence. The provisions enumerated have been developed in the Criminal Code and the Punishment Code and in the 1960 Code of Criminal Procedure as amended in the light of the Constitution. The international legal standards of the agreements to which Russia is a party were taken into consideration in the drafting of the Constitution and the above-mentioned Codes. Consideration was given when formulating the special chapters on the criminal responsibility and punishment of juveniles (chapter 14 of the Criminal Code and chapter 17 of the Code of Criminal Procedure) to the stipulations of articles 37 and 40 of the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice - the Beijing Rules (1985).

376. The Criminal Code in force contains an article establishing the principle of legality: "The criminality of an act and its punishability are determined exclusively by this Code" and no other analogy is permitted in application of the criminal law. The criminality and punishability of an act are determined by the criminal law in force at the time of the commissioning of that act. The principle of the equality of citizens before the law is in force. The principle is established of fault, without proof of which there cannot be any criminal responsibility. All these provisions are equally applicable to adults and to minors.

377. The law enlarges the list of circumstances that the court must take into consideration in the sentencing of a juvenile. That list includes: (a) the

living conditions and upbringing of the juvenile; (b) his level of mental development and other personality features; (c) the influence of older persons on the adolescent.

378. Pursuant to the provisions of the Code of Criminal Procedure, a detained juvenile must be given legal assistance. The defending lawyer must be involved from the time when the detention order is notified to the juvenile, and the defending lawyer must be present at all investigations concerning such cases.

379. The interests of juveniles in court trials, administrative hearings or other proceedings are defended by their legal representatives, legally defined as their parents, adoptive parents, foster parents, guardians, and representatives of institutions and organizations having the child in their care. The participation of legal representatives is compulsory both in a preliminary investigation and in a court session. They are entitled to complain against any of the actions of officials. In particular, legal representatives, equally with a lawyer, have the right of complaint in the court and of participation in the judicial verification of the legality of and grounds for arrest or the extension of the custody period. The Federal Law of 1996 and the RSFSR Code of Criminal Procedure introduced amendments: the period of custody was reduced to the period of the preliminary investigation and the procedure for its extension was tightened up. This is an especially humane step as regards juveniles, since it is especially undesirable that they should be kept in isolation prisons that are filled to beyond the established levels.

380. The incorporation of international legal standards into the national legislation governing the rights of juveniles is a continuous process dependent on changes in their social and economic conditions. At the same time, continuous attention is paid and will continue to be paid to this matter. It is appropriate to take as an example extension of the concessions granted to juveniles and young adults (18-21 years old), governed by article 3.3 of the Beijing Rules. A new wording of article 176 of the Labour Code of the Russian Federation adopted in 1995 introduced compulsory medical examinations for all persons up to 21 years of age on being hired for work. The Criminal Code has laid it down that the provisions of the chapter "Characteristics of the criminal responsibility and punishment of juveniles" may be extended in exceptional instances to persons between 18 and 20 years of age. Article 402 (1) of the RSFSR Code of Criminal Procedure introduced by the federal law of 1996 empowered the court to extend the stay of an individual in a special educational establishment after that individual attained his majority until completion of general education or vocational training.

381. The setting of the lower age limit for criminal responsibility is a specific feature of Russian criminal law. Under present-day conditions and having regard to historical and cultural features the 1996 Criminal Code set this limit in an alternative way. Individuals who have reached 16 years of age at the time of the perpetration of an offence have general criminal responsibility for all types of offence. Criminal responsibility commences at the age of 14 years for some types of offence, namely: murder, premeditated causing of grievous bodily harm, premeditated causing of moderately severe

bodily harm, kidnapping, rape, indecent assault, theft, robbery, robbery with violence, extortion, taking and driving a car or other vehicle without the permission of the owner but without intent to steal, premeditated destruction of or damage to property with aggravating circumstances, terrorism, hostage taking, deliberately giving false information concerning an act of terrorism, hooliganism with aggravating circumstances, vandalism, misappropriation or extortion of a weapon, ammunition, explosives and explosive devices, misappropriation or extortion of narcotics or psychotropic substances, and rendering vehicles or means of communication unfit for use.

382. The above list is somewhat larger than the one in the old RSFSR Criminal Code. However, the age limit of 14 years is defined in this list in the light of the clearly high social danger of the acts enumerated that is comprehensible to a normally developing juvenile. Should there be deviation in the development of the juvenile (mental retardation) the court may avail itself of the institution of variable responsibility in relation to age under which a juvenile may be freed of responsibility or to have diminished responsibility, enabling the punishment to be reduced if the juvenile is not fully aware of the actual nature and social danger of the act. The level of mental development and personality traits must be established and taken into consideration when examining cases of individuals less than 18 years old.

383. In addition, the Criminal Code of the Russian Federation establishes a minimum age for the application of some forms of punishment. Such forms include custody, which may be applied to juveniles who have reached 16 years of age by the time the court delivers its judgement. The use of custody is not permitted in relation to juveniles for administrative offences pursuant to the Code on Administrative Offences in the RSFSR. Children 11-13 years old are deemed incapable of breach of the criminal law since they cannot legally be held guilty of a criminal act. Even when such children have perpetrated a socially dangerous act covered by the Criminal Code, they cannot be prosecuted in the criminal court. Children 11-13 years old may be brought before the commission on juvenile affairs. The meeting of the commission is attended by the parent or legal representatives, the juvenile concerned, representatives of educational establishments and the prosecutor. The commission on juvenile affairs has the right to decide the use of measures of compulsory education. An appeal may be lodged against a decision of the commission, and the prosecutor is entitled to contest the decision when so requested by the juvenile or on his own initiative if there are grounds for considering that it is prejudicial to the rights of the juvenile.

384. A juvenile who is a first offender accused of a minor offence or a moderately serious offence may be freed of criminal responsibility or punishment if it is recognized that correction may be achieved by the use of compulsory measures of an educative nature. The law lists the following such measures: a caution; the placing of the juvenile under the supervision of the parents or persons acting in loco parentis, or of a specialized State body; the imposing of an obligation to make restitution for the damage caused; restrictions on leisure time and the imposition of special requirements concerning the behaviour of the juvenile. Such requirements may include a ban on frequenting certain places and on indulging in certain forms of leisure, including those connected with the driving of mechanical means of transport, restrictions on being out of doors after a certain time of day and travelling

to other localities without the permission of a specialized State body. The juvenile may be required to return to an educational establishment or to find employment with the assistance of the specialized State bodies. Other measures may also be applied.

