



ngo group for the crc

## STATE PARTY EXAMINATION OF RUSSIA'S THIRD PERIODIC REPORT

40<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE  
CHILD  
12 - 30 SEPTEMBER 2005

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*Russia ratified the Convention on the Rights of the Child (CRC) in 1990. On 28 September 2005, the Committee on the Rights of the Child (the Committee) examined the Russian Federation's (Russia) Third Periodic Report.*

### Opening Comments

The head of the delegation, Ms. Olga Sharapova, said that the Committee's recommendations were considered when preparing the report, but the implementation of some of them was still underway. Through legislative and economic changes, attempts were made to implement reforms that did not negatively impact children. For example, tax relief had doubled for families with children, there were higher one-off allowances for children, as well as increased monthly allowance for children. In addition, the number of children living in poor families had decreased since 2002. However, Sharapova acknowledged that reforms might have had a negative impact on children, and the government was trying to address these issues. It provided free medication for certain children in need. In addition, the federal programme for children was still being carried out, as well as sub-programmes focusing on disabled and orphaned children. The government also increased vaccination programmes, thus eliminating measles, reducing tuberculosis (TBC) and the number of children with Sexually Transmitted Illnesses. As the government was not entirely satisfied with children's health status, programmes were set up to address the issue. For example, six federal

medical centres were being built to provide children with free assistance, regardless of where they lived. HIV/AIDS was also a major problem, as over 6000 children were infected. The government was planning to focus on treating mothers and preventing HIV being transmitted to child. In addition, Sharapova said that drug abuse had decreased but alcohol consumption, especially beer, had increased. New legislation was created to prohibit the sale and consumption of beer by youth.

The government also focused on education and early vocational training, trying to take into consideration individual needs, creating new computer programs, as well as increasing teachers' salaries (starting in 2006). The government provided social support to children living in difficult conditions and facing limited health services, by placing services at federal rather than regional level. This improved the budget and consequently provided free medication, treatment, and travel with an accompanying person and monthly payments for these children. Consequently, living conditions improved for disabled children in 2005.

Sharapova also noted that juvenile justice was previously a concern of the Committee. She said that policies aimed to take into consideration international standards, resulting in an improved legal system and changes in criminal legislation. Alternative punishments were introduced, including educational measures and special guardians. This meant that up to the age of 16, a child committing a major crime could not be deprived of his/her liberty. In conclusion, Sharapova acknowledged Russia's many problems and its constant effort to consider the best interest of the child.

The country rapporteurs were Ms. Vuckovic and Mr. Kotrane. Vuckovic said that the report was clear, demonstrating the capacity of the government to acknowledge problems and improve the situation. She also said that the size of Russia posed a challenge to reforms, as did the transition period, as social services were the first to suffer from the fall of the socialist government. Despite improvements in the economic situation, 55% of children still lived under subsistence level.

## **Beslan**

Vuckovic was concerned about the identification of the perpetrators of the Beslan siege and the support for survivors. She especially wanted to know about the difficulties they faced and if a new school was built. The delegation replied that federal clinics had treated 990 children. The latter were sent to clinics in Moscow, St Petersburg and other locations and parents were also treated. Treatments included medical and socio-rehabilitation. Schools in Beslan and northern regions were renovated and rebuilt. However, the school that was under siege was not rebuilt in accordance with parents' wishes. There was special funding in place for families that lost children or were somehow affected by the tragedy, such as families who were observers. Certain families and children were sent abroad for treatment. Programmes and centres were set up with UNICEF to rehabilitate victims.

## **Decentralisation**

The Committee noted that decentralisation was a major challenge and expressed concern regarding Law 122 and its potential impact on child welfare. The delegation said that Law 122 entered into force in 2005. It also noted that when decentralising, Russia looked at European examples and combined them with other reforms. For instance, special funds to balance regional development were set up. So far there were no negative implications for children and budgets were more transparent and specific. Children would have different levels of state care depending on income. Tax relief allowed families with children to pay reduced taxes (e.g. for single mothers). In addition, a special draft called 'Minimum standards for the Russian Federation' was going through parliament, demonstrating that children's issues were considered important.

### ***National plan of action***

The Committee noted that since 2000, children had the opportunity to benefit from a short-term plan of action. However, it wanted to know if the plan was based on different sectors. It also asked about the status of the new plan under development. The delegation explained that the plan took into account international standards, including the economic situation of families, child health, education

and children in difficult conditions (e.g. disabled, street, orphaned and unsupervised children). The sub-programmes would not support the national plan. The new plan was formed and agreed upon, and would soon come into effect. It aimed to improve the situation of children, and was discussed in the media and civil society, as well as with the Ombudsman for human rights. In addition, a working group was set up. NGOs were involved in the working group and could provide comments and proposals that would be taken into account.

