
The Russian Federation's combined fourth and fifth report on the implementation of the Convention on the Rights of the Child. CRC/C/RUS/4-5, 22 August 2012

Care-related sections (Extract)

The Government of the Russian Federation has submitted its fourth and fifth consolidated report on the implementation of the Convention on the Rights of the Child (dated 3 June 2011), which is due to be examined by the Committee on the Rights of the Child at its 65th Session, taking place between 13-31 January 2014.

For the full report, please visit: <http://www2.ohchr.org/english/bodies/crc/crcs65.htm>

II. General information concerning the Russian Federation

6. At the beginning of 2003, the population of the Russian Federation stood at 145.0 million persons. At the beginning of 2010, it totalled 141.9 million persons, a decline of 3.05 million persons (2.1 per cent) compared to 2003.

7. **As of the beginning of 2010, there were 26 million children in the Russian Federation under 18 years of age, 83.3 per cent of the figure for 2003, or a decline of 5.2 million persons, due primarily to a decrease in the number of children between 10 and 17 years of age.** The number of children between 5 and 9 grew by 4,700 (+ 0.1 per cent), and the age group 0–4 increased by 1.5 million to 22.9 per cent and stood at 8.0 million persons in 2009.

21. Amendments have been made to article 155 of the Family Code, pursuant to which the constituent entities of the Russian Federation are authorized to introduce legislation governing the amount of, and regulations for payments for the care of children in foster families (Federal Act No. 71 of 3 June 2006).

22. **The Federal Act No. 48 of 24 April 2008 on Tutorship and Guardianship regulates relations arising from the establishment, exercise and annulment of tutorship or guardianship of persons with no or limited legal capacity** and defines the rights, obligations and responsibilities of tutors and guardians, which is being extended to organizations in which such persons are placed under supervision, including organizations active with orphans and children deprived of parental care.

23. Federal Act No. 143 of 15 November 1997 on Civil Status Records has been amended in order to address the question of the registration of the birth of children abandoned by their mothers at medical facilities (Federal Act No. 169 of 17 July 2009); this has improved the legal protection of these children by ensuring the provision of the relevant benefits and social guarantees in the course of their placement in a family.

24. Federal Act No. 159 of 21 December 1996 on Additional Guarantees of Social Protection for Orphans and Children deprived of Parental Care

has been amended to introduce additional guarantees to ensure the right to receive vocational training not only for orphans and children deprived of parental care up to the age of 23, but also for persons in this category who are older than 23 years of age so as to enable them to complete such training. Such persons receive full State support (free food, clothing, shoes and linen, dormitory accommodation and medical care or full compensation for medical expenses) until the completion of training (Federal Act No. 315 of 17 December 2009).

25. In accordance with a bill to amend the Labour Code¹ and article 22.1 of the Federal Act on the Registration of Legal Entities and Private Businessmen, which was submitted for consideration to the State Duma (the lower house of the Federal Assembly), persons who have or had a criminal record or who are or were subject to criminal prosecution for crimes committed against the life, health, freedom, honour, dignity, or sexual inviolability or sexual freedom of the individual, the family, minors, public health or morals or State security may not be employed or registered as entrepreneurs for the upbringing, education or development of minors, the organization of their leisure or health activities, health or medical care, social protection or social security, or sports, cultural or artistic activities in which minors participate.

27. Consideration is being given to amendments to a number of legislative acts on the provision of housing for orphans and children deprived of parental care and the preparation of persons wishing to bring up such children, as well as on the prevention of social orphanhood, the effective organization of the work of the tutorship and guardianship authorities to ensure early detection of families and children in a crisis situation, the protection of the rights of children living in such families, preservation of the child's ties with the biological family, and foster care.

28. An agreement has been ratified between the Russian Federation and Italy on cooperation in the area of orphaned children, the first such bilateral international agreement in Russian practice (Federal Act No. 258 of 9 November 2009), in **order to strengthen and protect the legal guarantees and rights of orphaned children at international level**. Work is under way on similar agreements with the United Kingdom, Israel, Ireland, Cyprus, Spain, New Zealand, the United States and France.

29. In accordance with Federal Act No. 101 of 3 June 2009 on Ratification of the European Social Charter (revised) of 3 May 1996, the Russian Federation assumed obligations with regard to 19 of the 31 articles (67 of the 98 paragraphs) of the Charter, including article 16, which enshrines the right of the family to social, legal and economic protection, to be ensured by means of social benefits, fiscal arrangements and other appropriate means.

30. A set of documents has been prepared concerning the accession of the Russian Federation to the Convention on the Civil Aspects of

¹ Act No. 387, adopted on 23 December 2010.

