



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Fortieth session**

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

**Concluding observations: Russian Federation**

1. The Committee considered the third periodic report of the Russian Federation (CRC/C/125/Add.5) at its 1076th and 1077th meetings (see CRC/C/SR.1076 and 1077), held on 28 September 2005, and adopted, at its 1080th meeting (CRC/C/SR.1080), held on 30 September 2005, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the State party's third periodic report, which follows the guidelines for reporting and includes information on follow-up given to the Committee's previous recommendations (CRC/C/15/Add.110). The Committee also welcomes the State party's written replies to its list of issues (CRC/C/Q/RUS/3), which allowed for a better understanding of the situation of children in the Russian Federation, and notes with appreciation the informative and constructive dialogue with the delegation of the State party.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the following legislative developments:

(a) The adoption in December 2001 of a new Labour Code which, inter alia, increased the protection of minors against harmful working conditions;

(b) The amendments made to the Criminal Procedure Code in July 2002 providing for a more humane approach in the procedure for trials of child offenders that focuses on the child's rights and provides guarantees that they will be respected, and which have resulted in a reduction in the number of minors brought before the criminal justice system and the number of minors sentenced to deprivation of liberty;

(c) The adoption in December 2003 of a federal law "On the introduction of changes and amendments to the Criminal Code of the Russian Federation", which defines torture;

(d) The recent introduction of norms prohibiting the trafficking of human beings in the Criminal Code of the State party;

(e) The amendments made to the Criminal Code (by Federal Law No. 162) which increases the degree of responsibility for using children in the production of pornography. This law also increased the penalties for the exploitation of minors in prostitution-related activities and increased the age of the consent from 14 to 16 years.

4. The Committee welcomes the introduction in the school curricula of the subject "Citizenship", which also includes education on human rights.

5. The Committee welcomes the ratification in December 2003 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

6. The Committee also welcomes the numerous specific measures and targeted programmes for the implementation of the Convention on the Rights of the Child.

### **C. Principal subjects of concern, suggestions and recommendations**

#### **1. General measures of implementation**

##### **Committee's previous recommendations**

7. The Committee regrets that some of the concerns it expressed and the recommendations it made (see CRC/C/15/Add.110) after its consideration of the State party's second periodic report (CRC/C/65/Add.5) have not been sufficiently addressed, inter alia those concerning dissemination of information on the Convention, non-discrimination, protection from torture and corporal punishment, ill-treatment, neglect and abuse, review of placement of children, children with disabilities, children and armed conflict and their recovery, street children, sexual exploitation and abuse, and administration of juvenile justice.

8. **The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.**

## **Legislation and implementation**

9. While the Committee notes that laws have been adopted and amended with a view to ensuring better implementation of the Convention in the State party, it is concerned about the negative impact Federal Law No. 122 could have on the enjoyment of the rights of children in the State party. The Committee welcomes the efforts of the State party to establish national minimum standards for the availability of and access to social services and benefits, but remains concerned at the lack of specific information on the effective implementation of these standards.

10. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive analysis of the consequences of the decentralization process and its impact on the provision of social services, evaluating roles and capacities at the different levels; and**

(b) **Ensure that the minimal standards for the enjoyment of the rights of children are fully and effectively implemented in the context of the decentralization foreseen by Federal Law No. 122 in order to prevent disparities in the enjoyment and protection of children's rights.**

## **Coordination**

11. While the Committee notes that the Government has improved the coordination mechanisms relating to child rights through the creation of the Governmental Interdepartmental Commission on coordination of implementation of the Convention on the Rights of the Child, it notes with concern that this body was abolished in March 2004 and that recent decentralization under Federal Law No. 122 was not accompanied by the adoption of the necessary coordination instruments.