385. In addition, a court that has sentenced a juvenile to imprisonment or corrective labour may suspend the sentence, placing the juvenile on probation for a period of not less than six months and not more than five years. When the sentence is suspended the juvenile is placed under certain obligations (connected with work and study) aimed at changing his mode of life and behaviour. During the probationary period the behaviour of the adolescent is monitored by the probation service. It should be stressed that a suspended sentence is now the most frequent means of dealing with juveniles (one in three juveniles receives a suspended sentence, while one in four is imprisoned).

386. The specialization of investigators, judges and assessors was introduced in 1963 (and there are now specialized jurors). The internal affairs (Ministry of the Interior) authorities have juvenile crime-prevention departments and receiving and allocating centres for juveniles, the legally defined duties of which are to prevent and put a stop to criminal activities by children, and to take steps to eliminate the underlying causes and contributory factors. The staff of the juvenile crime-prevention departments of the internal affairs authorities assist the investigators dealing with the cases of young offenders by identifying adults who involve juveniles in crime. Seminars and conferences are organized at departmental level and by area to improve the qualifications of specialized staff, criminal investigators and the staff of the preventive and rehabilitation services. The prosecutor's office, which coordinates the efforts of the law and order authorities, holds regular meetings with the staff of the specialized services to discuss the most topical aspects of their work. Such meetings and vocational training are organized at local government level as well as at the level of the subjects of the Federation.

387. Under the present conditions of the administration of juvenile justice implementation of article 40 of the Convention on the Rights of the Child is regarded as a particularly important task by legislators and by the rank and file workers of the forces of law and order (including court workers).

388. The trend of juvenile crime has remained unsatisfactory over the last five years. The number of crimes committed by juveniles was 1.2 per cent higher in 1996 than in 1992. The statistics reveal an upsurge in juvenile crime in 1993 (223,700 cases as against 200,600 in 1992), followed by a gradual decline down to 1996 (202,900 cases). At the same time there was an increase in the number of serious crimes committed by juveniles against the background of the reduction seen in the number of all crimes. The internal affairs authorities began to record these crimes in 1993. There was a threefold increase in the number of such crimes over the period 1993-1996 (from 47,381 to 161,113). The number of premeditated murders and attempted murders increased by a factor of 1.1 times. The number of (minor) crimes for gain committed by juveniles fell slightly over the five years, but they remain the predominant form of juvenile crime (more than 60 per cent).

389. The adverse trends in juvenile crime also include an increase in the proportion of juvenile offenders who are unemployed and not in education (now standing at 37 per cent), an increase in the number of younger juveniles (14-15 years old) involved in criminal acts (from 59,000 to 63,000), an increase in crimes by girls (from 13,000 to 17,000, i.e. a 35 per cent increase), the involvement of juveniles in organized criminal activity and the discovery of incipient forms of professional criminal activity among adolescents. There are increasing manifestations of the most dangerous forms of pre-criminal behaviour among juveniles (drunkenness, drug abuse, precocious sexual dissipation). The number of crimes committed by individuals who have not reached the age of criminal responsibility (below the age of 14 years) is on the increase. The phenomenon of children living on the streets is increasingly common.

390. It is common knowledge that there is always a serious danger of a more punitive approach being taken and limitations being placed on procedural guarantees for the hearing of cases when crime is tending to increase. The State is, however, consistently pursuing a policy of crime prevention, a leading principle of which is defence of the rights and lawful interests of juveniles, especially children and adolescents in the "at risk" social group. Such an approach is reflected in the National Action Plan for Children (1995), which has a special section on support for children in especially difficult circumstances, and also in the federal target programme for intensification of the fight against crime in 1996-1997. Seven of the 11 measures planned in the section of that programme dealing with prevention of crime by juveniles and young people have a social trend. In addition, a federal target programme on the prevention of juvenile homelessness and crime for the years 1998-2000 is now being implemented.

391. The following preventive measures are being carried out in accordance with the above-mentioned documents. A system of social rehabilitation centres is being established for the prevention of juvenile homelessness and crime. The regulatory and legal basis for their activity has been strengthened (in 1996 the Government approved Model Regulations on these establishments and special standards for their activity). The federal law on amendments and additions to the education act of the Russian Federation (1996) abolished competitive entry to class X. Pursuant to the law, complete secondary education became generally available, which helped to increase the occupation of juveniles (in the 1993/94 school year more than 300,000 children left school at the end of class IX (i.e. at an age of 14-15 years) because they had not passed the examination for admission to class X). Steps are being taken to organize summer holidays, rest cures and activities for children and adolescents, especially from badly off families. The finance for these purposes is allocated annually by government decrees. Thus, the Employment Fund allocated 110 billion roubles in 1997 for the temporary employment of adolescents. Additional jobs are being created in the regions. An amendment made in 1995 to the Labour Code of the Russian Federation permitted the temporary employment of juveniles from the age of 14 on light work during the holidays. Legal protection of the housing rights of juveniles has been improved. Under amendments made in 1994 to the law of the Russian Federation on privatization of the housing stock in the Russian Federation, juveniles must be named in the agreement transferring ownership of living accommodation to their parents, and young people living on their own in an apartment may

become the owners from the age of 15. This is enabling the legal representatives of juveniles, the bodies that protect their rights and the office of the prosecutor to provide more effective protection for adolescents, and thus to prevent living on the streets.

392. The social measures that have been taken still have not resulted in fundamental changes in juvenile crime. The State will have to increase its efforts to extend and improve such measures. At the same time, the recognition of defence of the rights of juveniles as a priority in the prevention of juvenile crime is necessitating further humanization of the administration of juvenile justice and its organization in accordance with international legal requirements, including those set out in article 40 of the Convention on the Rights of the Child.

