



Consideration of the Combined 4th and 5th Periodic Reports of the
Russian Federation
by the

Committee on the Rights of the Child
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65th pre-sessional Working Group, 17-21 June 2013

Joint Alternative Report from:

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International Catholic Child Bureau, ICCB.

Introduction

In 2011, the Russian Federation presented its fourth and the fifth periodic reports (CRC/C/RUS/4-5) on the implementation of the Convention on the Rights of the Child covering the period from 2003 to 2009.

The International Catholic Child Bureau (ICCB) and its partner organization, “Malenkaya Strana – Mi est” would like to acknowledge and commend the recent positive developments in the Russian Federation. Indeed, on June, 1, 2012, President Vladimir Putin signed the National Strategy of Actions in the Interests of Children which contains a number of positive priorities, including pressing issues of concern expressed by the CRC in its previous concluding observations to the Russian Federation.

Nonetheless, one year after, the National Strategy has suffered from a lack of effective implementation despite the commitment from high level officials.

ICCB and its partner organisation would like to submit to the attention of the Committee some recommendations. In accordance to the expertise and priority areas of our partner, this contribution is focused on three thematic issues:

1. Sexual abuse and ill-treatment;
2. Disability; and
3. Juvenile Justice.

I. Sexual Abuse and Ill-treatment

Few measures have been taken by the Russian government against sexual abuse and ill-treatment of children. According to official data, at least 89 896 children have been victims of abuse and exploitation in 2011. The government's choice to use repressive measures namely increased sentences for perpetrators is worthwhile but it undermined the necessity for prevention, rehabilitation and reintegration of victims. Professionals working with children victim of ill-treatment and/or sexual abuse do not receive any special training. During legal procedures, interrogations are often repeated and difficult for victims. Moreover, families are not sufficiently involved in the rehabilitation process.

Therefore, ICCB and Malenkaya Strana – Mi est recommend:

1. **To prohibit by law all forms of corporal punishment** in families, schools, work places, and alternative care settings and to carry out awareness-rising campaigns against this practice;
2. To create a federal programme of **early prevention** and rehabilitation of victims and to introduce systems of early prevention in schools with well-trained and specialised staff;
3. To introduce special measures of **protection** for children victims of sexual abuse and/or of ill-treatment and to ensure that all victims of violence have **access to counselling and recovery assistance**;
4. To develop **child-friendly complaining procedures** that do not require the consent of a legal representative and to ensure effective investigation and appropriate, time-bound actions in cases of physical, sexual and emotional abuse.
5. **To open** boarding and educational institutions **to independent public inspections** in order to prevent all forms of torture and other cruel, inhuman or degrading treatment or punishment and strengthen the capacities of their staff;
6. To ensure that **children's testimonies** are collected and recorded in a child-friendly environment and in an appropriate way by trained professionals;
7. To undertake awareness rising campaigns about negative consequences of abuses and to **promote positive parenting through** early intervention system and active parents' participation in parenting support programmes.

II. Children with Disabilities

Articles 23, 28 and 31, 1 of the Convention on the Rights of the Child are frequently violated. Children with physical or/and mental disabilities do not have the possibility to have a decent life as their "ordinary" peers and cannot enjoy their rights to education and leisure. The system of early detection for children with developmental and behavioural challenges does not exist. ICCB and its partner are deeply concerned by the fact that children with disabilities do not have access to pre-school education as the system of inclusive education is not implemented and leisure activities are not available for them. Discriminations against children with disabilities and their families are persistent and are mostly related to low income, health and education access. In addition, at least 15% of children with disabilities are institutionalised and are deprived of family environment, education and appropriate health care.