12. **The Committee recommends that the State party strengthen its efforts to improve the coherence and coordination of efforts on behalf of children and young people so as to ensure adequate cooperation among central and local authorities as well as cooperation with children, young people, parents and non-governmental organizations. It also recommends that a coordinating entity for the implementation of the Convention on the Rights of the Child be re-established for this purpose, which should be provided with the mandate and necessary human and financial resources to be able to ensure effective coordination between the federal and regional levels.**

## **Independent monitoring structures**

13. The Committee welcomes the establishment of the Federal Commission for Human Rights as well as 18 out of 38 regional Offices of Ombudsmen for Children's Rights. However, it notes with concern that a Federal Office of the Ombudsman for Children's Rights has yet to be established.

14. **The Committee recommends that the State party continue its efforts to establish regional Offices of Ombudsmen for Children’s Rights in all regions and ensure that they are provided with sufficient funds and personnel to enable them to function effectively. It also recommends that the State party give further consideration to the establishment of a Federal Office of the Ombudsman for Children’s Rights. In this regard, the State party should take into account general comment No. 2 (2002) on the role of independent human rights institutions.**

#### **National plan of action/coordination**

15. The Committee notes with concern that since 2000 the State party has not had an overall national plan of action. It nevertheless welcomes the information that a national strategy, entitled “Basic directions for improving the situation of children in the Russian Federation”, calling for the inclusion of national principles for the implementation of the Convention in various sectoral plans of action, has been established. It is concerned, however, about the integrated and coordinated implementation of this strategy via the various sectoral plans of action.

16. **The Committee recommends that the State party ensure that the new national strategy and the related action plans cover all areas of the Convention and take into account the outcome document of the 2002 General Assembly special session on children, “A world fit for children”. The Committee also recommends that the State party ensure comprehensive and effective coordination of the implementation of the national strategy and the related plans of action at the federal and regional levels, inter alia with a view to preventing unjustifiable disparities. The Committee further recommends that the State party ensure that sufficient human and financial resources are allocated for the timely and effective implementation of the national strategy and that it promotes and facilitates the active involvement of children and youth, parents, NGOs and other interested and relevant bodies. It also recommends that indicators and benchmarks be developed for monitoring and evaluating the strategy.**

#### **Data collection**

17. While taking note of the efforts made by the State party in the area of data collection, the Committee remains concerned at the lack of an adequate data collection mechanism allowing for the systematic and comprehensive collection of disaggregated quantitative and qualitative data on all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies conducted with respect to children.

18. **The Committee recommends that the State party strengthen its efforts to establish a comprehensive and permanent mechanism within the national statistical system to collect data, disaggregated by gender, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with**

**emphasis on those who are particularly vulnerable: children with disabilities, children in conflict with the law, refugees and trafficked children. The State party should also develop indicators to monitor and evaluate effectively progress achieved in the implementation of the Convention and assess the impact of policies that affect children.**

### **Resources for children**

19. The Committee is concerned that with the introduction of Federal Law No. 122 the range of services available to children may vary considerably between regions of the State party. It is also concerned that insufficient resources will be allocated for child-related programmes and policies at the regional level. The Committee is also seriously concerned that widespread corruption, inter alia in the health and education sectors as well as in adoption procedures, is affecting children in full enjoyment of their rights.

20. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention and ensure a balanced distribution of resources throughout the country in order to prevent unjustifiable disparities in the availability of and access to social and other services for children. It should also prioritize budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. The State party should seriously address and take all necessary measures to prevent corruption.**

### **Training/dissemination of the Convention**

21. The Committee is concerned that despite measures taken by the State party in this area, awareness of the Convention among children and youth remains low and that not all professionals who work with and for children receive adequate training in children’s rights.

22. **The Committee recommends that the State party establish a comprehensive policy with a view to strengthening its efforts to ensure that the provisions and principles of the Convention are widely known and understood by adults and children alike (for example, using radio and television). It also recommends that adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, health personnel, psychologists, social workers and personnel in childcare institutions, be strengthened.**

## **2. General principles**

### **Non-discrimination**

23. The Committee is concerned at reports of incidents of discrimination against children belonging to different religious and ethnic minorities. It is also concerned that children belonging to minorities, and in particular Roma children, are more likely to be restricted in the

full enjoyment of their rights, in particular with regard to health and education services. The Committee is also concerned at the discrimination faced by children and families without residence permits.