393. A purposeful balanced approach to the normalization of living conditions for juveniles, defence of their rights and lawful interests, and provision of adequate material guarantees for those rights may be achieved through the bodies specially created for the purpose - commissions for defence of the rights of juveniles. Definite efforts are being made along those lines. An idea has been worked out for the reorganization of the existing commissions on juvenile affairs, which should be relieved in as far as possible of their duty of examining the cases of juvenile offenders (i.e. the functions of an administrative court) and given more resources and staff. A draft law has been prepared under the title "On the State system for protection of the rights of juveniles, and the prevention of juvenile homelessness and crime".

394. Judges who specialize exclusively in juvenile cases are working in courts at all levels. The creation of a system of juvenile courts is a difficult task for the country. The need for a complete handing over of cases concerning juveniles of all ages to them is recognized at all levels in the law and order system.

395. The desirability of juvenile courts was argued in 1991 in a document entitled The Concept of Legal Reform. The creation of a juvenile justice system and special staffing complements for courts dealing with family and juvenile cases is envisaged in the document "main lines of State social policy for improvement of the situation of children in the Russian Federation up to the year 2000". The documentation of an international seminar on the administration of juvenile justice held in Moscow in 1995 under the aegis of the Council of Europe was reflected in the development of a theoretical concept of a Russian model of juvenile justice and a draft law on juvenile justice (published in *Pravozashchitnik*, issues 1 and 2, 1996).

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

396. During the last five years regulation of the right to liberty and the personal inviolability of citizens, and especially juveniles, has been appreciably extended and improved in Russian legislation in accordance with the principles and provisions of international law and the international agreements of the Russian Federation. At the same time there has been a

strengthening of the regime of legality provided both by those who directly apply the legal provisions and by the bodies that carry out monitoring and supervisory functions.

397. It should be stressed first and foremost that the right to liberty has been given clearer constitutional expression: the only basis for possible deprivation of liberty must be a court decision. This is applicable to all forms of deprivation of liberty: to detention as a means of short-term punishment, to holding in custody as a means of preventive restriction for persons under investigation. Only one exception has been made to the general rule: "Nobody may be held for more than 48 hours without the decision of a court". A federal law on the holding in custody of suspects and persons accused of perpetrating crimes adopted in 1995 established the legal status of persons in custody as corresponding to the principles of legality, equality of all citizens before the law, humanism and respect for human dignity.

398. Work on the new Code of Criminal Procedure is now nearing completion. At the same time some important amendments were made to the old Code in 1995-1996, including:

(a) The right to appeal in court against custody selected by the investigator as a means of preventive restriction and approved by the prosecutor. That right is granted, in particular, to a juvenile, his legal representative and lawyer;

(b) The laying down of firm time limits for consideration of the appeal against holding in custody - three days from the day on which the court receives the documents;

(c) Compulsory production in court of the person held in custody;

(d) Obligation on the prosecutor and the officer in charge of the place of custody to release a person in custody without delay should the court so decide or if the legal limit of the custody period has expired or by order of a court.

399. Old provisions have been retained in the Code of Criminal Procedure alongside the amendments and additions. Thus, holding a juvenile in custody as a means of preventive restriction is an exceptional measure. Use of this provision is controlled by the office of the prosecutor. According to the Code of Criminal Procedure in force, the prosecutor is obliged when deciding to approve custody to acquaint himself thoroughly with the materials of the case and, if necessary, personally to interrogate the accused, but interrogation of a juvenile suspect or accused person is invariably obligatory.

400. Reduced periods of custody as a means of punishment were established for juveniles in 1996. Thus, adults may be held in custody for from one to six months and juveniles for up to four months. There is also provision for relaxation of the regime for serving a sentence of deprivation of liberty for convicted juveniles. Adults are kept in corrective colonies under the general and the strict regime or are imprisoned. Juveniles are kept in educational colonies under the general and the intensified regime (if they have reoffended

after serving a term of deprivation of liberty). Educational colonies have a special place in the system of establishments for the serving of sentences of deprivation of liberty, as is reflected in the establishment of more favourable conditions by comparison with those under which adult offenders are kept. Imprisonment is not a measure applied to juveniles.

401. The new Code of Criminal Procedure provides for a sentence of custody at the place of conviction to be served in custody houses for juveniles and also for the adoption of special rules for the handling of juveniles sentenced to custody. Given that there are no special custody houses in Russia at the present time, the courts will be able to use custody as a punishment as and when the conditions for it are established, but not later than by 2001 (article 4 of the federal law on bringing the Criminal Code of the Russian Federation into force).

402. Article 31 of the federal law on the holding in custody of suspects and persons accused of crimes provides for improved living conditions and diet and the need for juveniles to study in investigative detention centres with the aim of ensuring the best possible development of the personality of a juvenile deprived of liberty and his reintegration into society. Chapter 17 of the new Punishment Code of the Russian Federation entitled "Features of the use of deprivation of liberty as a punishment in educational colonies" establishes that four types of conditions shall be introduced in these colonies: ordinary, alleviated, privileged and strict; the attributes of each type are defined, along with the basis and procedure for their application to the persons condemned. Such an approach will enable punishment to be made more individual and more effective, and will ultimately help to reduce the level of recidivism, which is currently running at 10-12 per cent (for all juvenile crimes) in some regions.

403. The new Criminal Code of the Russian Federation pays adequate attention to alternative measures of punishment to deprivation of liberty (these were envisaged in some instances in the old Code, but their regulation has now been considerably improved). One alternative measure is the suspended sentence, under which:

A period of probation is established with provision for its possible extension;

Certain conditions concerning behaviour and mode of life may be placed on the convicted person;

The obligations of the bodies supervising the behaviour of persons on probation are clearly regulated;

The grounds and procedure for lifting the suspension and imposing a real punishment are laid down.

The procedure for monitoring the behaviour of persons serving suspended sentences are governed by the Punishment Code of the Russian Federation.

404. In 1996 one third of convicted juvenile offenders were placed on probation and the use of this measure doubled over the five years (from 16 to 35 per cent).

