The Committee considered the combined fourth and fifth periodic reports of the Russian Federation (CRC/C/RUS/4-5) at its 1863rd and 1864th meetings (see CRC/C/SR.1863 and 1864), held on 23 and 24 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.

### II. Follow-up measures undertaken and progress achieved by the State party

1. The Committee welcomes the adoption of the following legislative measures:

   (a) Act on amendments to legislative acts of the Russian Federation concerning care for orphaned children and children left without parental care, on 2 July 2013;
   
   (b) Act on amendments to legislative acts of the Russian Federation, aiming at preventing trafficking in children, their exploitation, child prostitution and activities related to production and dissemination of material and objects with pornographic images of minors, on 5 April 2013;
   
   (c) Education Act, on 29 December 2012, which includes a provision on inclusive education for children with disabilities;
   
   (d) Act on amendments to the legislative acts regulating the provision of accommodation to orphaned children and children without parental care, on 29 February 2012;
   
   (e) Act on amendments to the Criminal Code and other legislative acts of the Russian Federation, which increase punishment for sexual crimes against minors, on 29 February 2012;
   
   (f) Federal Act No. 436 on the protection of children from information threatening to their health and development on 29 December 2010;
   
   (g) The amendments of 17 July 2009 to the Federal Act on Civil Status Records, which addresses the birth registration of children abandoned by their mothers at medical facilities.
III. Main areas of concern and recommendations
   A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

Legislation

8. The Committee welcomes the numerous positive legislative developments in the State party in the areas of preventing violence against children, child trafficking and birth registration. Nevertheless, the Committee is concerned about legislative acts adopted during the period under review that have a negative impact on the rights of children, in particular in the areas of deinstitutionalization, adoption and non-discrimination, among others.

9. The Committee urges the State party to take all the necessary measures to amend its legislation, in particular in the areas of deinstitutionalization, adoption and non-discrimination, to better reflect the principles and provisions of the Convention. It also urges the State party to ensure that those laws that are already in conformity with the Convention are fully and effectively implemented.

C. Civil rights and freedoms (arts. 7, 8 and 13–17 of the Convention)

   Birth registration

28. The Committee is seriously concerned about reports that children born to Roma, refugee and asylum-seeking mothers with non-Russian passports or without identity documents are denied birth registration and are issued with only a hospital certificate indicating merely their sex, height and weight. The Committee is concerned that this practice gives rise to a new generation of undocumented persons, whose rights are limited in all areas of life.

29. The Committee urges the State party to ensure that all children born in its territory, irrespective of the status of their parents, are registered on the same terms as children born to Russian citizens and are issued with a standard birth certificate.
D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Corporeal punishment

30. The Committee notes that corporeal punishment is unlawful as a sentence for crime and is considered unlawful in schools and penal institutions, but regrets that it is not explicitly prohibited in those settings. The Committee is also concerned that corporeal punishment remains lawful in the home and in alternative care settings.

31. The Committee draws the attention of the State party to its general comment No. 8 (2006) on the right of the child to protection from corporeal punishment and other cruel or degrading forms of punishment and urges the State party to prohibit by law the use of all forms of corporeal punishment in all settings, in particular in the home and in alternative care institutions, and provide for enforcement mechanisms under its legislation, including appropriate sanctions in cases of violations. It further recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child-rearing and discipline.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25, 27 (4) of the Convention)

Children deprived of a family environment

39. The Committee notes the system of financial incentives introduced in the State party in order to promote the placement of children in foster families. However, the Committee is concerned that:

(a) The Federal Act No. 48 of 24 April 2008 on Tutorship and Guardianship has led
to the suspension of the deinstitutionalization process;

(b) The placement of children in institutions is not reviewed regularly. The child protection (guardianship) bodies are responsible only for formal monitoring of such placements, merely assessing accommodation, food and sanitary conditions;

(c) The adoption of the draft law on independent public inspections of children’s institutions has been significantly delayed;

(d) The number of children with special needs placed in foster families remains low;

(e) Foster families often lack training in child-rearing and sometimes abuse the children entrusted to their care;

(f) Children in care institutions are subjected to abuse, including sexual abuse, and no assistance is given to the child victims of that abuse;

(g) Children in care institutions who misbehave are often punished with psychiatric hospitalization and treatment.