24. **The Committee recommends that the State party take all necessary measures to prevent and combat all forms of discrimination, inter alia via national and regional awareness campaigns and effective interventions in all incidents of discrimination, while paying special attention to the most vulnerable groups such as children belonging to religious and ethnic minorities, Roma children and children of parents without a residence permit.**

25. **The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 (2001) on the aims of education.**

#### **Best interests of the child**

26. While the Committee notes that the majority of laws and programmes in the State party refer to the principle of the best interests of the child, it is concerned that this principle is limited in practice owing to the lack of adequate financial resources and training courses as well as societal attitudes.

27. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood and appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children.**

#### **Right to life**

28. The Committee reiterates its previous concern about the incidence of infanticide in the State party, the number which has not declined.

29. **The Committee urges the State party to undertake a study on the causes of infanticide in the State party and carry out all necessary preventive measures.**

#### **Respect for the views of the child**

30. The Committee welcomes the efforts made by the State party to promote respect for the views of the child, but it remains concerned that article 12 of the Convention is not adequately applied in families, schools and other institutions and not fully taken into account in practice in judicial and administrative decisions and in the development and implementation of laws, policies and programmes.

31. **The Committee recommends that further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child, including children who are members of vulnerable and minority groups, to participate in the family, at school, in other institutions and bodies and in society at large. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children. The State party should also ensure that adults who work with children and young people show them respect and are trained to ensure that children are effectively able to express their views and that their views are taken into account. The State party should also provide a toll-free, three-digit telephone service available 24 hours a day, to receive calls relating to the needs of children.**

### **3. Civil rights and freedoms**

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

32. The Committee is concerned that persons under 18 allegedly continue to be subjected to torture and cruel treatment, in many cases when in police custody or during the pretrial stage of legal proceedings. Access to legal counsel and/or medical services and to their families also seems to be limited for young persons in police custody. The Committee is also concerned that the procedures for complaining about these abuses may not be child sensitive, do not allow children to file complaints without the consent of their parent/legal representative, and have not proven to be efficient.

33. **The Committee recommends that the State party:**

- (a) Take all necessary measures to prevent acts of torture or inhuman or degrading treatment or punishment, in particular through training of the police forces;**
- (b) Take measures to investigate, prosecute and punish those who commit acts of torture or inhuman or degrading treatment or punishment against children and young persons;**
- (c) Establish programmes for the recovery and social reintegration of the victims;**
- (d) Strengthen the mechanisms for children to file complaints and enable children to do so without requiring the authorization of their parent/legal representative.**

34. The Committee is also concerned about the use of torture and other cruel, inhuman or degrading treatment or punishment in boarding and other educational institutions in the State party.

35. **The Committee urges the State party to ensure that educators and other professionals working in institutions are informed of the prohibition on subjecting children to acts of torture and other cruel, inhuman or degrading treatment or punishment.**

### **Corporal punishment**

36. The Committee is concerned that corporal punishment is not prohibited in the family and in alternative care settings. It is also concerned that corporal punishment of children remains socially acceptable in the State party and is still practised in families and in places where it has been formally prohibited, such as schools.

37. **The Committee urges the State party:**

**(a) To explicitly prohibit by law all forms of corporal punishment in the family and in alternative care settings;**

**(b) To prevent and combat the practice of corporal punishment of children in the family, in schools and other institutions by effectively implementing legislation;**

**(c) To conduct awareness-raising and public education campaigns against corporal punishment and promote non-violent, participatory forms of discipline.**

### **4. Family environment and alternative care**

#### **Children deprived of their family environment**

38. The Committee is concerned at the increasing number of children in institutional care and that efforts to implement a national policy on deinstitutionalization have not been successful. The Committee is also concerned that not enough effort is being made to promote alternative family care arrangements.