405. Under the old Criminal Code, that was in force until 1997, deferment of serving the sentence was often used in addition to suspension of the sentence. The total proportion of alternatives to deprivation of freedom (suspended sentence plus deferment of serving the sentence) was approximately 70 per cent. That figure is slightly more than twice the proportion of juveniles sentenced to deprivation of liberty. Deferment of the serving of the sentence as a conditional means of punishment has most often been used in particular for dealing with mentally retarded 14-15-year-old juveniles and juveniles brought up outside the family, etc.

406. Under the Criminal Code in force juveniles convicted of a minor or moderately serious offence and not given a suspended sentence may be freed from punishment through the substitution of measures of compulsory education by decision of the court.

407. The guaranteeing of legality concerning deprivation of the liberty of juveniles excludes the use of this measure for adolescents seeking asylum and refugees solely on grounds of their status. Sentences without term are unknown in practice under the country's legislation.

408. Chapter 3 of the Punishment Code of the Russian Federation deals with departmental and extra-departmental (public and independent) monitoring of correctional establishments and authorities. The provisions of the Code extend public control over the activity of the penal authorities by local authorities and their authorized agents, who may meet convicts, be involved in dealing with complaints and acquaint themselves with essential documentation. It is proposed to establish boards of trustees drawn from representatives of State enterprises, establishments, organizations, public associations and individuals to assist the administration in dealing with matters concerning the social protection of convicts and the employment and resettlement of released prisoners. Parents' committees may be formed to increase the educational influence on convicted juveniles.

409. There are currently 62 educational colonies operating in 50 regions of the Russian Federation. On 1 July 1996 there were 21,700 convicted juveniles serving their sentences in them, including 1,300 girls. Kept separately from the others there were prisoners who had served a previous sentence of deprivation of liberty (440 individuals) and inveterate violators of the regime and individuals who had perpetrated a crime in places of detention (247 individuals).

410. The general punishment practice is as follows. More than a half of those convicted are sentenced to short terms of deprivation of liberty - up to three years. It should be borne in mind that the Criminal Code provides for release conditionally prior to term for prisoners who have served: (a) at least one third of a sentence given by a court for a minor or moderately serious crime; (b) at least half the sentence of the court for a serious crime; (c) at least two thirds of the sentence of the court for especially serious crimes. In reality, therefore, convicted juveniles do not spend very

long in places of detention. Some 2-5 per cent are sentenced to long terms of 8-10 years' detention for serious and especially serious crimes. Even so, they may also be given conditional release prior to term. No marked regional departures may be noted from the general pattern of punishment of juveniles or of any social categories of adolescent.

411. Humane treatment of prisoners and respect for their human dignity is based on the Constitution of the Russian Federation, according to which: "no one shall be subjected to torture, violence or other cruel or degrading treatment or punishment". This provision has been developed and given concrete expression in the Punishment Code of the Russian Federation. The Code prohibits the use on juveniles of a number of disciplinary practices that are used on adult convicts (placing in a solitary confinement cell for from one to six months). Adolescents in breach of the punishment regime may be given a verbal reprimand or subjected to measures of deprivation (withdrawal of the right to see films). In an extreme case they may be confined in a disciplinary cell for a period of seven days, but with continued compulsory attendance at their studies.

412. The needs of juveniles connected with their age are taken into consideration in the legislation. Article 31 of the federal law on the custody of suspects and persons accused of perpetrating crimes establishes the obligation of improving the living conditions and nutrition of juveniles. These provisions have been confirmed by an order of the Government of the Russian Federation on the setting of minimum standards of nutrition and living conditions for persons sentenced to deprivation of liberty.

413. There is a monitoring system in operation on compliance with the special regulations for the maintenance of juveniles under investigation (organization of daily walks, physical exercises and sport; screening of films or television broadcasts; establishment of conditions for obtaining general secondary education and for improvement of the cultural level). Juveniles in custody are allowed to obtain and acquire textbooks and scholastic and writing materials over and above the established standards.

414. Special regulations on the keeping of juveniles under investigation relate to the interrogation units in which they are kept before being charged. When adolescents are placed in educational colonies their regime is laid down by the Punishment Code of the Russian Federation, which has regard to the age-related needs of the developing personality. In accordance with the Code juveniles in educational colonies are given general education and vocational training, and they work and improve their cultural level. Freedom of conscience and religion is guaranteed to convicted persons. Ministers of religion are entitled and enabled to have free access to places of detention. Special premises for the holding of religious services are equipped in most colonies.

415. The fact that condemned men and women, juveniles and adults are kept separately in places of detention facilitates the use of varied educational methods as the main means of influencing the unstable psychic make-up of juveniles in the course of their work and study, in sporting activity and

cultural measures. Juveniles may be kept with adults only under exceptional circumstances, with adults considered to be positive and with the consent of the prosecutor. Compliance with this provision is strictly monitored.

416. Convicted juveniles considered to be positive may be permitted to go out of the colony without an escort and unaccompanied and also be granted brief leave of absence, for up to seven days (death or serious illness of a close relative; a natural calamity causing serious harm to the convicted person's family; for preliminary decision on finding a job and accommodation after release). The time spent by the convicted person away from the colony is counted as part of the sentence. Convicted juveniles serving their sentences in educational establishments with a general or an intensified regime are permitted six short and two long visits during the year, eight parcels or consignments of supplies and eight bundles of printed matter.

417. Rewards may be given for good behaviour, a conscientious attitude towards work and study, and active participation in the work of voluntary groups and in educational measures: the right to attend cultural and sporting events outside the educational colony accompanied by members of the staff of the colony; and the right to go out of the colony accompanied by parents, persons acting in loco parentis or other close relatives.

418. Education is provided in accordance with the standard educational syllabuses in the educational colonies of the Russian Ministry of the Interior (MVD). In 1996 82 per cent of juveniles serving sentences of deprivation of liberty received education. Vocational training is also provided.

419. Further steps to bring the conditions under which juveniles serve sentences of detention into line with international standards and also with the Convention on the Rights of the Child have been taken in the new Punishment Code of the Russian Federation (1996). All condemned persons are entitled to be given information on their rights and obligations and on how and under what conditions the sentence of the court is to be served. The administration of the establishment is obliged to give that information to convicted persons and also to acquaint them with any changes. Convicted persons should not be subjected to any harsh or degrading treatment by the staff of the establishment. They may make suggestions and complaints to the administration of the establishment, to administrations higher up the chain, to the court, the offices of the prosecutor, national and local government authorities, public associations and international human rights bodies.

