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.

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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)

Corporal punishment

30. The Committee notes that corporal 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 corporal 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 corporal punishment and other cruel or degrading forms of punishment and urges the State party to prohibit by law the use of all forms of corporal 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
Country Care Review: 
Russian Federation

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.
II. General observations

Positive aspects

3. The Committee welcomes the measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the adoption of the following legislation:

... (c) Federal Act No. 167-FZ of 2 July 2013 amending Individual Legal Acts of the Russian Federation on Matters Relating to the Placement of Orphans and Children without Parental Care;

... 

III. Data

Data collection

5. The Committee welcomes the data provided by the State party in relation to the offences against children under the Optional Protocol. However, it is concerned that:

(a) The data provided is not disaggregated by nationality, ethnic origin, socioeconomic background, disability and geographical area, and whether or not the child belongs to a migrant family or is an unaccompanied child migrant;

... 

6. The Committee urges the State party to:

... (b) Disaggregate the data collected, inter alia, by sex, age, nationality, ethnic origin, socioeconomic background, disability and geographical area with a focus on children at specific risk of becoming
victims of the offences covered by the Optional Protocol, such as children accompanying their migrant families and unaccompanied child migrants.

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

**Measures adopted to prevent offences prohibited under the Optional Protocol**

18. While noting the information provided by the State party concerning its activities to prevent offences under the Optional Protocol as set out, among others, in paragraph 176 of the State party’s report, the Committee is seriously concerned about the insufficient efforts to identify children in need of protection among children in vulnerable and marginalized situations, such as migrant, asylum-seeking and refugee children, children in places of detention, children in closed institutions, children with disabilities and children in psychiatric institutions. It is also concerned that some child victims and children at risk of becoming victims of offences under the Optional Protocol are regarded as potential offenders.

19. The Committee urges the State party to strengthen its efforts to identify and detect children at risk of falling victim to offences under the Optional Protocol, especially among migrants, asylum-seeking and refugee children, children in places of detention, children in closed institutions, children with disabilities and children in psychiatric institutions. It also recommends that the State party train its law enforcement officials and adopt standard operating procedures to always regard victims or children at risk of becoming victims of offences under the Optional Protocol as victims or potential victims and not as offenders.

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

34. In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:

... 
(d) Increase the resources allocated for services targeting child victims of offences under the Optional Protocol and ensure sufficient and appropriate shelter for both immediate relief and long-term services, especially family reunification, when appropriate, or placement in family settings, to ensure the child’s full physical and psychological recovery;
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### III. Principal areas of concern and recommendations

#### B. Specific rights (arts. 5–30)

##### Children with disabilities (art. 7)

17. The Committee is deeply concerned about the large numbers of boys and girls with disabilities living in institutions, referred to in paragraph 65 of the written replies to the list of issues prepared by the Committee.

18. The Committee recommends that the State party adopt a strategy for the deinstitutionalization of boys and girls with disabilities with a set time frame. The Committee also recommends that the State party allocate resources to the development of a support service network in local communities and to the empowerment of families with children with disabilities and their further needs, in line with its general comment No. 5 (2017) on living independently and being included in the community.

##### Liberty and security of the person (art. 14)

32. The Committee notes with concern that persons with disabilities, particularly with psychosocial disabilities, may still be deprived of their liberty in psychiatric hospitals or other institutions based on their impairment, under the provisions of the Criminal Code and the Code of Criminal Procedure.

33. The Committee urges the State party to amend its Criminal Code and Code of Criminal Procedure, and fully harmonize their provisions with article 14 of the Convention and the Committee’s guidelines on article 14 of the Convention (see A/72/55, annex).
Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

34. The Committee notes with concern the reported ill-treatment of persons with disabilities in institutions, which may amount to torture or cruel and degrading treatment. The Committee is also concerned about the reported use of drugs to “control the sexual behaviour” of persons with disabilities, especially those with intellectual or psychosocial disabilities.

35. The Committee recommends that the State party ensure that persons exposed to ill-treatment have access to complaint mechanisms, and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation. The Committee further recommends that the State party review its legislation on the forcible administration of drugs in institutions.

Freedom from exploitation, violence and abuse (art. 16)

36. The Committee is concerned about the reported physical and psychological violence against persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, including autistic persons and children, and the use of physical and chemical restraints against those persons in institutions.

37. The Committee recommends that the State party collect disaggregated data on persons with disabilities, especially women and children and including those placed in institutions, who are exposed to violence. The Committee calls upon the State party to intensify its efforts to protect all persons with disabilities from exploitation, violence and abuse. It also recommends that the State party investigate the reports of ill-treatment and abuse of persons with disabilities, in particular of children in institutions, and bring those who are responsible to justice.

Living independently and being included in the community (art. 19)

40. The Committee is deeply concerned about the large number of persons with disabilities living in institutions and about the limited opportunities for persons with disabilities, in particular those with intellectual and/or psychosocial disabilities, to gain access to services and participate in their local communities. It also notes with concern the lack of a strategy for deinstitutionalization, and that not all
persons with disabilities are aware of the support services available to them or the ways in which they can claim assistance in their local community.

41. In line with its general comment No. 5, the Committee recommends that the State party adopt a strategy to:

(a) Promote the rights of persons with disabilities to live independently and be included in the community;

(b) Develop accessible support services in local communities for persons of all ages with all types of disability;

(c) Systematically provide information to persons with disabilities and their families on how they can claim support services and assistance that would enable them to live independently and as part of the community, in accordance with their own choices.

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