International Child Abduction, concluded in The Hague on 25 October 1980, the object of which is to secure the prompt return of children wrongfully removed to or retained in any Contracting State and to ensure that rights of custody and of access under the law of one Contracting State are effectively reflected in the other Contracting States.

31. A Government plan of action has been drafted to give effect to measures to ensure that the Russian Federation is prepared to implement the obligations of States parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography adopted by the General Assembly on 25 May 2000 and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse adopted by the Council of Europe's Committee of Ministers on 12 July 2007, with the help of which it is planned to introduce further improvements to Russian legislation in accordance with the obligations under the Optional Protocol and the Convention on the Rights of the Child, to elaborate programmes for providing assistance to victims of offences and taking forceful action to prevent and minimize the risk of a repetition of offences of a sexual nature, and to produce awareness-raising measures to combat the sexual exploitation and sexual abuse of minors.

32. The Russian Federation has a unified system of benefits granted for the birth and upbringing of children, under which the State provides material support for motherhood, fatherhood and childhood in accordance with Federal Act No. 81 of 19 May 1995 on State Allowances for Citizens with Children. In 2006 additions were made to the Act specifying an increase in monthly allowances for child support and the right of unemployed citizens to receive such assistance, and a new form of assistance was introduced: the lump-sum payment for children placed in families. In 2008 two new types of assistance were created for families of military conscripts: a lump-sum payment for the pregnant wife of a military serviceman, and a monthly allowance for the child.

33. Federal Act No. 207 of 5 December 2006 on Amendments to a number of Legislative Acts with regard to State Support for Citizens with Children introduced as from 1 January 2007 the payment of compensation of part of parental fees for the care of children in State and municipal educational facilities with a basic preschool programme. Parents are not required to pay a fee for the care in these facilities of children with developmental difficulties or with tuberculosis. The principal novelty of this form of maternal support is that for the first time, support is not provided for the facility and its educational programme, but for the recipients of school services, namely the parents of preschool children. In 2009 Federal Education Act No. 3266-1 of 10 July 1992 was amended to extend the right of parents and legal guardians to receive compensation for part of parental fees to include parents whose children attend non-State educational establishments with a basic general preschool education programme (Federal Act No. 148 of 17 July 2009). In 2009 more than 4.2 million persons received such compensation, as against 3.8 million in 2007.

34. Pursuant to Federal Act No. 18 of 1 March 2008 on Amendments to a number of Legal Acts with a view to Raising Various Forms of Social Payments and Costs of Social Services, as from 1 April 2008 all forms of social assistance (except for maternity childcare allowances paid to

women entitled to compulsory social insurance) have been indexed in accordance with the amount and period established under the Federal Budget Act for the relevant financial year and planning period on the basis of the expected inflation rate set under the Act.

35. In accordance with Federal Act No. 256 of 29 December 2006 on Additional Measures of State Support for Families with Children, in 2007 a completely new programme was launched on long-term family support, in the form of maternal (family) capital, for the birth or adoption of a second child and each child thereafter. When the child reaches the age of 3, at the request of the mother the payments can be used in full or in part to improve living conditions, provide for the education of the child or children or increase the mother's retirement pension. The maternal (family) capital is adjusted annually to allow for inflation; in the period 2007–2009 it increased by 25 per cent, from 250,000 roubles to 312,000 roubles.

36. In 2008 the Federal Act on Additional Measures of State Support for Families with Children was amended to give families the possibility of availing themselves of the right to use some or all of the maternal (family) capital to repay the principal and interest on credit or a loan, including a mortgage, regardless of the period which has elapsed since the birth or adoption of a second or third child (Federal Act No. 288 of 25 December 2008).

37. In accordance with the Tax Code, in 2009 the standard deduction for persons with children was increased from 600 to 1,000 roubles for each child and each month of the tax period (Federal Act 121 of 22 July 2008).

38. Federal Act No. 173 of 17 December 2001 on Retirement Pensions was amended to provide for the payment of a loss-of-breadwinner pension to children who have lost both parents. Two pension insurance components are set for this category of children, on the basis of the notional pension capital of each of the parents (Federal Act No. 130 of 29 June 2009).

40. The Family Code has been amended to increase penalties for late payment of child support (Federal Act No. 106 of 30 June 2008).