## **Legislation**

The Committee noted that the ILO Convention 182 had been ratified; there were no reservations to the CRC; the new labour code (2002) protected children against dangerous labour; there were criminal justice changes and a prohibition of trafficking of humans in the criminal code. The Committee found that these developments were positive, but was concerned about reservations to various human rights documents that impacted on the implementation of the CRC. It wanted to know if the delegation could share any difficulties in implementing the CRC. The Committee also wanted to know the status of the CRC in national legislation. For instance, whether it could be directly implement in court, and the procedure if there was a conflict between the CRC and national law. The delegation said that before ratification, the government made sure that Russian legislation conformed to conventions. This was difficult for ILO conventions as they required amendments to criminal and labour codes.

## **Data and statistics collection**

The Committee asked whether the data collection on the CRC was part of state statistics and if there were any procedures to monitor it. The delegation explained that the national statistical system was based on compiling regular on-going surveys and taking into account the needs of all information users, including the government and legislation. International recommendations were also considered, as the government wanted to work in accordance with international instruments. As a result, the government expanded the gender element to receive information on men and women's issues. The surveys were representative of the national and individual administrative units. There was a programme for population census, which included questions on child pre-school care and access to education, as well as unemployment. This meant there was detailed information about these issues. The delegation also said that support from UNICEF and the UN had led to a survey being carried out on the family, reproductive behaviour and similar issues.

## **NGO participation**

The Committee noted the progress made at federal level and wanted to know if the same was true at regional and local levels. The Committee was curious to know if NGO participation was 'real' or just on the surface. For example, whether NGOs were funded by the state, if they were independent or created and run by the state, and if there was transparency within NGOs.

The Committee also wanted more information about the 18 regional Ombudsmen. The delegation said that a social chamber was in place and representatives could take part at various regional and state levels. 346 independent NGOs and societies representing various people were registered in Russia. The delegation also said that the structure of Ombudsmen was complex. It was not subjected to decentralisation as it was necessary to have a clear view of the level of power assigned to various areas. New legislation was being discussed regarding the Ombudsman structure. It touched upon issues such as whether the children's Ombudsman should be its own entity or part of the overall human rights one. Ombudsmen were appointed by governors or worked on a voluntary basis.

## **Child participation**

The Committee said that schools could not prevent children from association but wanted to know if children could establish associations outside school and if they were allowed to participate in

decision-making. The delegation said that there were 500 children's and youth associations. However, only 10% of children and young people were involved in them.

### ***Children's rights to be heard***

The Committee noted that children were valued in Russia but they seemed to be perceived as people needing protection rather than people with the right to express their views. Thus, the Committee enquired about the government's measures to change people's attitudes and the extent to which children were heard and expressed themselves in schools and other institutions, including the family. The delegation said that according to the law of education there were 3 equal participants in education, namely children, teachers and parents. The government was also developing self-teaching programmes and competitions for children to help develop teaching programmes.

### **Disabled children**

The Committee was concerned that disabled children were treated differently, instead of being integrated with other children. Many disabled children did not receive assistance and there were no attempts to include them in everyday life; instead they were sent to corrective schools rather than regular schools. The delegation explained that in Russia's educational systems there were 8 different types of education, e.g. special education for children with vision problems. The delegation thought that Russia was doing rather well, with special correctional classes. Every year, the number of children in these classes increased. In addition, federal law 124 had maintained the responsibility of the government to look after these children. There were also self- and home-education possibilities and a programme was being developed to teach autistic children and other children with mental problems. The delegation said that public schools lacked the capacity to accept all children. It depended on the level of illness, as schools could only accept children with limited health problems. However, the government paid for the education of these children, even if it was home-schooling.

### **Information**

The Committee enquired about child protection from harmful information on the internet. The delegation explained that it was guided by federal law, but it was difficult to control the internet, unlike the mass media which was subject to various laws. Child pornography was prohibited by federal law with several cases having gone to court. However, hazardous information on the internet was a global problem. The delegation added that all mass media, including state media, was free but guided by state laws and agreed not to show material that might be damaging to young people.