39. **In light of article 20 of the Convention, the Committee recommends that the State party:**

**(a) Adopt a comprehensive strategy and take immediate preventive measures to avoid the separation of children from their family environment and to reduce the number of children living in institutions, inter alia by providing assistance and support services to parents and legal guardians in the performance of their child-rearing responsibilities, including through education, counselling and community-based programmes for parents;**

**(b) Ensure that the placement of children in alternative care is always assessed by a competent, multidisciplinary set of authorities and that the placement is for the shortest period of time and subject to judicial review, and that it is reviewed in accordance with article 25 of the Convention;**

**(c) Take measures to create an environment that would allow for fuller development of the child and the protection of children against all forms of abuse. Contacts with the family while the child is institutionalized should also be further encouraged, when this is not contrary to the best interests of the child;**



**(d) Strengthen its efforts to develop a traditional foster care system and other family-based alternative care, by paying particular attention to the rights recognized in the Convention, including the principle of the best interests of the child, and strengthen the measures aimed at building the capacities of guardianship and trusteeship agencies;**

**(e) Ensure that children participate in the evaluation of alternative care programmes and that complaint mechanisms are created that allow children to submit their complaints.**

### **Adoption**

40. The Committee notes with concern that the right of an adopted child to know his or her original identity is not protected in the State party.

**41. The Committee encourages the State party to protect the right of the adopted child to know his or her original identity, establishing appropriate legal procedures for this purpose, including recommended age and professional support measures.**

42. The Committee takes note that in 2000 the State party signed the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (No. 33). The Committee equally notes that the federal authorities do not exercise sufficient control of foreign adoption agencies with respect to documentation required for adoption, undue payments, and allowing prospective adoptive parents to select the child they will adopt. The Committee notes with concern that in 2003 the number of intercountry adoptions exceeded the number of domestic adoptions for the first time.

**43. The Committee recommends that the State party ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. In the meantime, it recommends that the State party reach agreements with the authorities of receiving countries so as to ensure the suitability of adoptive parents and post-adoption follow-up. The Committee also recommends that the State party establish a system for the accreditation and control of foreign adoption agencies and develop and implement measures to promote domestic adoption.**

### **Periodic review of placement**

44. The Committee is concerned about the inadequacy of periodic review of placements of children in institutions and foster homes. It is also concerned that independent inspection mechanisms are not yet in place in children's institutions.

**45. The Committee recommends that the State party ensure adequate supervision of the situation of children placed in foster homes or institutions. It should also develop, in coordination with civil society, mechanisms for independent public inspections of children's institutions.**

### **Abuse and neglect, maltreatment, violence**

46. The Committee is concerned at reports that a large number of children in institutions are subjected to abuse by their educators. The Committee is also concerned that abused children who are exposed to violence within the family and in institutions do not always receive sufficient care and assistance and that not enough is being done with regard to prevention (and preventive interventions) and awareness-raising in this area.

47. **The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family and in institutions, including by:**

(a) **Undertaking a study to assess the extent of violence in institutions and taking measures to punish those responsible for these acts;**

(b) **Ensuring that all victims of violence have access to counselling and assistance with recovery and reintegration;**

(c) **Establishing procedures for reporting and effective investigation of complaints from children of cases of physical and emotional abuse;**

(d) **Strengthening the legal framework for preventive interventions;**

(e) **Providing adequate protection to child victims of abuse in their homes; and**

(f) **Conducting public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline.**

48. **In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party to this questionnaire and its participation in the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005. The Committee recommends that the State party use the outcome of this regional consultation as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for generating momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse.**

## **5. Basic health and welfare**

### **Children with disabilities**

49. The Committee notes with concern that insufficient efforts are being made to include children with disabilities in the mainstream system of education as they are more often than not sent to corrective "auxiliary schools" and "correcting classes". It is also concerned at the significant overrepresentation of children with disabilities in boarding schools.

50. **The Committee recommends that the State party take all necessary measures:**
- (a) **To address the issue of discrimination against children with disabilities;**
  - (b) **To ensure that children with disabilities have equal access to services, taking into consideration the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96);**
  - (c) **To review the placement of children with disabilities in boarding schools with a view to limiting such placements only to those cases where they are in the best interests of the child;**
  - (d) **To provide equal educational opportunities for children with disabilities, including by abolishing the practice of “corrective” and “auxiliary schools”, by providing the necessary support and by ensuring that teachers are trained to educate children with disabilities in regular schools.**

#### **Basic health and welfare**

51. The Committee notes the information on the numerous programmes and measures taken to improve children’s health, but remains concerned at the standard of health in the State party. However, and notwithstanding the decline in the incidence of tuberculosis, it remains concerned that the number of tuberculosis cases remains high. It also remains concerned about the number of iodine deficiency disorders and the low incidence of breastfeeding in the State party.