Best interests of the child (art. 3)

51. The principle of the best interests of the child and the obligation to take into consideration the interests of the child in all initiatives involving children have been set out in the codified law of the Russian Federation, the Fundamentals of Health-Care Legislation, the Education Act, the Federal Act on Additional Guarantees of Social Protection for Orphans and Children deprived of Parental Care, the Federal Act on Social Protection for Persons with Disabilities, the Federal Refugees Act and the Federal Act on Basic Guarantees of Children's Rights.

53. During the reporting period, work continued on improving legislation, bearing in mind the principle of the best interests of the child. **The Family Code was amended (2007 and 2008) to establish the responsibility of**

parents for creating the necessary conditions to enable children to receive secondary (full) general education and to ensure the right of parents to choose the educational establishment and the type of education, account being taken of the views of the children, as well as to introduce norms for monitoring the living conditions and upbringing of children in foster families in the manner prescribed by the Government.

54. Social services for children are provided at social services institutions for families and children (paragraph 183 of this report). In accordance with article 6 of the Federal Act on the Foundations of Social Services, social services, including for children, are provided on the basis of State standards, which establish fundamental requirements concerning the extent and quality of such services and the procedure and conditions for eligibility. State social services standards are set in accordance with the procedure laid down by the authorities of the constituent entities. **The national standards fix the main kinds of social services for families and children, their quality, terms and definitions, classification of social service facilities, types of social services institutions available, monitoring of the quality of such services etc.** Ensuring the presence of the right staff — qualified specialists trained in the use of modern technologies and techniques for working with families and children — is a prerequisite for making the activities of these social services institutions effective. **In 2009, 131,300 persons, including 79,800 specialists, were employed in this area, providing social assistance to families, women and children (in 2008: 134,400 persons, including 79,600 specialists). In 2009 more than 13,000 specialists upgraded their qualifications.**

VII. Family environment and alternative care

A. Parental guidance (art. 5)

92. The right of parental guidance in keeping with the interests and developing capacities of the child is set out in the Family Code, the Education Act and the Act on the Languages of the Peoples of the Russian Federation. **The right of parents to bring up their children takes precedence over that of all other individuals. The primary concern of the parents must be the protection of their children's interests. By law, children must be raised in a manner that is free from neglectful, cruel, brutal or degrading treatment or abuse, as well as exploitation (see paragraphs 165–167 of the second periodic report).**

93. According to data from the 2002 National Census,² there were 21 million families in Russia with children under 18 years of age (50.4 per cent of all families); 67.7 per cent of families with children have one child, 26.9 per cent have two children and 5.4 per cent have three or more. In all, there are more than 1.1 million large families in Russia, of which 75 per cent are families with three children. In the reporting period, the number of registered marriages has been on the rise and the number of divorces has been declining (see paragraphs 10–12 of this report). In

² New data on the structure of the family will be received once the 2010 National Census has been completed.

2009, 1,302,300 children were born in registered marriages, or 283,500 more than in 2003. The positive trend of fathers recognizing their children born out of wedlock continues.

94. Establishments providing social services for families and children assist parents in raising their children. Their activities are focused on the promotion, preservation and restoration of children's family and social ties, the protection of their psychological well-being, the free development of their individual abilities and inclinations, and the provision of family counselling services. **At the end of 2009, 3,235 establishments of various kinds, including 519 family and child social assistance centres, rendered such services.**

B. Parental responsibilities (art. 18, paras. 1–2)

95. Under Russian legislation, parents are responsible for the upbringing and development of their children. They have equal rights and obligations vis-à-vis their children, and they must provide for their underage children and look after their health and physical, intellectual, psychological, spiritual and moral development (see paragraphs 171–172 of the second report and paragraph 125 of the third report). In accordance with article 5.35 of the Code of Administrative Offences, a warning may be issued or an administrative fine imposed on parents or other legal representatives of minors for non-fulfilment or improper fulfilment of their responsibility for providing for, bringing up, educating and protecting the rights and interests of minors. In 2009 the Criminal Code was amended to impose heavier penalties on parents or other legal representatives of minors for non-fulfilment or improper fulfilment of their responsibilities for the upbringing of a minor if the acts involve cruel treatment of a minor. The fine was raised from 40,000 to 100,000 roubles, the duration of compulsory labour was increased from 180 hours to 220 hours, and the duration of punitive work was raised from one year to two years (Federal Act No. 215 of 27 July 2009).

96. Pursuant to article 69 of the Family Code, a parent or parents may be deprived of parental rights for evasion of parental responsibilities, which includes wilful refusal to make maintenance payments, refusal to remove a child from a maternity clinic or ward or other medical centre, educational establishment, social protection institution or other similar facility, abuse of parental rights, cruel treatment (including physical or psychological violence) and offences against a child's sexual inviolability. A parent or parents may also be deprived of their parental rights if they are chronic alcoholics or drug addicts or if they have made a premeditated attack on the life or health of their children or spouse.