420. The law gives juveniles deprived of liberty and their legal representatives far-reaching rights of appeal against a preliminary custody order, as previously mentioned, and against a court sentence. Under the existing legislation there are appeal and review procedures for the review of sentences. The provision of an additional appeal procedure is envisaged in the draft of the new Code of Criminal Procedure.

421. Several legal innovations extending the right to appeal against a sentence or to have other legal assistance have been inserted in the Punishment Code (1996). Convicted persons are given the right to make proposals, statements and complaints to a wide range of organizations and

bodies, including the administration of an establishment and an authority carrying out a punishment, a court, the offices of the prosecutor, and national and local government authorities. It should be noted in particular that a person deprived of liberty may make a complaint to public (religious, human rights, etc.) associations, which are currently beginning, at a time when a civil society is being created, to display considerable activity in defence of the rights of the individual. Lastly, a convicted person is given the right to approach international human rights bodies if all available domestic means of legal protection of convicted persons have been exhausted.

422. The Punishment Code has established a procedure for proposals, statements and complaints on matters concerning breaches of the rights and legitimate interests of convicted persons, having stipulated that the administration of an establishment is under the obligation to consider not only written but also oral complaints, to forward them without delay to the intended recipient and not to censor them.

423. Fulfilment of the special provisions regulating the conditions and regime under which juveniles are kept in educational colonies is the province of the monitoring and supervisory activities of the prosecutor's office. A prosecutor visiting educational colonies must devote some time to seeing inmates personally, must receive complaints and statements from them and must use his powers in defence of the rights of convicted persons.

424. Schools teaching the full education syllabus and vocational training schools providing instruction in 26 subjects operate in educational colonies. In 1996 some 3,800 persons, or 20.3 per cent of the total number of students, completed the general education syllabus. A certificate of full secondary education was received by 919, or 5.1 per cent of the total number of students.

425. Detainees live in comfortable dormitories and are provided with the essential sanitary and hygienic services and utilities. Regular medical examinations are arranged in the establishments and specialist care is given when necessary. The diet of convicted juveniles is equivalent to that provided in boarding schools for ordinary children. Additional food and constant observation by medical staff is provided for weakened adolescents.

426. Convalescent facilities are being established in educational colonies. A psychiatric service is being developed for inmates and staff.

427. Despite the results achieved in the last few years in improving penitentiary practice concerning juveniles, there is a problem connected with the legality of the deprivation of liberty when adolescents 11-13 years old are placed in a closed special educational establishment. According to the federal education act, adolescents with deviant (socially dangerous) behaviour may be sent to these establishments only when so decided by a court. The Criminal Code provides that adolescents who have reached the age of criminal responsibility (14-17 years) are sent to designated establishments in accordance with the verdict of the court. Should younger adolescents 11-13 years old perpetrate a socially dangerous act covered by the Criminal Code, the information concerning them is examined by the district commissions for juvenile affairs which themselves decide on the placing of such juveniles

in special educational establishments of closed type. This procedure will undoubtedly be changed and unified when juvenile courts are established. It will be the court that will take the decision when older (14-17 years) and younger (11-13 years) adolescents are sent to such an establishment. At the present time courts with general jurisdiction are unable to examine information concerning children 11-13 years old, since the appropriate procedure has not been defined. It would seem, however, that it is possible on a temporary basis to leave the right of sending younger adolescents to special educational establishments to the commissions on juvenile affairs. In that case consideration is given both to a practice developed over decades that does not occasion any serious objections in the public mind and to the interpretation of rule 11 (b) of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. That article defines the placing of children in a corrective establishment as a form of deprivation of liberty, connecting it with the fact that the juvenile "is not permitted to leave it at will, by order of any judicial, administrative or other public body". It may be concluded from this formulation that the legal basis for placement in a corrective establishment may not be solely the decision of a court. In that context it should be noted that the commission for juvenile affairs has some of the attributes of an administrative body. It operates under the administration of a city or a district, is headed by the deputy head of the administration, its decision is binding and so on. The other members of the commission on juvenile affairs, in addition to the head of the administration, are the heads of the district departments of education, health and culture, a teacher, an educationalist and a psychologist. The prosecutor participates in the work of the commission. The professional training of the above individuals enables them to take an informed decision from the point of view of the rights and legitimate interests of the juvenile.

428. It is a considerably more complicated problem to give effect to the rights of a juvenile deprived of liberty defined by the federal law on the holding in custody of suspects and persons accused of having perpetrated crimes. In connection with the overcrowding of investigative detention centres at this time it is often impossible to provide an adolescent with the concessions designated in the law. Additional resources and further organizational efforts are needed to solve this problem. It should be said that the Government and the authorities of the members of the Russian Federation are taking the necessary measures.

429. Under an edict of the President of the Russian Federation of 9 October 1997, penitentiaries, including those for juveniles, are to be handed over to the Ministry of Justice of the Russian Federation.

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

430. The Criminal Code of the Russian Federation prohibits the application of capital punishment and life imprisonment to juveniles.

431. Protection of a juvenile, as of any citizen of the country, against torture, violence or other cruel or degrading treatment or punishment is a provision of the Constitution.

432. The essential prerequisite for the implementation of this right for a juvenile deprived of liberty is that the juvenile should be able to protest against the actions of the administration of the educational colony and its ordinary staff. An adolescent may inform his parents (or persons acting in loco parentis) about harsh or degrading treatment when they visit. Finally, the parents' committee set up for the colony should concern itself with the protection of the inmates. It should be stated that the Criminal Code has widened the scope for the punishment of instructors, teachers, guards and others for cruelty towards children deprived of freedom, and that has undoubtedly had a preventive effect.