52. The Committee is also concerned that the services and programmes established under the reformed system are not fully in compliance with article 24 of the Convention, in particular with regard to the development of primary health care.

53. **The Committee encourages the State party:**

- (a) **To enhance preventive interventions in primary health care;**
- (b) **To increase public expenditure on health;**
- (c) **To pass the law on universal salt iodization and ensure its full implementation;**
- (d) **To continue efforts to reduce morbidity due to tuberculosis;**
- (e) **To consider creating a national breastfeeding committee, training medical professionals and improving breastfeeding practices.**

#### **Adolescent health**

54. While acknowledging measures and new legislation to address the high levels of alcohol and tobacco consumption, the Committee is concerned at the level of tobacco and alcohol

consumption among adolescents and notes that there is insufficient promotion of good health practices in the State party, with little targeting of nutrition, smoking, alcohol, fitness and personal hygiene.

55. The Committee is also concerned at the insufficient information concerning adolescent health, in particular with regard to reproductive health. The Committee is also concerned that contraceptives are not within the financial reach of all, thus limiting their use in the State party, and that there is a high incidence of teenage pregnancies and abortions.

**56. The Committee recommends that the State party pay close attention to adolescent health, taking into account general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child; and strengthen its efforts to promote adolescent health, including by providing sexual and reproductive health education in schools and introducing school health services, including youth-sensitive and confidential counselling and care. In order to decrease tobacco smoking and alcohol consumption among adolescents, the Committee recommends that the State party initiate campaigns designed especially for adolescents on healthy behavioural choices.**

57. The Committee reiterates its concern at the high suicide rate among adolescents in the State party and that no significant effort has been made to prevent suicide among adolescents.

**58. The Committee urges the State party to strengthen the health service's resources and improve mental health services, and to take all necessary measures to prevent suicide.**

#### **HIV/AIDS**

59. The Committee is seriously concerned about the HIV/AIDS epidemic in the State party and that high-risk behaviour among young people (i.e. injecting drug use and risky sexual behaviour) may further increase the number of persons with HIV/AIDS in the future. The Committee is also concerned that little attention is being given to preventive measures.

60. The Committee is also concerned at the increase of mother-to-child transmission of HIV in the State party. It also expresses its concern that children of HIV-infected mothers are persistently discriminated against, whether they are infected with HIV or not, and that they are often abandoned by their mothers and hospitalized for extended periods.

61. **The Committee recommends that the State party:**

**(a) Increase its efforts to prevent the spread of HIV/AIDS, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights;**

**(b) Strengthen measures to prevent mother-to-child transmission;**

**(c) Guarantee antiretroviral treatment to newborns whose mothers are infected with HIV as well as post-natal monitoring of HIV-positive mothers;**

(d) **Pay particular attention to children infected by HIV or who have become orphans due to the death of their parents from AIDS, by providing adequate medical, psychological and material support that fully respects the principle of non-discrimination;**

(e) **Undertake a study on the practice in the State party of segregating children of HIV-positive mothers in hospital wards or separate orphanages and of HIV-positive children being refused access to regular orphanages, medical care and educational facilities;**

(f) **Provide adequate support to HIV-positive mothers to prevent them from abandoning their newborns and allowing them to care for their children;**

(g) **Launch campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against and stigmatization of children infected with and/or affected by HIV/AIDS; and**

(h) **Seek technical assistance from, inter alia, UNAIDS, WHO and UNICEF.**

## **6. Social security and childcare services and facilities/standard of living**

### **Adequate standard of living**

62. The Committee notes with concern the large number of children living in households with low incomes, and the information provided in the written replies that budgetary allocations for citizens with children have decreased significantly. The Committee is concerned that poor living conditions seriously limit children's enjoyment of their rights in the family, in schools, and in peer and cultural activities.