97. Article 69 of the Family Code also specifies that a court may, in the best interests of the child, order a child's removal from his or her parent or parents **without depriving them of or restricting their parental authority**. Such a measure is taken in cases in which it would be dangerous for a child to remain with the parents for reasons beyond their control (such as a psychological disorder or chronic illness, a concurrence of difficult circumstances etc.) and also if there are insufficient grounds for deprivation of parental rights. **If the parent or parents do not alter their behaviour, the tutorship and guardianship authorities are**

required, on the expiry of a six-month period from the day of the issuance of a court order restricting the parents' rights, to initiate proceedings for the deprivation of these rights. In the interests of the child, they may initiate proceedings for deprivation of parental rights on the expiry of that period.

98. The State supports parents and legal representatives in the exercise of parental rights in accordance with the Labour Code (see paragraph 173 of the second periodic report), Federal Act No. 81 of 19 May 1995 on State Allowances for Citizens with Children (see paragraph 32 of this report), the Tax Code (paragraph 37 of this report), the Education Act (paragraph 32 of this report) and the Federal Act on Additional Measures of State Support for Families with Children (paragraphs 35–36 of this report).

99. In addition to measures of State support for families and children at federal level, in the constituent entities monthly allowances are paid for children, including those with single mothers, for children whose parents refuse to pay maintenance or are performing compulsory military service, for children in large families, for children with disabilities and for families in which the parents are disabled.

C. Separation from parents (art. 9)

100. Matters relating to separation from parents are regulated in codified legislation (see paragraphs 177–188 of the second periodic report and paragraphs 130–133 of the third periodic report).

101. **Considerable attention is given to preventing and detecting family dysfunction, fostering responsible parenthood and encouraging basic family values, as well as designing and implementing measures to promote public health and assist families in difficult situations.** Socially successful families leading a respectable way of life and raising children enjoy public support and encouragement. **Steps are taken in line with the principle that children should not be placed in a residential institution if it is possible to provide other measures of support so that removal from the family can be avoided.**

102. In 2009, 471,300 administrative reports were filed for non-compliance with child-rearing obligations, and 3,368 persons were convicted. Compared to 2003, the number of petitions approved for deprivation of parental rights rose by 19.5 per cent and totalled 63,100 cases (50,800 cases in 2003). The number of such cases has been declining since 2007. There is a growing tendency to impose more humane measures rather than deprivation of parental rights, thus ensuring that parents have a better chance of recovering their earlier status.

103. Problems which arise for juveniles often result in their running away from home or a State institution, putting them at risk of becoming participants in or victims of illegal acts. In 2009 more than 50,000 juveniles were sought by the authorities; more than 27,000 had run away from home.

104. In 2009 the number of children for whose protection the tutorship and guardianship authorities instituted proceedings or

submitted an opinion to the court on questions concerning the participation of separated parents in the upbringing of their children rose by 6.3 per cent, and by 3.2 per cent on questions concerning the children's place of residence. The growth in the number of disputes associated with the upbringing of children, their place of residence and the possibility of the other parent having contact with them testifies to the crisis in family values.

105. Presidential Decree No. 404 of 26 March 2008 set up a fund for the support of children in difficult situations with a view to further improving assistance in that area. The aim of the fund is to promote measures to support families with children and children in difficult situations which focus on the prevention of family dysfunction, the placement of children in families and the development of a system of individual social support and services for families and children. **Services to prepare surrogate parents or prospective surrogate parents were provided for 1,820 citizens. In 2009, 53 support services were in operation, assisting 12,960 families in raising some 20,000 children.** Initiatives to prevent child neglect and juvenile delinquency, treat alcoholic parents and work with women at risk of rejecting their newborn child are an integral part of the fund's activities. In 2009 treatment for alcoholism was prescribed for 778 parents. As a result, 1,200 children could continue to be brought up in their own families. An information resource was set up so that parents and specialists providing legal, psychological and educational assistance to minors in the risk group could communicate.

D. Family reunification (art. 10)

106. The departure from and entry into the Russian Federation of Russian citizens, including minors, is regulated by Federal Act No. 114 of 15 August 1996 on the Procedure for Departure from and Entry into the Russian Federation (see paragraphs 190–195 of the second periodic report).