4. Physical and psychological recovery and social reintegration (art. 39)

433. Children serving sentences are given instruction to prepare them for release. The administration of the colony explains their rights and responsibilities. On release from corrective establishments children up to the age of 16 years are returned to their place of residence accompanied by their parents or other individuals, or by a staff member of the corrective establishment. Juveniles released from places of detention are assisted in continuing their education and in finding employment. The bodies concerned with this are the district employment office and the commission on juvenile affairs. The federal target programme on employment in 1996-1997 pays particular attention to young people released from places of detention when considering the establishment of additional possibilities for job placement.

434. The placing of these individuals in work, their living conditions and their further study are within the purview of the juvenile crime prevention units of the militia, which not only keep a check on the behaviour of released detainees, but assist them in solving their problems (including those concerning their rights).

435. In connection with the intended transformation of the commissions on juvenile affairs into commissions for defence of the rights of juveniles, relieving them of administrative functions concerning court business, their activity on the reintegration of juveniles on return from places of detention and those sentenced to punishments not involving deprivation of liberty should now be more extensive and active. It is planned to reinforce the financial and staffing resources of the transformed commissions and to improve their organization and methods.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

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

436. A provision banning forced labour included in the Constitution in the Russian Federation covers all citizens, including children. That provision is supplemented by special legislation regulating child labour. It is based on recognition of the right of the child to be protected against doing any work that may be prejudicial to its health or cause harm to its physical, mental, spiritual and moral development, or be an obstacle to obtaining an education.

437. With the development of market relations juveniles have begun to be actively involved in work. The State is taking measures to counter the exploitation of children and adolescents, and their use on work that endangers their physical and moral health and hinders them in obtaining an education, and so on. The Fundamentals of the legislation of the Russian Federation on labour protection, adopted in 1993, establishes general and special standards (the latter applying to young people) protecting labour and guaranteeing labour safety. Amendments to the Labour Code in 1995 extended the rights of juveniles in the sphere of employment and brought the regulation of their labour safety closer to world standards. Provisions governing these matters are also included in the education act of the Russian Federation and in other legislation.

438. The Labour Code of the Russian Federation prohibits use of the labour of anyone less than 18 years old on dangerous work or work harmful to the physical health of a child, or that may harm moral development or be an obstacle to acquiring an education. The schedules of kinds of work on which the employment of juvenile labour is prohibited was extended in 1995. In addition to work underground and heavy work under harmful and dangerous working conditions, the list includes work that may have a pernicious effect on the moral development of an adolescent (gaming, cabarets and night-clubs, the production, transportation and sale of spirits, tobacco goods, narcotics and toxic preparations). The existing list of heavy work and work under harmful conditions on which it is prohibited to use the labour of anyone under 18 years of age was confirmed by an order of the USSR State Labour Committee and the All-Union Central Trade Union Council of 10 September 1980. Much is now being done to overhaul the system of labour safety standards in respect of all workers, including juveniles.

439. The labour legislation set 16 years as the minimum age for engagement for work. In 1995 the minimum age was lowered to 15 years, having regard to the fact that an adolescent should have completed basic general education by that age. Juveniles may be engaged for temporary work from the age of 14 in preparation for productive work and for adaptation to market conditions, provided that so doing does not interfere with their education and is approved by their parents or guardians. As regards working rights, persons who have not reached the age of 18 are treated as adults, but have certain privileges in the sphere of labour protection, the number of hours worked, holidays and some other working conditions.

440. Juveniles have to have a preliminary medical examination before being accepted for work and thereafter must have an annual compulsory medical examination until the age of 18. The cost of the medical examinations is borne by the employer.

441. The length of the working week is reduced for workers under the age of 18 to no more than 36 hours between the ages of 16 and 18, and to 24 hours for workers between 15 and 16 and for pupils between 14 and 15 working in the school holidays. The working time of pupils working in their free time throughout the school year must not exceed half the norm laid down for persons of the corresponding age. The length of the annual paid leave for workers less than 18 years old is set at no less than 31 calendar days, whereas for workers over the age of 18 it is set at 24 days calculated on a six-day

working week. The enlisting of juveniles to do overtime, night work or work on rest days is prohibited. Juveniles have privileges concerning working conditions. They are not allowed to carry and shift weights in excess of the limits laid down for them. See also paragraph 439 of this report.

442. During the period covered by the report the length of the annual paid leave was increased for juveniles and they were given the right to take it at any time convenient to themselves.

443. The new Criminal Code provides a penalty of up to two years' deprivation of liberty for breach of the labour protection legislation. The provisions cover breaches of the legal standards protecting the health of juveniles hired to work in any enterprise (State-owned, municipal, private, etc.).

444. A system of job quotas has been introduced to assist the job placement of school leavers from general schools and from primary and secondary special education. This measure has strengthened the guarantees of the right of juveniles to work. The right to priority over job applications has been established for persons who are less than 18 years of age, in special need of social protection and experiencing difficulty in the search for work (orphans, children leaving children's homes, children deprived of parental care, etc.). An appeal may be made to a court against refusal of employment under the quota system. Should the refusal be found to be groundless, proceedings may be taken against the employer.

445. Working juveniles have privileges over payment for work. Permanently employed adolescents working the reduced hours receive the same pay as workers in the corresponding categories get for a full working day.

446. Measures have been taken to reduce unpaid work by juveniles. The education act of the Russian Federation prohibits the engagement of pupils on work not covered by their educational curriculum without their agreement and that of their parents.

447. Compliance with the above-listed legal provisions is verified by special bodies. State supervision and control is carried out by the State Labour Inspectorate of the Ministry of Labour and Social Development of the Russian Federation, which is entitled either to exact administrative penalties from employers who infringe the labour rights of juveniles or to pass on any information concerning them with a view to criminal proceedings. District commissions on juvenile affairs also handle matters concerning compliance with the labour rights of juveniles. General supervision of compliance with the labour legislation, including provisions protecting juveniles against economic exploitation, is carried out by the offices of the prosecutor, which makes regular checks, the results of which are widely publicized, considered in seminars of workers in the labour protection authorities and in the committees and commissions of provincial, territorial and republican executive authorities and embodied in directives aimed at improving the working conditions of juveniles.

448. The Russian Federation is a party to the ILO conventions on child labour: No. 29 (Forced Labour Convention, 1930) and No. 138 (Minimum Age Convention, 1973).