63. **The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the most vulnerable groups of families, in order to guarantee the right of all children to an adequate standard of living.**

## **7. Education, leisure and cultural activities**

### **Education, including vocational training and guidance**

64. Despite some recent encouraging developments, such as measures to decrease the number of children dropping out of school, the Committee remains concerned that different charges for primary school continue to be levied despite the legal guarantee of free primary education. It is also concerned that Federal Law No. 122 no longer guarantees financial and material support for preschool children and that it cancelled some incentives for teachers working at rural schools. Although the Committee commends the State party for the decrease in the number of adult illiterates and the decrease in the proportion of women illiterates, it is concerned about the number of adolescent illiterates and the increase in the proportion of girls among them. The Committee is also concerned about the lack of transparency in the vocational training system.

65. **The Committee recommends that the State party:**

- (a) Take the necessary measures to ensure that all children have access to primary and secondary education;**
- (b) Take all appropriate measures to ensure that primary education is free, taking into account all direct and indirect costs, such as textbooks, renovations and security arrangements;**
- (c) Strengthen efforts to bridge the racial disparity in education, giving special attention to promoting education of minority-language people;**
- (d) Strengthen efforts at teacher training (before and during their service), and address the issue of teachers' salaries and working conditions (in particular in light of Federal Law No. 122);**
- (e) Expand and better organize the system of vocational training;**
- (f) Fully implement measures to eliminate youth illiteracy, inter alia by providing informal educational opportunities.**

## **8. Special protection measures**

### **Refugee and internally displaced children**

66. While the Committee welcomes the access to education provided to refugee children and asylum-seekers in the Moscow region, it is concerned that the remaining regions do not offer such access. It is also concerned that unaccompanied minors do not have access to the national refugee status determination procedure because they lack a guardian. The Committee is also concerned that the issuance of birth certificates to children born to refugees and asylum-seekers is often made contingent upon being registered.

67. **The Committee recommends that the State party:**

- (a) Take the necessary legislative and administrative measures to ensure that refugee, asylum-seeking and internally displaced children enjoy access to education in all parts of the Russian Federation;**
- (b) Ensure that unaccompanied and separated minors have access to the national refugee status determination procedure and subsequent assistance by establishing specific and clear procedures;**
- (c) Assign clear administrative responsibilities to a specific State authority for the appointment of a legal guardian for unaccompanied or separated children;**

**(d) Introduce specific administrative regulations or directives providing for automatic birth registration of, and issuance of birth certificates to, children born to refugees and asylum-seekers residing in the Russian Federation, and take the necessary measures to ensure that birth certificates are issued to all internally displaced persons in Chechnya for their children born in Ingushetia.**

### **Children affected by conflict**

68. The Committee remains concerned that children living in Chechnya and the Northern Caucasus (and in particular internally displaced children) remain very deeply affected by the conflict, in particular with regard to their rights to education and health. The Committee is also concerned about reported cases of arrests and disappearances by security agents of young persons suspected of being associated with insurgency groups. The Committee is concerned that there has been limited identification and marking of mined areas, or efforts to clear mines, notwithstanding the recent ratification by the State party of Protocol II, as amended, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

**69. The Committee recommends that the State party strengthen the measures taken to protect children from the consequences of the conflict in Chechnya and in the Northern Caucasus, in compliance with article 38, paragraph 1, of the Convention on the Rights of the Child, in particular with regard to their rights to health and education. It also urges the State party to take measures to ensure that abuses committed by the security forces against the personal security of children cease. The Committee further recommends that the State party further its efforts to clear mines and ratify the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.**

70. The Committee is also concerned at the regulation “On enrolling underage citizens of the Russian Federation as wards of military units and providing them with essential allowances”, which permits boys between the ages of 14 and 16 to be voluntarily recruited and attached to military units.