107. The Russian Federation ratified an agreement on cooperation between the Member States of the Commonwealth of Independent States (CIS) on questions concerning the return of minors to their country of permanent residence, signed in Chişinău on 7 October 2002 (Federal Act No. 81 of 9 June 2006). In pursuance of the agreement and the relevant legal instruments of the Russian Federation, in 2009 the social protection authorities of the constituent entities returned 125 minors to their permanent place of residence after establishing their identity.

E. Illicit transfer and non-return (art. 11)

108. The Russian Federation is examining the question of accession to the Convention on the Civil Aspects of International Child Abduction. Accession will make it possible to create a legal mechanism for cooperation with other States on addressing contentious issues associated with the unlawful removal or detention of children and provide additional international guarantees for the rights of children and parents or legal representatives. A set of documents has been prepared

concerning the Russian Federation's accession to the Convention (paragraph 30 of this report).

F. Recovery of maintenance for the child (art. 27, para. 4)

109. The question of maintaining the living standards of the child following the divorce of the parents is discussed in paragraphs 197–201 of the second periodic report.

110. The Criminal Code establishes penalties for the wilful refusal by a parent to pay maintenance awarded by a court for underage children or for children with disabilities over 18 years of age. The Family Code specifies that a person who departs for a permanent residence in another country and is required to make maintenance payments for a child may conclude an agreement on such payment with the person concerned. If an agreement cannot be reached, the question of the form and amount of maintenance may be decided in court.

G. Children deprived of a family environment (art. 20)

111. **A legal basis has been created for the organization of guardianship activities** (see paragraph 208 of the second periodic report, paragraph 148 of the third periodic report and paragraph 22 of this report).

112. **In 2009 the following legal instruments were approved:** regulations for the selection, registration and training of citizens wishing to become tutors or guardians of children or to take into their families children deprived of parental care to provide for their upbringing in other forms prescribed by family legislation; regulations governing the implementation of the mandate of the tutorship and guardianship authorities by educational bodies, medical organizations, social service establishments and other institutions; rules for concluding tutorship or guardianship agreements involving minors; rules for establishing a foster family and for oversight of the living conditions of children placed in a foster family; rules for the monitoring by the tutorship and guardianship authorities of the living conditions of foster children and the enjoyment by these children of their rights and legitimate interests and the protection of their property, as well as regulations governing the implementation by the tutorship and guardianship authorities of their rights and obligations; rules for conducting the personal affairs of such children; a record-keeping form for the tutorship and guardianship authorities to report on the protection and use of the child's property and its administration; and rules whereby children in orphanages and children deprived of parental care are temporarily placed in the families of citizens permanently resident in the Russian Federation.

113. **In 2009 there were 2,585 tutorship and guardianship bodies in operation in the Russian Federation – the local offices of the government bodies of the constituent entities or municipal bodies. The activities of the tutorship and guardianship authorities concerning children are monitored at federal level.**

114. In 2007 the Russian Federation introduced a system of **material incentives to promote the placement in foster families of children deprived of parental care**. A lump-sum payment was introduced for such placement: in 2007 it stood at 8,000 roubles, and following annual adjustments for inflation, it totalled 9,989 roubles in 2009. In the constituent entities, monthly payments are made to provide for the care of children in foster families (not less than 4,000 roubles) and to remunerate the foster parents (not less than 2,500 roubles). In many constituent entities, additional support measures have been introduced for surrogate families, account being taken of the age of the children, their state of health, particularities of their development and behaviour, the duration of stay in the family, the number of children taken in and other circumstances.

115. New forms are developing for assisting families in difficult situations: fostering arrangements, the introduction of a neighbourhood service for an early detection of family dysfunction and other modern techniques for working with families and implementing programmes to help persons who have left a home institution to adapt.

116. **The activities of the foster family, which is a form of bringing up children deprived of parental care that has been developing rapidly, are regulated by an agreement between the foster parents and the tutorship and guardianship authorities. From 2007 to 2009 the number of foster families rose from 22,200 to 40,500, and the number of children deprived of parental care who have been placed in such families grew from 38,600 to 68,000.**

117. A system of services is being set up in the constituent entities to help with the placement in foster families of children deprived of parental care. Such services are provided by institutions for orphans and children deprived of parental care, by educational establishments for children requiring psychological, medical and social assistance and by other educational, health-care and administration entities. **Service facilities to support surrogate families are being established; by the end of 2009 more than 1,000 had been opened.**

118. Despite the positive results achieved, a number of problems remain which prevent full realization of the right of children to be brought up in a family. In 80 per cent of the cases detected, children are deprived of parental care for "social" reasons; as many as 60 per cent of children in this category are older than 7. The placement in foster families of adolescents and of children with special needs is problematic. There are still many children whose parents have been deprived of parental rights or whose parental rights have been restricted. In 2009, 63,000 citizens were deprived of their parental rights.

