

To the UN Committee on the Rights of the Child

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Russian NGOs' "Alternative Report – 2013"

Comments to the State "Consolidated fourth and fifth periodic report of the Russian Federation on the implementation of the provisions of the Convention on the Rights of the Child"

Accompanying Letter

4 March, 2013

Dear Sirs/Madams,

According to the Article 45(a) of the Convention on the Rights of the Child we - Russian non-governmental organizations working in the interests of children - submit to the Committee on the Rights of the Child this "Alternative Report – 2013" - Comments to the State "Consolidated fourth and fifth periodic report of the Russian Federation on the implementation of the provisions of the Convention on the Rights of the Child", which covers the period 2003-2009. However in this "Alternative Report – 2013" we included comments to the important events of 2010-2013 and following the structure and logic of the State Report tried to enlighten the updated situation.

We confirm the permission to distribute the "Alternative Report – 2013" in any open for public way, including electronic database of NGO reports that have been submitted to the Committee on the Rights of the Child. And of course members of the Committee may refer to this source during their discussion with the Government of Russia. "Alternative Report – 2013" will be published in Russian original soon and will be distributed among responsible official departments and personalities and also among public. The members of the Coalition plan to participate in the Working group meeting with members of the Committee on the Rights of the Child.

In addition to the "Alternative Report – 2013" we prepared Comments to fulfilment by Russian Federation of the CRC's Concluding Observations – 2005 (CRC/C/15/Add.274) (attached below).

The same as it was done in previous Alternative Reports in 1998 and 2005 we conclude the "Alternative Report – 2013" with a Chapter "Our Proposals of Reforms" which collects in a concise form the basic ideas elaborated during last years by plenty of NGOs - those are NGOs from many regions of Russia united in the Coordinating Council of NGOs on Affairs of Children with Disabilities, unions of many-children families, All-Russia Movement "For Affordable Pre-School Education for Russian Children", etc.

We tried to do our best to follow the "Main points" of CRC Guide for NGO reporting.

On behalf of NGOs - authors of the "Alternative Report – 2013" (List of the Coalition is attached):

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“Alternative Report – 2013” by the Coalition of Russian NGOs Comments to the State "Consolidated fourth and fifth periodic report of the Russian Federation on the implementation of the provisions of the Convention on the Rights of the Child"

Abstract of the Alternative Report - 2013

“Alternative Report - 2013” (AR-2013), finally drafted in February-March 2013, reflects:

- on the one hand the promising events of the 8 years (2005-2013) after the previous Russia’s Periodic Report when priorities of protection of rights of children, of childhood, family and demography became the first line of the Russia’s political agenda;
- on the other hand the paradoxical failure to transform this top level attention into the practical system reforms, including the implementation of the CRC’s recommendations.

In particular that time President of Russia Vladimir Putin in his Annual Message to Parliament on 10 May 2006 for the first time in New Russia’s history paid special attention to the above named priorities sharing to it 30% of time of the Message – with the emphasis on the task of deinstitutionalization: he ordered to increase payments to foster families (this was fulfilled beginning from January 2007) and he said: “I order to Government to elaborate mechanisms which will permit to decrease number of children living in institutions”. However this was not fulfilled and Russian system of institutional care of children is yet intact. Thus on 28 December 2012 he, as a present day President of Russia, repeated this Order in President’s Decree # 1688 (see comments to item 22 below).

Also Dmitry Medvedev in the years (2008-2012) of his Presidency repeated not a once demands on creation of effective modern system of protection of childhood in Russia (“which we don’t have at all so far”, – as he put it in 2009) and on creation of the federal coordinating entity in this field; and he again, being now a Prime-Minister, repeated it in February 2013. However this demand, which exactly corresponds to recommendations of the CRC’s ‘Concluding Observations – 2005’ is not fulfilled yet.

The same controversial situation is described in AR-2013 as regards to the establishment of juvenile courts, of the system of public inspections of children’s institutions, of inclusive education. The same is true in the fields of the continued guardianship bodies’ ‘industry’ of destroying families/production of orphans, in combatting violence to children and abuse of diagnoses of child’s mental disability, in solution of the problem of geographical disparity, in solution of painful housing, nutrition, kindergarten and nurseries problems, etc. – In every field there is top level attention and lack of effective remedies.