### **Definition of the child/criminal responsibility and juvenile justice**

The Committee said that 75% of sentences handed down to minors did not entail deprivation of liberty. However, the percentage of children who were deprived of liberty was very high. The Committee asked whether the government wanted to see the numbers decrease. It also noted that the time spent in detention was very long and wanted to know if it was systematic rather than the exception. The Committee also expressed concern regarding the lack of separation of minors and adults in detention, the remoteness of detention centres, the number of children detained below 14 and the increase in violence. Furthermore, it asked how many Chechen children were in detention and if the police was trained to deal with children and aware of their rights. The delegation explained that the government tried to keep the detention time to a minimum and detained children received medical care and education in an attempt to humanise the system. Children and adults were usually separated and the government was working on establishing detention centres in many different regions. Regarding the number of detained children under 14, the delegation said that many of them, especially of certain ethnic groups such as the Roma, were dealing drugs and the state was trying to intervene to eliminate the drug use and dealing as well as the violence against and among youth. The delegation added that violence had not increased by much. The delegation responded that Chechen children being kept in detention was not a topical issue as people were not punished based on

nationality. Holding these children based on nationality would constitute discrimination, which was prohibited in Russia.

## **Alcohol**

The Committee stated that alcohol was responsible for many problems such as abandonment, violence and sexual abuse and enquired about the government's overall policy. The delegation explained that there was advertising in the media and programmes to protect children from alcoholism.

## **Non-discrimination**

The Committee noted the widespread racism in Russia, especially against Roma children. In addition, immigrant children were often in danger of being placed in institutions and many groups along the Russian border were subjected to racism, and their children not protected. The delegation said that preventive measures were taken to stop Roma children from being involved in prostitution and drug trafficking. This was difficult as parents sometimes used their children to earn money. In addition, education was provided in several languages. There were 11 branches of higher-level education for minorities and special programmes in areas where minorities lived. The Children of the North programme was incorporated into the Children of Russia programme as well as the one for indigenous people. This was a positive development. There was also a plan to build 50 schools and 100 medical institutions in remote locations.

## **Refugees**

The Committee expressed concern about refugee children and those without Russian nationality. It enquired as to whether unaccompanied children were considered to be immigrants and were prevented from enrolling in school because they lacked the right papers, as well as from applying for asylum without a representative. The delegation responded that children had to be registered. If they had relatives in Russia they could be registered. However, if they did not, they received special papers and the same medical care and education as others. Children who were once forced into displacement received free medical care and temporary insurance policies.

## **Trafficking and sexual exploitation**

The Committee noted that teenage prostitution was a major problem and many girls worked under threat. The delegation acknowledged this problem and said that those responsible were prosecuted.

The Committee was also concerned about the trafficking of children and Russia's reputation as a major global source for trafficked women and girls, and as a transit country. Furthermore, Russia did not conform to international standards against trafficking and the Committee enquired about the measures taken to address this problem. The delegation stated that the trafficking of children across borders did not exist and the situation was under control.

## **Health**

### ***Structure of health system***

The Committee was concerned about the low budget for the health care system, and the lower quality. The delegation said that child health was getting worse, but that new programmes were in place to improve the health system. There was also an increase in socially linked diseases such as HIV/AIDS, alcoholism and drug abuse. Furthermore, over the previous decade, public health only received 2,5% of the GNP. However, doctors' pay had increased and children were receiving free medical assistance. 70% of children lived in areas with bad conditions and only 20-25% received hot meals in school. New regulations were put in place to make sure all children were provided warm meals and all educational facilities had medical offices. The Committee wanted to know if the government was considering increasing the 2,5% budget. The delegation responded that, taking into

account Law 121 and 122, the budget had increased to 4,5 %. By 2006, a federal centre would be established where 50,000 children (per year) would receive high quality care.

### ***Mental health***

The Committee noted that suicide was a major problem. The delegation said that death registrations had decreased, including mortality among children and youth as a result of suicide.

### ***Obesity***

The Committee wanted more information on obesity. The delegation said that it was not a problem. It was actually quite the opposite, as children did not eat enough due to stress and workload.

### ***Drug use***

The Committee noted the increase in children 0-14 that were diagnosed as drug abusers and receiving treatment. The delegation stated that the numbers had increased and that special children's services were established. The government worked with children and the general population to find the children with drug problems and provide rehabilitation at several centres across the country.

### ***Diseases***

The Committee requested more information on TBC and diphtheria. The delegation said that TBC was previously increasing, but since the adoption of a TBC programme it had gone down among the adult population and new cases among children were constantly decreasing.