119. Other serious problems persist, such as rejection by the foster family of children and their return to the children's home, and cases of abuse. In 2009, 105 persons were indicted for offences involving children in a foster family, including 24 cases for offences which led to the death or injury of a child.

120. More than 1,200 decisions were taken concerning the failure by adoptive parents, guardians or foster parents to provide for children in their care. In most cases non-compliance with obligations and child abuse

are due to insufficient legal and educational preparation for dealing with the problems associated with raising these children.

121. Preparing potential surrogate parents is an important aspect of foster care. Innovative programmes on the upbringing and psychological support of children are being elaborated and introduced.

122. A new programme, “Aist” (Stork), which broadens public access to information on children subject to placement in families, is being launched for commercial use as part of activities to modernize the State database for children deprived of parental care.

123. Work has begun on an experiment for introducing the post of “family inspector”, who would work with families at risk and take timely action on parents who are alcoholics or drug addicts.

124. A mechanism is being developed for interaction with health-care institutions (women’s counselling, paediatric polyclinics and emergency wards), social protection bodies and institutions, commissions on children’s affairs and the protection of their rights, and educational establishments in order to help provide up-to-date information to the internal affairs authorities on problem families with underage children, violations of the rights and legitimate interests of children and adolescents, and child abuse.

H. Adoption (art. 21)

125. In the period 2003–2009 work continued on the operation of a State database for children deprived of parental care. At the end of 2009, there were 662,300 children in this category. In 2009, 73.2 per cent of children deprived of parental care were adopted by Russian nationals and 26.8 per cent by foreign nationals.

126. Pursuant to the Family Code, the adoption of children by foreign nationals is permitted solely in cases in which it is not possible to place these children in the care of families of Russian citizens or for them to be adopted by relatives regardless of citizenship and place of residence. On average, 95 per cent of all placements are in families of citizens of the Russian Federation permanently resident in Russia.

127. The Family Code prohibits the activities of adoption intermediaries. The activities of the tutorship and guardianship authorities and government bodies responsible for the identification and placement of children deprived of parental care, as well as of adoption agencies or organizations specially empowered by foreign States which are carried out on the basis of an international agreement or principle of reciprocity, are not deemed to be activities of adoption intermediaries. These agencies and organizations may not pursue commercial goals.

128. Regulations governing the adoption activities in the Russian Federation of agencies and organizations of other State bodies and foreign non-profit NGOs were introduced in 2006. A procedure has been established for authorizing the opening of offices of adoption agencies and organizations of other State bodies and organizations and for monitoring their activities. In 2008–2009, 52 inspections of the activities of these offices were conducted, and the documentation and staff of 15 offices which had applied for authorization to conduct adoption activities

were examined; 6 applications were approved. In 2008 these inspections resulted in the termination of the activities of nine offices of foreign adoption organizations.

129. In accordance with paragraphs 42 and 43 of the Committee's concluding observations, measures are being taken to regulate questions associated with international adoption. Work is under way to elaborate bilateral international agreements on cooperation in the area of adoption (see paragraph 27 of this report).

I. Periodic review of placement (art. 25)

130. Questions concerning the periodic review of placement and all other aspects of guardianship have been regulated since 2008 by the Federal Act on Tutorship and Guardianship (see paragraphs 111 and 112 of this report).

131. The tutor or guardian must submit an annual report to the tutorship and guardianship authorities on the protection and use of the child's property. The report must indicate the dates on which sums were received from the child's account and the dates on which these sums were spent for the child's needs.

132. The authorized administrations, the procuratorial authorities and the Commissioners for Children's Rights of the constituent entities monitor the situation of children and the conditions in which they are cared for in specialized institutions.

133. Monitoring by the government authorities of the constituent entities of implementation by the municipal and urban district authorities of their tutorship and guardianship mandate with regard to minors has been insufficient. This has resulted in violations of the property rights of foster children and failure to meet deadlines for the placement of children deprived of parental care.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

134. The Family Code stipulates that children must be raised in a manner that is free from negligent, cruel, brutal or degrading treatment, abuse or exploitation. Cruel treatment of a child, physical or psychological violence, violations of a child's sexual integrity, failure to assist a sick child, putting a child in danger and a number of other actions are grounds for deprivation of parental rights. Where there is a direct threat to a child's life or health, provision is made for immediate removal of the child from parental custody by the guardianship authorities. Anyone in contact with children in daily life must report any child in a crisis situation to the guardianship authorities without delay; the receipt of such a report is the basis for conducting an inspection and taking concrete measures to protect and restore the violated rights of the child. Children may themselves request the guardianship authorities to protect their rights, and upon reaching the age of 14 years, they may submit such a request to the courts.