40. Recalling the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:

(a) Resume the deinstitutionalization process and ensure that children are placed in institutional care only as a last resort;

(b) Ensure that adequate safeguards and clear criteria based on the needs and best interests of the child are used to determine whether a child should be placed in institutional care; establish clear guidelines and criteria on deprivation of parental rights; and carry out review and regular monitoring of all placements in care institutions;

(c) Accelerate the adoption of the draft law on independent public inspections of children’s institutions and establish a rigorous system for monitoring services provided by care institutions;
(d) Ensure sufficient alternative family- and community-based care options for children deprived of a family environment, in particular for children with special needs;

(e) Provide systematic training in child-rearing for foster families and monitor the conditions of children in those families regularly;

(f) Initiate an investigation into all cases of abuse of children in care institutions; ensure that the perpetrators are prosecuted and punished accordingly; and ensure the necessary psychological and physical rehabilitation for victims of such abuse;

(g) Take urgent measures to prevent children being hospitalized in psychiatric institutions as a punishment for misbehaviour, and launch a prompt investigation into any cases of that practice.

**Forced separation of children from their parents**

41. The Committee is seriously concerned about the widespread practice of children being forcibly separated from their parents in application of articles 69 and 73 of the Family Code, and the lack of support and assistance to reunite families. The Committee is also concerned that Roma mothers are often separated from their children immediately upon discharge from the hospital after the birth because they lack the necessary documentation and that the children are returned only for a large sum of money that most Roma cannot afford. Furthermore, the Committee is concerned that children who are forcibly separated from their parents are then placed in care institutions and/or put up for adoption.

42. The Committee strongly recommends that the State party:

(a) Stop the practice of forced separation of mothers from their children and establish strict monitoring of the application of articles 69 and 73 of the Family Code and increase its social services to provide support and assistance for keeping
families together;
(b) Cease the practice of separating children from Roma mothers owing to lack of necessary documentation;
(c) Ensure that children are separated from their parents as a measure of last resort and only in exceptional cases following a decision by a court on deprivation of parental rights.

Adoption
43. The Committee notes that, under the Family Code, adoption is considered a priority form of placement for children who have remained without parental care. It also notes the State party’s information that a considerable number of children with disabilities have been adopted by Russian families. However, the Committee is seriously concerned that:
(a) The number of children with disabilities adopted is nevertheless insufficient, owing to persistent stigmatization of those children in society. Furthermore, the requirement that a child should be refused by at least five Russian families before an intercountry adoption can be considered reduces the possibility of such an adoption for children with disabilities;
(b) The Dima Yakovlev Federal Act of 28 December 2012, which bans adoptions from the Russian Federation to the United States of America, has eliminated the prospect of adoption for a considerable number of children, in particular children with disabilities in care institutions;
(c) A child’s consent to his or her adoption may not be required if that child has been living with the prospective adopters and believes that they are his or her parents.

44. The Committee recommends that the State party establish effective mechanisms aimed at facilitating the adoption process by removing unnecessary barriers, but at the same time ensuring proper screening of
families where children are to be adopted. In particular, it recommends that the State party:

(a) Educate the public and raise awareness in order to remove the stigma associated with persons with disabilities, with the further aim of encouraging the adoption of children with disabilities by Russian families. The requirement that a child should be refused by at least five Russian families before an intercountry adoption is possible should be reconsidered in relation to children with disabilities in order to increase their chances of living in a family environment;

(b) Ensure that the right of children to a family environment is not compromised by the political agenda of the State party and ensure that both intercountry and national adoption of children is considered on a case-by-case basis with proper screening of prospective families. The State party should establish a working relationship with the social structures of host countries to be able to better monitor the situation of Russian children adopted elsewhere;

(c) Ensure that children are informed, especially about their origins, consulted and supported throughout the adoption process, depending on their age and maturity;

(d) Consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

Abuse and neglect

45. The Committee is concerned about the existence of baby boxes that allow for the anonymous abandonment of children in several regions of the State party, which is in violation of, inter alia, articles 6 to 9 and 19 of the Convention.

46. The Committee strongly urges the State party to undertake all the measures necessary to not allow baby boxes and to promote alternatives, taking into full account the duty to fully comply with all provisions of the Convention. Furthermore, the Committee urges the State party to increase its efforts to
address the root causes that lead to the abandonment of infants, including by providing family planning services and adequate counselling and social support for unplanned pregnancies and the prevention of high-risk pregnancies.

Children of incarcerated parents

47. The Committee notes that children under the age of 4 who are placed in baby homes in the grounds of prisons can be visited by their mothers outside working hours, but it is concerned that no measures have been taken to adapt special wings in prisons where those children can live with their mothers. The Committee regrets that no information was provided by the State party as to whether the judiciary or prison services consider the placement of parents in institutions where children can assume their visiting rights or whether children are financially or otherwise assisted in that regard.

