

STATE PARTY EXAMINATION OF THE RUSSIAN FEDERATION'S INITIAL PERIODIC REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

**65TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
13 – 31 JANUARY 2014**

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The Russian Federation ratified the Convention on the Rights of the Child (CRC) on 24 September 2008. On 24 January 2014, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Russian Federation.

Opening Comments

The delegation of the Russian Federation was led by Mr. Alexei Vovchenko, the Deputy Minister of Labour and Social Protection of the Russian Federation. He was supported by a high-level delegation consisting of the Presidential Ombudsman for Children, the Chair Person of the Committee on Children Family in the State Duma, of representatives of the Ministry of Defence, the Ministry of Justice, Ministry of Foreign Affairs, etc. and the Permanent Mission in Geneva.

Mr. Anatoly Antonov, the Deputy Minister of Defence of the Russian Federation presented the initial State Report to the OPAC concerning the involvement of children in armed conflicts. He reiterated the State Party's commitment to the protection of most vulnerable children involved in armed conflicts, including victims of wars, recruited and disabled children. Mr. Antonov stated that the OPAC was an integral part of the domestic legislation

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Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

and had priority over the national legislation. Regarding the implementation of provisions under the OPAC, he stated that joint efforts by governmental and non-governmental bodies had been deployed in order to implement international obligations, strengthen national legislation in the area of the rights of the child and ensure the full realization of rights in line with the OPAC. Mr. Antonov stated that children's participation in military hostilities should be prevented and concluded that constant improvement should take place in order to protect rights of the child.

Ms. Renate Winter, the Country Rapporteur for the OPAC, appreciated the initial State report that she found informative and rich in information on the implementation of the OPAC.

General Measures of Implementation

Legislation

The Committee requested further information about the implementation of the OPAC, especially in relation to the prohibition of recruitment and use of children in hostilities. Although the recruitment of children under 18, including the voluntary recruitment had been prohibited, the Committee was concerned by the fact that unlawful recruitment had not been explicitly criminalized and may be prosecuted only under particular situations, such as the exceeding authority. Considering this, the Committee asked about the legal definition of the term *exceeding authority*.

The delegation stated that the civil, criminal, administrative and other branches of the law had been harmonized with international standards concerning the rights of the child. The OPAC provisions on the prohibition of recruitment and use of children in hostilities had been set out in the federal Act number 124-FZ of 24 July 1998 as well as in the Fundamental Guarantees Act. The federal Act explicitly prohibited the recruitment of children into armed forces before the age of 18. However, individuals under the age of 18 could attend higher military training colleges.

The delegation further explained that the Criminal Code prevented the unlawful recruitment of children into armed forces. The delegation clarified that Articles 285 (abuse of the office) and 286 (exceeding authority) of the Criminal Code criminalized the unlawful recruitment of minors. For exceeding authority, the minimum penalty for the commission by an official of an act exceeding the limits of his/her authority and entailing a violation of rights, such as the unlawful recruitment, is a financial sanction, nevertheless the individual may also be deprived of her/his liberty.

Dissemination

The Committee asked for more information regarding the dissemination of the OPAC. The delegation answered that the text had been officially published on governmental websites, as well as on websites of Non-Governmental Organizations (NGOs). The delegation explained that the document had been distributed to media and social fora and that professionals working with children had been familiarized with its provisions. In addition, human rights education, including the CRC and the OPAC, had been introduced as part of the educational curricula. University students of human rights had been studying norms of international human rights and humanitarian law, including the CRC and OPAC in depth.

Prevention

Export of arms to countries where children are involved in armed conflicts

The Committee asked whether national legislation prohibited trade and export of arms, including small arms and light weapons, as well as military assistance to countries where children had been involved in armed conflict. More concretely, the Committee was concerned about the situation in Syria, where children had been recruited and used in hostilities and asked whether the government was reconsidering the delivery of arms to Syria.

Regarding Syria, the delegation stated that the State Party proposed that exports of arms, including small arms and light weapons, should be stopped. Nevertheless this proposal had not reached international consensus within the UN Security Council.

Prohibition and Related Matters

Corporal punishment in military schools

The Committee noted with concern that corporal punishment was authorized by law in institutions and alternative care settings. It asked whether corporal punishment was practiced in military schools settings. The delegation stated that, in accordance with the 2013 law on education, corporal punishment and other cruel and degrading treatments had been prohibited and were not used. The delegation explained that disciplinary measures must always take into account the physical and emotional state of students, especially minor students. Pursuant to Article 35 (4) of federal Act number.53-FZ of 28 March 1998, a minor student may be expelled from a military training college for misconduct.

Bullying in the military training colleges

The Committee asked the delegation what had been done in order to prevent bullying in the military training colleges. The delegation answered that children victims of bullying had the opportunity to file complaints, either to the director of the educational facility directly, or to the Ombudsman's Office or the Ministry of Defence.

Protection, Recovery and Reintegration

Conditions in the military schools

The Committee noted that more than 6.000 individuals under the age of 18 were attending higher military training colleges, such as Nakhimov naval schools, military music schools and naval cadet schools. Considering this, it enquired about conditions in these military schools and asked for more information in relation to the proportion of academic and military training. The Committee requested further information on the minimum age of admission into these institutions and asked whether young children were taught how to use weapons. The delegation stated that Article 86 of the Education Act of 10 July 1992 listed military training colleges, such as presidential cadet schools, Suvorov military schools, Nakhimov Naval Schools, Military Music Schools, Naval Cadet Schools and Kozak Schools. The delegation explained that individuals under the age of 18 had been attending these higher military trainings colleges, but minors were not considered as military personnel. Moreover minor students were entitled to leave these colleges without pursuing a military career. The delegation also informed about the so called son of regiment pupils. It explained that more than 1000 pupils were sent to military facilities with the approval of their tutors of guardians and were attributed to military units without being carrying arms. The person responsible for

these children was the commander of the unit, which consisted of 3-4 pupils and had been liable for the application of international legal standards for juvenile.