135. The Criminal Code establishes liability for non-fulfilment or improper fulfilment of the responsibility of parents and other persons entrusted with bringing up children where this is associated with cruel treatment or inducing a child to indulge in the systematic use of alcoholic beverages or narcotic drugs or to engage in prostitution, vagrancy or begging. Heavier penalties have been imposed for premeditated offences committed against a child's life, health or sexual inviolability, regardless of where the offence occurs or whether the offender and the victim are related. Penalties are imposed for: murder, in particular the murder of persons known to be in a helpless state; causing a person to commit suicide with the use of threats or cruel or systematic degrading treatment; intentionally causing harm to a person's health; beatings; or torture. It is also a crime to leave in danger to life or health persons unable to take measures for their own protection (because they are too young, too old, ill or helpless).

136. The Federal Act on Basic Guarantees of Children's Rights establishes the legal and socioeconomic conditions for the exercise and protection of the rights and interests of children, including victims of violence.

137. The Federal Act on the Fundamentals of Social Services for the Public establishes the framework for the regulation of social services and the creation of a network of institutions to provide welfare, medical, psychological, legal and social services to assist the social adaptation and rehabilitation of persons in difficult situations. Social services for victims of violence are provided by social rehabilitation centres for juveniles, centres of social assistance for families and children, shelters for children and adolescents, rehabilitation centres for children and adolescents with special needs, centres for helping children deprived of parental care, educational and psychological support centres, hotline centres for emergency psychological assistance, offices working with families and children in social service centres, 22 crisis centres for women and 3 for men, 120 crisis offices for women, and 23 shelters for women and underage children that offer emergency assistance, including welfare, medical, legal and social adaptation and rehabilitation services and psychological support. Legal counselling and legal aid are provided for the formulation and preparation of documents for law enforcement agencies and the judicial authorities. The legal experts of crisis centres represent in court the interests of victims of domestic violence.

138. The Federal Act on Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency sets as one of its basic goals the social and educational rehabilitation of minors in a dangerous social situation, and it regulates the duties of government bodies responsible for identifying the children concerned.

139. Mobile emergency units are a new way of providing assistance at regional level to victims of violence. Public awareness initiatives provide information on how to obtain help, the existence of hotlines etc.

140. In 2009 a juvenile district medical identity card was introduced to collect information on children in difficult family situations (children in risk groups, children with disabilities and children deprived of

parental care). For the first time, problem families are registered, and information on them is forwarded to the district juvenile affairs commissions.

141. In 2008 medical criteria were approved for determining the degree of harm caused to a person's health, including as a result of domestic violence.

142. The support fund for children in difficult situations provides financial assistance for carrying out programmes on various aspects of the problems which troubled children face.

143. An interdepartmental commission on matters concerning the Council of Europe confirmed the President's Commissioner for Children's Rights as Russia's national coordinator for the protection of children's rights and the elimination of all forms of violence against children in the framework of the programme "Building a Europe for and with Children".

VIII. Basic health and welfare

A. Children with disabilities (art. 23)

151. **In 2009 there were 518,900 children with disabilities in the Russian Federation under 18 years of age, or 105,400 fewer than in 2003.** The child disability rate stood at 190.6 per 10,000 (195.8 in 2007). The largest number of children with disabilities are in the age group 10 to 14: 32 per cent. The main illnesses that lead to a disability are congenital anomalies (23 per cent), psychological and behavioural disorders (20 per cent) and illnesses of the nervous system (18 per cent). These three disabilities are also observed in the group of persons who renew their disabled status.

152. **In 2009 there were 148 boarding schools accommodating 22,300 children (as against 152 for 28,900 children in 2003) and 1,272 boarding schools accommodating 142,400 children with special needs, including 219 orphanages for 20,500 children with disabilities (as against 217 for 25,400 children with disabilities in 2003).**

153. In the constituent entities there are **283 rehabilitation establishments for children with disabilities and 631 rehabilitation units at social service institutions for families and children and children's boarding schools.** In 2009 social service institutions for families and children provided assistance to more than 332,000 families with children with special needs.