**71. The Committee urges the State party to review the regulation “On enrolling underage citizens of the Russian Federation as wards of military units and providing them with essential allowances” to ensure that it complies fully with the Convention on the Rights of the Child, in order to prevent the recruitment of children who have not completed their regular education for military units.**

### **Child labour**

72. The Committee welcomes the ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, with a view to extending special protection to children. However, it also notes reports that children in the State party work in the streets, within the family, or elsewhere in exploitative situations or to such an extent that regular school attendance is impeded.

73. **The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182, which the State party has ratified:**

(a) **Take steps to ensure the implementation of article 32 of the Convention and ILO Conventions Nos. 138 and 182, taking due account of the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);**

(b) **Strengthen efforts to establish control mechanisms to monitor the extent of child labour, including unregulated work, address its causes with a view to enhancing prevention and, where children are legally employed, ensure that their work is not exploitative and is in accordance with international standards;**

(c) **Seek cooperation from ILO International Programme for the Elimination of Child Labour in this regard.**

#### **Street children**

74. The Committee expresses its concern at the increasing number of street children and their vulnerability to all forms of abuse and exploitation, as well as the fact that these children do not have access to public health and education services. The lack of a systematic and comprehensive strategy to address the situation and protect these children is also of concern to the Committee.

75. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive national survey of the number, composition and characteristics of children living and working in the streets in order to design and implement comprehensive strategies and policies to prevent and combat all forms of abuse and exploitation;**

(b) **Promote and facilitate the reunification of street children with their parents and other relatives or provide alternative care, taking into account the children's own views; the State party should ensure that local Governments are given sufficient resources to provide these services;**

(c) **Ensure that street children are provided with adequate nutrition and shelter, as well as with health care and educational opportunities, in order to support their full development, and provide these children with adequate protection and assistance;**

(d) **Raise awareness about children living in the streets in order to change negative public attitudes about them; and**

(e) **Collaborate with non-governmental organizations working with street children in the State party and with children themselves, and seek technical assistance from, among others, UNICEF.**



## **Drug abuse**

76. The Committee welcomes the various measures taken to prevent and combat drug abuse among children, resulting in a decrease in drug addiction, but remains concerned at the still high number of children who consume drugs in the State party. It is also concerned that children are involved in drug trafficking.

77. **The Committee recommends that the State party:**

(a) **Provide children with accurate and objective information about the harmful consequences of drug abuse and take measures to prevent their involvement in drug trafficking;**

(b) **Ensure that children who use drugs are not treated as criminals but as victims, and are provided with proper assistance and counselling;**

(c) **Undertake a study to carefully analyse the causes and consequences of this phenomenon and use the outcome of the study to increase its efforts to prevent the use of drugs;**

(d) **Develop recovery and reintegration services for child victims of drug abuse.**

## **Sexual exploitation and sexual abuse**

78. The Committee is concerned about the large number of children and young people being sexually exploited in the State party. It is concerned that teenage prostitution is an acute problem in the State party. It is also concerned that children aged 14 to 18 years old are not legally protected from involvement in prostitution and pornography.

79. **In light of articles 34 and other related articles of the Convention, the Committee recommends that the State party:**

(a) **Strengthen measures to prevent and combat sexual exploitation and abuse of children;**

(b) **Ensure that reports of cases of sexual exploitation and sexual abuse be investigated (taking due account of the rights of victims) and that perpetrators are prosecuted and punished appropriately;**

(c) **Ensure that children's testimonies are recorded in an appropriate way and that the persons conducting the hearing have the necessary specialist qualifications;**

(d) **Take measures to ensure that children aged 14 to 18 are legally protected from involvement in prostitution and pornography; and**

(e) **Conduct a comprehensive study to assess the causes, nature and extent of abuse of children with a view to developing strategies to tackle sexual exploitation, trafficking and the use of children in pornography.**

### **Sale, trafficking and abduction**

80. While welcoming the recent introduction in the Criminal Code of norms prohibiting the trafficking of human beings, the Committee is concerned that not enough is being done to implement these provisions effectively. The Committee also expresses its concern that protection measures for victims of trafficking of human beings are not fully in place and that reported acts of complicity between traffickers and State officials are not being fully investigated and sanctioned.