449. The growth noted in recent years in the demand of juveniles for permanent and temporary work is giving rise to a number of problems. Adolescents who are least prepared from the vocational point of view experience special difficulties in finding employment. The most acute problems are vocational training and subsequent job placement for school leavers from juvenile teaching and educational establishments, children released from places of detention, 14 to 15-year-old adolescents who have left school or run away from their parents, and children and adolescents from families of refugees and displaced persons. These are in the main precisely the categories of adolescents and young people who are least protected on the labour market.

450. New special programmes, including those run by the territorial employment authorities, are being carried out to solve the problems of job placement for adolescents in ways that comply with all the requirements of the legislation and prevent economic exploitation. A programme entitled "Temporary employment of adolescents", which has been in operation since 1995, is of assistance in finding temporary employment for juveniles both during the school holidays and during time free from studies throughout the school year (roughly 1 million adolescents were found employment in 1995 and more than 900,000 in 1996). Under the "Work experience" programme 1.5 million juveniles aged 16 and upwards were placed in permanent employment in 1996.

451. At the same time, the numbers of juveniles in unregulated employment in which their working rights and guarantees for the protection of health and morality are not always observed is on the increase in the towns, in connection with the development of the non-State sector of the economy, especially small private businesses. There are no official statistics on this type of employment, but information is obtained from sample surveys (including the questioning of children). Human rights bodies and the Russian Labour Inspectorate need to be more active and sanctions against exploiting employers must be strengthened for success in the tackling of this problem.

2. Drug abuse (art. 33)

452. Matters concerning the use of narcotics are dealt with in the existing Russian legislation in the RSFSR Administrative Offences Code and the Criminal Code of the Russian Federation.

453. The combating of drug addiction as a social phenomenon, especially among children, is a pressing problem for Russia. The trend, referred to in the initial report (para. 172), for children to be increasingly accustomed to narcotics has continued and become stronger in the period under review. The number of registered child drug addicts and substance abusers is nine times greater than in 1993; the age of child users of narcotics is falling to 9-10 years old. The main age groups of juveniles habituated to narcotics are 14-15 (around 46 per cent) and 16-17 (around 45 per cent). It is noticeable that young girls are becoming increasingly habituated to narcotics use. The introduction of juveniles to narcotics use and substance abuse is taking place against a background of increasing alcoholism and is often accompanied by illegal acts. The number of crimes committed by juveniles under the influence of alcohol or drugs has increased by a factor of 2.2 times over the last

five years (from 500 to 1,100). The number of crimes committed by juveniles in connection with the acquisition, storage, transportation and sale of drugs has increased by a factor of 2.8 times over the same period (from 1,900 to 5,500 cases). In 1996 there were 2,945 convictions of juveniles (2,940 of whom were more than 16 years old) for drug-linked crimes, and 175 of them were girls. The corresponding figures in 1993 were 1,213 and 36. Relaxation of moral standards, the adverse influence of mass culture on children and the legalization of narcotics use for non-medical purposes in Russia are among the factors promoting the spread of drug addiction.

454. Measures adopted during the period under review to increase the liability of adults for introducing juveniles to the use of narcotics are reflected in the new Criminal Code of the Russian Federation. The number of adults prosecuted for these acts has increased. The fact of having induced a person who is clearly a minor to use narcotics and psychotropic drugs is an aggravating circumstance for determination of the sentence.

455. Educational measures are being applied to make juveniles and adults better informed about drug addiction and substance abuse in Russia. Courses on the prevention of addictive behaviour are being included in the syllabuses of higher, special vocational, general and other educational establishments. Lectures, conferences and seminars are being held and competitions run on anti-drug and anti-alcohol topics for teaching staff, students and pupils. Courses are being run to increase the qualifications of workers in educational establishments. Guides on drug addiction and substance abuse are being prepared for teachers and parents. A number of rehabilitation establishments in the education system apply educational psychology to the provision of assistance for juvenile substance abusers and their families. Health-care establishments give medical and social assistance to child drug addicts. Adolescents first discovered to be using alcohol, narcotics and other drugs are referred for examination and treatment. During and after in-patient treatment children and adolescents are given a lengthy rehabilitation course consisting of individual and group psychotherapy, book therapy, music therapy, family psychotherapy and work in problem families. Consultative assistance on the prevention of drug addiction is given to juvenile sufferers and families by the social services dealing with families and children. At the same time the prevention of drug addiction and the provision of social rehabilitation and adaptation services to juvenile addicts is inadequately developed. The network of establishments of the drug addiction service is not expanding. Specialist medical care for children and adolescents suffering from narcological diseases is provided in 214 clinics and 10 hospitals with a staff of 3,500 psychiatrists specializing in narcology. There are juvenile medical and psychological centres concerned with the rehabilitation of drug addicts in 17 Russian territories.

456. A draft law on narcotics and psychotropic drugs is in course of preparation; its adoption will be of further help in preventing use of these substances by adolescents.

457. Non-governmental organizations are playing an increasingly active part in the provision of assistance to juveniles habituated to the use of narcotics and also in advocating a healthy lifestyle. They are setting up rehabilitation facilities and reciprocal assistance clubs for addicts, and they hold "round tables" and seminars and publish special literature.

458. The Criminal Code of the Russian Federation establishes responsibility for encouraging a juvenile to become a systematic drinker of spirits. The penalty is increased when such actions are carried out by persons who have special responsibility for the well-being of children - parents, teachers, or others made legally responsible for bringing up juveniles. The Code of Administrative Offences establishes administrative responsibility for encouraging a juvenile to consume spirits, and for juveniles up to 16 years old appearing in public places in a drunken state.

459. Public pressure is brought to bear on children observed to be consuming spirits who have not committed other offences. These measures are also applied to the parents if it is clear that they are paying insufficient attention to the rearing of their children and to controlling their behaviour. The main forms of work with juvenile drinkers are to register them with the local branches of the Ministry of the Interior, which have special departments (juvenile affairs inspectorates) or with the juvenile affairs commissions of the local authorities.