Meaningful efforts need to be undertaken to eliminate all forms of permanent communal life of children in institutions which should be only temporary and in separate family-like groups. As the process of deinstitutionalisation will certainly take time, the two organisations would like to issue the following recommendations:

1. To restore the social responsibility at the federal level and to adopt federal standards of social services in order to **prevent discrimination of disabled children in disadvantaged regions**;
2. To improve the living **conditions in institutions** for disabled children through (1) the introduction of educational facilities in all institutions for disabled children, and (2) the increase of number of well-trained, child-friendly and adequately paid staff;
3. To implement in practice the right to **inclusive education** stated in the law “On Education in the Russian Federation” of January 2013 through (1) the development of accessible environment in pre-schools and schools; (2) the training of professionals; (3) the abandon of the practice of “corrective” schools;
4. **To prevent the systematic institutionalization** of disabled children from their families by *inter alia*: (1) providing assistance and support services to parents, legal guardians or extended families through income rising, accessible education (pre-school, school and vocational trainings), counselling and home assistance; (2) support of different forms of substitute families; (3) reorganization of the social workers’ system in order to better accompany families with disabled children; (4) prevention of excessive psychiatric diagnoses, and (5) implementation of awareness rising campaigns for professional and general public;
5. To remove the new Federal Act on Tutorship and Guardianship 48 of April 2008 which abolish the practice of deinstitutionalization and **to restore and federalize the practice of “patronat family care”** experienced from 2002 to 2008 in some regions.

III. Administration of Juvenile Justice

ICCB and Malenkaya Strana – Mi est took note with appreciation of the on-going positive developments within the administration of the juvenile justice system in Russia. We commend measures towards alternatives to incarceration which are more frequent. Notwithstanding, the effective rehabilitation and reintegration measures of children in conflict with the law are still dramatically underdeveloped. Despite its successful implementation and results in some regions, the adoption of a juvenile-justice system framework is delayed because of an “anti-juvenile” movement. The recidivism among youngsters is high due to the absence of reintegration measures. Furthermore, children who committed crimes before 14 years (legal age of criminal responsibility) do not have any support, and the idea of lowering the age of criminal responsibility for minors is wide spreading.

ICCB and its partner urge the Russian Federation to take further steps to bridge current legal, institutional and operational gaps:

1. To establish specific federal procedures, courts for juvenile offenders and to train judges and law enforcement officials in order to allow those under 18 to be tried by a **specific juvenile justice system**;
2. To develop **social, education and reintegration measures** for juveniles in conflict with the law who received sentences with or without liberty restrictions;
3. To establish a **constructive dialogue** guided by the best interests of the child between “pro-juvenile justice” and “anti-juvenile justice” groups in order to find a solution respectful to national family traditions and international legal obligations to which the Russian Federation has expressed its consent to be bound by, including the Convention on the Rights of the Child;

4. To ensure that **juveniles who reach the age of majority** are held in institutions for juvenile offenders or in specialised institutions for young adults until their mid-twenties;
5. **To rise the age of the transfer of young adults** from juvenile colonies to adult prisons and to permit where they may be subjected to violence;
6. To ensure access to **legal aid, legal counsel, medical services** as well as maintaining the contact with the families during police custody and detention;
7. To develop the **restorative approach** by placing the best interests of the child as a primary consideration in all decisions concerning deprivation of liberty and, in particular, that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial.

IV. Concerns about the Russian Federation's policy towards civil society organisations

ICCB and Malenkaya Strana – Mi est are concerned by current policies towards civil society organisations in the Russian Federation.

The law that has been passed in 2012 on “Non-Commercial Organisations Performing the Function of Foreign Agents” requiring non-governmental organizations which received funding from abroad to register as foreign agents and submitted to onerous reporting, is against international human rights defenders’ standards.

In addition, Dima Yakovlev Law, which bans US-funding for NGOs carrying out activities vaguely defined as “political” as well as the amendments to the Criminal Code expanding the definition of treason to such activities as public opinion polling, legal aid, and human rights monitoring, is incompatible with Russian international obligations, including the provisions of the UN Convention on the Rights of the Child.

The recent inspections along with official rhetoric stigmatising NGO work create an atmosphere of uncertainty for Russian civil society. Russian current policies are undermining national NGOs activities and have direct consequences on beneficiaries.

ICCB and its partner urge the Russian authorities:

1. To immediately **remove** the above-mentioned laws;
2. To create a national committee to **foster dialogue** between government and civil society representatives.