**81. The Committee encourages the State party to increase its efforts to ensure effective institutional coordination in the full implementation of the new provisions relating to trafficking of human beings. It should ensure that victims of trafficking are protected and that their status and rights are further defined. It also encourages the State party to focus more of its programmatic activities on prevention work, as well as to investigate reported acts of complicity between traffickers and State officials.**

82. The Committee takes note that the State party has signed, although not yet ratified, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

**83. The Committee encourages the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings.**

### **Administration of juvenile justice**

84. The Committee is concerned that the State party, notwithstanding several legislative attempts, has not yet established specific federal procedures and courts for juvenile offenders to be dealt with separately under the justice system.

85. The Committee is also concerned at:

(a) The inadequate research, studies and evaluation mechanisms on prevention activities or on the adequacy of existing measures;

(b) The stigmatization of children in conflict with the law;

(c) The lack of alternative measures of detention and forms of reintegration for children in conflict with the law;

(d) The lack of appropriate places for persons under 18 who have been deprived of their liberty, who are often detained together with adults;

(e) The poor material conditions of detention of persons under 18 deprived of their liberty;

(f) The inadequate access to education for persons under 18 in detention;

(g) The inadequacy of measures to monitor the situation of minors in conflict with the law but who have not been sentenced to deprivation of liberty and who do not benefit from adequate curative and educational measures.

**86. The Committee recommends that the State party ensure that juvenile justice standards are fully implemented, in particular articles 37, 40 and 39 of the Convention and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, and in the light of the Committee's 1995 discussion day on the administration of juvenile justice. In this regard, the Committee encourages the State party, as a matter of priority:**

**(a) To ensure that children under the age of criminal responsibility are not treated as criminals;**

**(b) To expedite its work on reform of the system of juvenile justice to allow for those under 18 to be tried by a specific juvenile justice system and not by the ordinary justice system;**

**(c) To develop an effective system of alternative sentencing for persons under 18 in conflict with the law, such as community service or restorative justice, with a view to ensuring that deprivation of liberty is used as a measure of last resort;**

**(d) To guarantee that all children have the right to appropriate legal assistance and defence;**

**(e) To apply the provisions of the Criminal Procedure Code regarding pretrial detention;**

**(f) To take the necessary measures to make the deprivation of liberty as short as appropriate, inter alia by using suspended sentences and conditional release;**

**(g) To ensure that persons under 18 are separated from adults in detention;**

**(h) To ensure that persons under 18 remain in regular contact with their families while in the juvenile justice system;**

**(i) To provide ongoing training for judges and law enforcement officials;**

**(j) To ensure that persons under 18 in detention benefit from education and reintegration programmes,**

**(k) To develop and implement standards and monitoring mechanisms for living conditions in juvenile detention centres which also include visits by independent bodies;**

**(l) To provide all sentenced children with access to counselling and other social assistance measures, if necessary;**

**(m) To seek assistance from relevant United Nations bodies and agencies, inter alia, UNDP, UNODC and UNICEF.**

## **9. Optional Protocols to the Convention**

87. The Committee welcomes the State party's signature and planned ratification of the Optional Protocol to the Convention on the involvement of children in armed conflict and notes that the State party is considering signing the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee urges the State party to pursue and complete its plans in this respect and to ratify the two Optional Protocols to the Convention.

## **10. Follow-up and dissemination**

### **Follow-up**

88. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Federal Assembly and to provincial or local Governments and Parliaments, when applicable, for appropriate consideration and further action.

### **Dissemination**

89. The Committee further recommends that the third periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available, including (but not exclusively) through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **11. Next report**

90. The Committee invites the State party to submit its next periodic report before the due date established under the Convention for the fifth periodic report, i.e. 14 September 2012. This report should combine the fourth and fifth periodic reports. However, owing to the large number of reports received by the Committee every year and the consequent significant delay between the date of submission of a State party's report and its consideration by the Committee, the Committee invites the State party to submit a consolidated fourth and fifth report 18 months before its due date, that is on 14 March 2011.

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