460. The freeing of the alcohol-producing market, taken in conjunction with marked changes in the moral codes of the family and of young people, is leading to increased consumption of alcoholic beverages by children and adolescents. The number of juveniles brought to the militia for drinking spirits and being drunk in public places increased by a factor of 2.4 times between 1992 and 1996 and reached 289,000.

461. Propaganda against alcohol is an integral part of the biology course in the compulsory school curriculum. The banning of radio and television advertising of alcohol, introduced in 1996, is an important result of the campaign against juvenile drunkenness.

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

462. The Criminal Code of the Russian Federation establishes personal responsibility for offences against the person of a juvenile: rape; sexual relations between a person who has reached the age of 18 and a person who has clearly not reached the age of 16; indecent assault on a person who has clearly not reached the age of 14. More than 2,500 sexual offences were recorded in 1996, including indecent assault by adults on juveniles.

463. Criminal responsibility has been established for enticement into prostitution by the use or threatened use of force, by blackmail, by destruction of or damage to property or by deception; the organization and keeping of houses of ill repute for the practice of prostitution is a punishable offence. However, because Russia does not have any agency dealing with the problem of prostitution, the enticement of juveniles into

prostitution is detected mainly when criminal offences arise, but also following deprivation of parental rights. Because of the lack of a special State body it is impossible to control this process or to estimate the scale of the phenomenon.

464. Criminal proceedings are instigated for illegal production of pornographic materials for distribution or advertising, for distributing, advertising and illegally trading in printed publications, films or videos, images or other objects of a pornographic nature. The number of recorded offences concerning juveniles in the area of the manufacture and sale of pornographic items, of which there were 1,005 cases in 1996, has increased practically tenfold since 1992. Under the Law of the Russian Federation on the mass media the retail sale of media specializing in communications and materials of an erotic nature is permitted only in special packaging and on premises specially designated for the purpose. These requirements are, however, frequently disregarded in the absence of adequate control.

465. The following package of measures is being put together to protect children against sexual exploitation and sexual perversion. Children who have suffered from or who are in danger of sexual assault, including assault in the family, have been given the possibility of seeking assistance anonymously on a confidential telephone line and from an educational psychology clinic and, in a critical situation, of approaching a social refuge or a crisis centre for women. All of these facilities will provide the child with psychological and social counselling and, in addition, social refuges offer the possibility of temporary stay. Despite the intensive development of a network of these facilities, which began in 1993, they are not yet able to satisfy the demand of all children in need of help. Furthermore, children are often unaware of the possibility of seeking help.

466. Adoption of the draft federal law restricting the circulation of products, services and visual spectacles of a sexual nature in the Russian Federation, currently before the Federal Assembly, should help to protect children against sexual exploitation. The law contains a special article on the protection of juveniles that prohibits the involvement of children in the manufacture, storage for distribution and distribution of products of a sexual nature; the enticement of juveniles into the provision of services and the performance of spectacles of a sexual nature; the use of depictions of juveniles in any form in products of a sexual nature, and in the performance of visual spectacles of a sexual nature. The protection of juveniles against sexual assault is also dealt with in a draft law on the principles of social and legal protection against assault in the family.

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

467. An article on the sale of children in the Russian Federation, first introduced in criminal legislation in 1995, was subsequently incorporated into the new Criminal Code of the Russian Federation. The purchase and sale of a juvenile or other transactions concerning a juvenile involving handing over and ownership of the juvenile are made criminal offences. The following are recognized as aggravating circumstances of such acts: use by an individual of

his or her official position to buy or sell a child; the illegal taking abroad or illegal return from abroad of a juvenile; involvement of a juvenile in the perpetration of a crime or other anti-social act; removal from a child of organs for transplantation. Criminal responsibility for the abduction of a child was increased in 1993. Criminal and administrative responsibility have also been increased for illegal activity over the adoption of children and their placing with foster parents and guardians, including activity that is repeated or carried out for gain. Since the article of the Criminal Code on sale of juveniles came into force 14 such crimes have been recorded (4 in 1995, 10 in 1996). In addition there were 221 offences concerning the abduction or substitution of children between 1992 and 1996 (59 in 1992, 79 in 1993, 42 in 1994, 19 in 1995 and 22 in 1996). The possibility of illegal commercialization potentially exists in the international adoption of Russian children, given that some of the procedural aspects of such adoption have not been regulated.

5. Other forms of exploitation (art. 36)

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

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

469. Under the legislation of the Russian Federation every citizen, including children, is entitled to use of his or her native language, to national culture and the practice of his or her religion. The State assists peoples whose numbers are small with the organization of upbringing and education in the native language, and pursues a protectionist policy for the preservation and restoration of the culture and national identity of such peoples and ethnic groups.

470. The Federal target programme "Children of the North", in operation since 1994, is an example of the special protection measures for children. Its aim is the creation of conditions for the normal physical, mental and cultural development of children living in the Far North. Thirty of the northern peoples whose numbers are small, and 67,000 of whom are children, are initially affected. Under the programme, preventive medical care is provided for children and adolescents, regional seats of natural infectious diseases are localized, outbreaks of helminthoses are dealt with, and vitamin supplements are added to the diet of children of pre-school and school age. More than 35,000 children from remote regions of the North to which access is difficult have been given thorough medical examinations. For most of these children it is the first time that they have received such comprehensive preventive care. The issuing of preparations for the control of parasites has been arranged. Health service facilities are being provided with medical

equipment. Measures are being taken to supply teaching aids, including some in the native languages, and work is in progress on the creation of an alphabet for previously unwritten languages. Children's ethnocultural centres of the Nanai, Nivkh (Gilyak), Uluk, Koryak and Evenk cultures are being set up and interregional national children's holidays and festivals of children's arts and crafts are being organized. Children are being given the opportunity of using the facilities of craft workshops, school studios and applied arts circles. The dispersed nature of the population, the small numbers living in settlements, difficulty of access to some districts and a nomadic lifestyle are creating additional difficulties in carrying out a purposeful system of protection measures for these northern children.

Notes

1. Annex I to the report is a detailed list of the regulatory instruments adopted in the period under review that contain measures specifically targeted on protection of the rights of the child. A detailed analysis of some of them will be found in the appropriate sections of the report.

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