48. The Committee recommends that the State party give due consideration to the circumstances in which the best interests of the child may be better fulfilled by living with the incarcerated parent. In doing so, due consideration to the overall conditions of the prison context and the particular need for parent-child contact during early childhood should be taken into full account, with the option of judicial review and with full consideration for the best interests of the child. Furthermore, the Committee urges the State party to ensure that, in the sentencing of parents and primary caregivers, non-custodial sentences are handed down, wherever possible, in lieu of custodial sentences, including in the pretrial and trial phases.
F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33 of the Convention)

Children with disabilities

49. The Committee notes the new law laying the foundations of social services, which allows for social services to be provided to families with children with disabilities free of charge and mostly in the place of their residence (at home). The Committee also notes the legislative changes aimed at ensuring the inclusive education of children with disabilities in mainstream schools. However, the Committee is concerned at:

(a) The widespread institutionalization of children with disabilities owing to the established stigma associated with such children in the society and the absence of comprehensive social, psychological, medical, educational or legal assistance for families with children with disabilities;

(b) The practice of diagnosing children with mild developmental problems as having profound mental disabilities by boards of psychological, medical and educational specialists and medicating them, instead of providing other forms of therapy;

(c) Children in special institutions for children with mental disabilities being considered “unteachable” and denied any kind of stimulation for their development;

(d) The lack of appropriately qualified personnel in care institutions for children with disabilities and poor living conditions in such institutions, with overcrowded rooms which deprive children of personal space;

(e) The low percentage of children with disabilities in mainstream schools, despite the new Education Act that provides for inclusive education.

50. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to ensure the conformity of its legislation, policies and practices with, inter alia, articles 23 and 27 of the Convention, with the aim of effectively addressing the needs of children with
disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party take all the necessary measures to:

(a) Prevent mass institutionalization of children with disabilities and ensure sufficient alternative family- and community-based care options for children with disabilities deprived of a family environment, by educating the public and providing all the necessary support to families with children with disabilities;

(b) Employ independent medical experts to monitor and review the diagnosis of children with mental disabilities, especially children without family care, and their placement in special care institutions by boards of psychological, medical and educational specialists;

(c) Provide education and developmental activities to children with mental disabilities on a regular basis and stop the practice of categorizing children as “unteachable”;

(d) Provide the staff of care institutions for children with disabilities with necessary training and ensure that such institutions provide all the necessary services and appropriate living conditions for children with disabilities, in the absence of other family-based care options;

(e) Expedite the implementation of its legal provisions on inclusive education by training teachers, providing schools with the necessary equipment and sensitizing the school personnel, children and the public in general to the rights of children with disabilities, with special attention given to children with mental disabilities.

H. Other special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40, of the Convention)

Economic exploitation, including child labour

61. The Committee shares the concerns raised by the Committee on Economic, Social and Cultural Rights in its 2011 concluding observations on the fifth periodic report of the Russian Federation submitted to it (E/C.12/RUS/CO/5)
that large numbers of children live and work on the streets, where they are vulnerable to abuse, including sexual abuse, and to other forms of exploitation to such an extent that regular school attendance is severely restricted.

62. The Committee recommends that the State party take all the necessary measures to ensure the protection of children from social and economic exploitation and, in particular, urges the State party to, inter alia:

(a) Take effective measures to address the root causes of the phenomenon of children in street situations;
(b) Take effective and appropriate measures to ensure that children in street situations have access to education, shelter and health care;
(c) Address the sexual abuse and other exploitation of children in street situations through the prosecution of perpetrators of abuse and the reintegration of victims into society.

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IV. Prevention

Military schools

10. The Committee is concerned that:

(a) Boys as young as 15 years of age attending the general schools undergo basic military training, which involves firearms training;

(b) Children as young as 10 years of age enrolled in military schools undergo basic military training;

(c) Boys from care institutions or in other vulnerable situations aged between 12 and 15 years are enrolled in cadet schools, often without their consent, or the consent of their parents when parental rights have not been removed, or often without their having the necessary information to make an informed decision. Such children are subjected to military discipline and punishment;

(d) Children in military schools and higher military institutes are subjected to military discipline and punishment and often face violence and bullying;

(e) Military schools and institutions lack the necessary means to provide for the special needs of girls.

11. The Committee recommends that the State party:

(a) Take measures to ban military training involving the use of firearms and combat training for children under the age of 18 in both general and military schools;

(b) Establish regular monitoring of military schools to ensure that the
school curriculum and the teaching personnel comply with the Optional Protocol;

(c) Provide children from care institutions and in other vulnerable situations, or their parents or guardians, with the necessary information to take an informed decision to enrol in military schools and ensure that no child is enrolled without his/her explicit consent;

(d) Ensure that children under the age of 18 who are admitted to cadet schools and higher military institutes are not subjected to military discipline and punishment and do not become victims of violence and bullying;

(e) Establish special measures in order to address the specific needs of girls in military establishments.

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### Country Care Review: Russian Federation

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**Acronyms and Abbreviations:**

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
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