C. Social security and childcare services and facilities (art. 26 and art. 18, para. 3)

183. **In 2009, 3,235 institutions provided social services for families and children (as against 3,080 at the beginning of 2003),**

including 793 social rehabilitation centres for juveniles, 519 social assistance centres for families and children, 350 shelters for children and adolescents, 283 rehabilitation centres for children and adolescents with special needs, 15 centres for children deprived of parental care, 16 educational and psychological support centres, 3 telephone hotline centres for psychological assistance, 330 offices working with families and children in social service centres, 778 offices working with families and children in integrated social service centres and 127 other facilities. Establishments providing social services for families and children have 1,564 in-house departments and 1,003 day-care centres, 1,690 family education groups, 631 offices for the rehabilitation of children with special needs, 1,173 offices for the prevention of child neglect and 433 telephone hotlines. **In 2009, 4,390,700 families and 6,465,700 children were beneficiaries of social services, and social service establishments for families and children provided various forms of social services more than 192 million times.** Notwithstanding the slight decline in 2009 in the number of educational and psychological support centres, the number of social and psychological services rendered grew by 15 per cent.

186. In 2007 a system of social contracts (social adaptation agreements) was gradually introduced as a way of providing targeted social assistance to disadvantaged families. The social contract is based on the idea that a number of obligations arise for recipients in exchange for social assistance from the State. A programme of action for the parties to the contract, which is designed to help disadvantaged families escape poverty, is elaborated by social workers, account being taken of the category of the applicant (for families and children, the obligation of the parents to find employment and the obligation of the children to go to school and receive an education). Measures under the social adaptation programme include the active search for employment through the intermediary of a State job centre, employment services (occupational training and career guidance), support for self-employment initiatives and individual household plots, voluntary treatment for alcohol or drug addiction, renovation of housing and household buildings, and preparations for the autumn and winter heating period.

D. Standard of living (art. 27, paras. 1–3)

191. **Families with children account for 54.6 per cent of all households with income below the subsistence level. (Families with children make up 34.6 per cent of all households.) Families with children account for an even higher proportion of the poorest households (with disposable income less than half the subsistence level), namely 65.9 per cent.**

193. Parents and guardians who are taxpayers are entitled to a tax deduction for expenses associated with a child's upbringing. Expenses actually incurred over the year for daytime education of children until the age of 24 and for foster children until the age of 18 are deductible, with a cap of 50,000 roubles per child. Taxpayers may also deduct all expenses incurred for the treatment of their children in a Government-approved medical establishment, including medicine prescribed by a physician, and contributions for voluntary health insurance agreements.

X. Special protection measures

A. Children in situations of emergency

1. Refugee children (art. 22)

232. A problem persists with regard to children who leave their country of origin, including the countries of the Commonwealth of Independent States (CIS), without authorization and have arrived in the Russian Federation. In cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the Russian Federation is preparing a programme for the return of refugees, including unaccompanied children, to their country of origin in the context of the stabilization of the domestic political situation in the principal countries of origin of the refugees. Government authorities and non-governmental organizations are also working with UNHCR to reunite unaccompanied children in the Russian Federation with their parents or relatives in other countries. In 2009, 125 children who had left CIS countries without authorization and had come to the Russian Federation were returned to their country of origin. Russian NGOs and international organizations, such as the Russian Red Cross and the representation of UNHCR in the Russian Federation, actively assist refugee children (see also paragraph 108 of this report).

2. **Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)–(d))**

240. If in the course of a preliminary criminal investigation of a minor or moderately serious offence it is ascertained that the child can be reformed through compulsory educational measures, such measures may be taken, which include a warning, placement under the supervision of parents, guardians or a specialized government body, an obligation to make good for the harm done, restrictions on leisure time and behavioural constraints.

241. Several compulsory educational measures may be imposed on a juvenile offender simultaneously. A juvenile offender who has committed a minor or moderately serious offence may be released from punishment by the court and placed in a special closed reform school operated by the Department of Education. Juvenile offenders may be held in reform school until the age of 18, but for no longer than three years. If a court finds that a juvenile offender no longer needs to be subject to this measure or has contracted an illness which stands in the way of detention and education at the reform school, the placement of that juvenile offender in the reform school is discontinued until the end of the period set by the court.

242. **In 2009 there were 61 special closed reform schools in the Russian Federation and 36 special open reform schools for instructing and rehabilitating juveniles between 11 and 18 years of age who have**

committed socially dangerous acts but are not subject to criminal liability or release by a court. That same year, there were 3,300 juveniles in special closed reform schools, 1,600 (45 per cent) aged 11 to 14 and 1,800 (55 per cent) older than 14. There were 2,900 children and adolescents aged 8 to 18 in special open reform schools. The age of juveniles in open reform schools has declined: in 2009, 871 children, or 29 per cent, were between 8 and 14 years of age, and 2,063, or 70 per cent, were older than 14.