### ***Pregnancy***

The Committee noted that contraception was expensive and that abortion was often used instead. The delegation said this was a downward trend. Fewer girls became pregnant as a result of targeted family planning and good services, such as special classes on how to prevent unwanted pregnancies.

### ***HIV/AIDS***

The Committee said discrimination against children with HIV/AIDS was a major problem as they were sometimes refused treatment. The Committee wanted information on the government's measures to address the general HIV problem. It also enquired about the measures to help addicted mothers whose children were HIV positive and kept in hospitals for years. The delegation acknowledged that HIV was a major problem as 40% of infected women were in their reproductive years (it had increased by 25%). Children with HIV had increased by 10% and the total number of children with HIV who were registered was 12,000. However, the actual figure was probably higher. The government was examining possibilities and providing treatment for children. Financing came from the federal budget to prevent and treat HIV/AIDS and a global fund also provided Russia with substantial resources. In addition, many children were orphaned by HIV/AIDS and placed in orphanages. In 2004, potential adoptive families rejected 5 HIV-infected children, demonstrating a need to change people's attitudes. This had started to happen, as Russians were no longer afraid of HIV. Regarding HIV positive children of addicted mothers, the delegation responded that children were not kept in hospitals for years. This was only until a diagnosis was made. Meanwhile, babies were kept with their mothers and received medical support and rehabilitation. If the children were HIV positive, they received funding to assist them.

## **Family environment**

### ***Alternative care***

The Committee said the government should prevent children from being placed in alternative care and exposed to violence. It asked if there was a specific policy. The delegation said that over the previous decade, there was a prevention programme to help children and families in trouble. It was financed by the federal and local entities. 3,500 centres existed throughout the country, providing psychological and social support with help from UNICEF and the EU.

### ***Abuse***

The Committee requested information on abuse within the family, such as the measures taken against parents who did not meet their responsibilities. The delegation said the government was addressing the problem, mainly through school inspectors. There was also support from law and order institutions.

### **Adoption**

The Committee noted that foster families received financial aid but adoption was much stricter. Many families could therefore not adopt, but they could foster. It wanted to know if there were any programmes that provided funding for adoption. The Committee also enquired as to why international adoption was more common than national adoption. It asked why children who had one, or sometimes both, parents alive were still given up for adoption. Finally, the Committee noted that adoption was not a successful method to prevent trafficking, and asked how the government ensured that no money was involved and that rich parents were not given priority. The delegation said that children without parental supervision were taken care of in orphanages and boarding schools. Orphans with no parents made up 10% of all orphans, while the others had one or two parents alive. The government was working to help these children and many were placed in families. Russian parents were supposed to be prioritised, and there was a form of control whereby the judicial system made sure the papers were in order. There was no legal measure concerning the amount paid to adoptive families. However, there were financial means available to guardians who took in relative's children.

### **Education**

The Committee asked how equality of education was guaranteed throughout Russia in light of decentralisation, the lack of resources and the imposition of fees. The latter was against Russian law and the CRC. The delegation said that education was free of charge. However, private schools could charge fees and if parents wanted their children to receive additional education they had to pay, except for activities provided by the government. However, other charges existed, such as renovating classrooms and providing security. Parents were not meant to pay for this, but they sometimes did. The Committee suggested that education was therefore not free. The delegation responded that it was free because parents did not pay for teachers' salaries. In addition, if parents could not pay for certain things, their children were not denied education. There were new plans in place that included the quality education and accessibility. The state exams had gone well, and children from remote areas were able to apply to university. The Committee also wanted to know if human and children's rights were included in the curriculum. The delegation said that in primary school there were special programmes on the rights of the child, which included a handbook and training for teachers. The Committee enquired about child illiteracy, especially amongst girls. The delegation stated that the level of illiteracy over the age of 10 was lower and there was no data on discrimination of girls. In fact girls studied better than boys. Finally, the Committee noted that private schools were only accessible to the rich and public schools were of poor quality, which contributed to divisions in society. The delegation responded that private schools were not necessarily better as all schools had to meet certain standards and the government paid for public schools to have the internet, computers, libraries and school buses.

### **Closing Remarks**

The Committee said it had been provided with some good additional information and the concluding recommendations would include concerns regarding the coordination of child-related activities. It suggested the training of professionals and a change of attitudes. The Committee also recommended that the state party take measures to make education available to all children regardless of disabilities, ethnicity and so on.

The delegation said that Russia would discuss the recommendations and take them into consideration in future programmes and policies. The delegation also said that Russia was committed to children's rights and would continue its discussions with the Committee.