Concerning the educational curricula, the delegation stated that it was fully in line with federal standards and hardly differed from other school programmes. It further explained that, according to the Education Act of 1992, military schools had the obligation to follow official educational curricula for general basic and general secondary education. The secondary curricula included military trainings as well as arts, culture and sports. The delegation explained that during the military trainings children came in contact with weapons, like Kalashnikov.

The delegation further provided information on gender and ethnic composition of these schools. A number of military schools had female students. As of January 2014, there were over 8.000 students; among them, 7.550 were boys and 755 were girls. In terms of social origins, most of the students came from families of civil servants or military personnel. There were also over 1.000 cadets who were orphans or without parental care.

The delegation concluded by saying that the Ministry of Defence organized regular visits to the military training colleges in order to monitor the conditions in these institutions.

The complaints mechanisms for children in military schools

The Committee enquired whether the complaints mechanisms referred to in paragraph 14 of the State report had been used by children in higher military colleges and asked for more information on the number and nature of complaints and investigations. Eventually, it asked if non-military independent complaints and investigation mechanisms were available for children enrolled in military schools.

The delegation stated that students in military training colleges had access to independent military and non-military complaints mechanisms. Regarding military complaints mechanisms, student could approach the institutions' leadership, such as senior officials. Students could also approach the Ministry of Defence, either in person or in writing, in order to file their complaints. Regarding independent, non-military complaints mechanisms, students could contact the Ombudsman Office. The delegation also provided statistical information on complaints, explaining that 55 complaints had been filed from 14 regions. The Ombudsman's Office explained that 85 per cent of the filed complaints concerned financial allowances and assistance to vulnerable children, including orphans and children without parental care. For many of them, financial allowances had been provided. Other complaints concerned the attribution of places in military schools and ill-treatment in Mikhailov School were not verified.

Regarding the suicide committed by a student in the Sovorov School in May 2013, criminal proceedings had been instigated under Article 109 of the Criminal Code for incitement to suicide.

Asylum seekers

The Committee asked whether there were any mechanisms for the early identification of child refugees, asylum seekers and migrants, who may have been recruited or used in hostilities. The delegation enquired about steps taken to provide for their physical and psychological recovery and rehabilitation and to promote their reintegration into society. Eventually, it asked whether the government was trying to look for family reunion.

The delegation explained that every time an unaccompanied minor seeking asylum had been identified, he/she had been handed over to the guardianship facilities, where psychological

assistance and rehabilitation were provided. Within these facilities, a special questionnaire had been distributed in order to identify children and potential victims who may have been recruited or used in hostilities. Moreover, unaccompanied minors seeking asylum were entitled to governmental support and assistance. The delegation added that the federal law did not prevent these types of persons from receiving education or health. It concluded by saying that the Federal Migration Service had been active in ensuring family reunions.

Recruitment of children into non-State armed groups

The Committee asked whether the legislation of the State Party criminalized all the offences covered by the OPAC, including the recruitment and use of children in hostilities by non-State armed groups. More concretely, the Committee asked for more information on the involvement of children in non-State armed groups based in the North Caucasus as well as for specific numbers of children victims of armed conflicts in the region. The delegation explained that the Article 208 of the Criminal Code criminalized the establishment of and participation in illegal armed groups. Regarding children unlawfully recruited into armed groups, the delegation explained that concerned minors were not liable for participation in these groups. Persons who unlawfully recruited minors into non-State groups had been held criminally responsible.

Regarding the situation in the North Caucasus, the delegation explained that it did not have any information about children recruited into armed groups. President Khadirov had been putting efforts in reducing unemployment and increasing enrolment rates in schools, as a way to prevent recruitment of minors into non-State armed groups. The delegation concluded by noting that, even if children up to 16 were not involved in formal education system, they had not received any form of military trainings.

International Assistance and Cooperation

Extraterritorial jurisdiction

Regarding the exercise of universal jurisdiction, the Committee noted that it seemed that a condition of double criminality was required by the Articles 11 and 12 of the Criminal Code, which would make it impossible to establish universal jurisdiction. In this regard, the Committee asked the delegation about specific provisions and practices providing for extra-territorial jurisdiction over the crimes under the OPAC, particularly the recruitment of children.

United Nations Security Council

The Committee noted that the State Party had been a permanent member of the United Nations Security Council (UNSC) and asked how the State Party planned to use its position within the UNSC to extend the protection of children involved in armed conflicts. The delegation stated that, as a Permanent Member of the UNSC, the State Party had a special responsibility in protecting and realizing the UN Charter on Peace and Security. It explained that it had been looking at child protection with a great responsibility and would take decision in line with the State Party's understanding of international law.

Concluding Remarks

Ms. Renate Winter thanked the delegation for the fruitful dialogue. She noted that the next State Party report under the OPAC should include more comprehensive and concrete data and information about the impact of new legislation.

Mr. Alexei Vovchenko and Mr. Anatoly Antonov thanked the Committee on behalf the delegation for its substantive work and continuous protection of the rights of the child. They further reiterated the State Party's commitment to improve the rights of the child and implement international obligations and provision under the OPAC. Mr. Vovchenko and Mr. Antonov concluded that the meeting with the Committee would help improving the work in view of the next State review under the CRC and the OPAC.