On 1 June 2012 President of Russia signed National Strategy of Actions in the Interests of Children which incorporates many positive priorities including those outlined in the CRC’s Concluding Observations – 1993, 1999, 2005, and which also may be called the ‘family saving’ document. The first hand practical steps for its implementation are partly listed in the Conclusion of AR-2013 “Our proposals of Reforms”. Thus there are great hopes for real reforms in favor of children and family now in Russia, however there is also the great resistance to it (see item ‘e’ in the Attachment).

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Comments to Chapter II «General information concerning the Russian Federation»

To item 8:

Comments on child demography. In 1980-th in the Former USSR on the territory of the present Russian Federation 2.2 million babies were born annually in average which corresponded approximately to the population replacement rate. In 1990-th in new Russia during 10 years of social-economical crises only 1.2 million babies were born annually (that is why total number of pupils in Russian 11-form schools was equal to 23 million 10 years ago and is equal to 13 million now). In 2000-th because of certain economical stabilization and introduction in 2007 of the so called ‘Mother Capital’ there was stable increase in the birth rate and in 2012 for the first time in 20 year children population of Russia increased as compared to the previous 2011 year by 266 thousands (from 26.251 million in 2011 to 26.517 million in 2012).

However an inevitable problem of ‘deficiency of mothers’ will raise in the nearest future because in 5-10 years the girls born in 1990-th will reach their active reproductive age, and

there are twice less of them than of those who were born in 1980-th and who provide increase of the birth rate now. Thus to prevent the dramatic old-aging of Russia the best conditions for the child birth must be created now which was not a once outlined by President Vladimir Putin, including in his Annual Message to Parliament on 12 December 2012 ('to come out from demography crises we must support many children families creating better housing conditions and creating possibilities for mothers to combine the birth of the child with their normal labor', – said President). Unfortunately now these words are just a dream, and Russian reality is not favorable so far for the child birth – see next comments.

To items 15, 16:

Present socioeconomic situation of Russian families with children undermines attempts to improve demography situation:

Housing. There are 2.5 million families in the regional Waiting Lists for improvement of housing conditions, and even more families in difficult housing situation which are not included in these Waiting Lists under different artificial pretext. The time of waiting for "improvement" is 10-20-30 years. And there are no hopes at all for families with children without permanent residence registration, including many-children families (many of them lost their registration and dwelling with Courts' Decisions – according to new Civil Code and Housing Code of Russia adopted in 2005 which permitted eviction of the children onto the streets – cf. Comment to item 290 below). Meanwhile Government takes rather weak measures like 'social mortgage' (11 % per annum however which makes it impossible for majority of families) or provision of the land plots to many-children families (plots are as a rule in a far off districts with no social or transportation structure, and only small percent of families possess income sufficient to build house there).

Meanwhile President Putin signed on 7 May 2012 Decree # 600 which may prove to be a strategic turn in solution of the painful housing problem – it ordered to Government and Heads of regions to create to January 2013 the fund of affordable rental housing. In January 2013 representative of Administration of President stated that this Order of President was not fulfilled at all, and in February 2013 President Putin ordered to create the targeted Council under President of Russia on Affordable Housing. At the same time non-governmental organizations and experts united under umbrella of Civic Chamber of Russian Federation elaborated in September 2012 the Program called "Housing Saving Belt" which simple measures permit to create quickly the needed fund of affordable rental housing (see Concluding Chapter "Our Proposals of Reforms"). Now the problem is to make this program to be heard and implemented.

Nursery (for kids younger than 3 years old) and kindergartens (3-7 years old). The necessary for resolving demography problem 'possibilities for mothers to combine the birth of the child with their normal labor' (see quotation by President Putin in comment to item 8) is unre-

alizable so far since there is 2-million children Waiting List to kindergartens and there is no system of nurseries at all. The problem dramatically increased because of growth of the birth rate in last years and the problem was not a once stressed by President and Government. As a result situation improved in some regions, including Moscow, however All-Russia Waiting List is only growing. In this situation the strong Civil Society Movement “For Affordable Pre-School Education for Russian Children” was formed and becomes stronger and stronger.

Poverty and malnutrition. There are 54.6 per cent of Russian families with children which income per capita is below the subsistence level; and 65.9% from them belong to poorest group of families with children which per capita income is less than half of subsistence level (item 191 of the State Consolidated Report). In practice this means the chronic malnutrition of millions of children. Also there is wide dramatic malnutrition of pregnant women which results in the birth of deceased and weak babies (this problem was discussed at the Hearings in State Duma on February 4, 2013 organized by vice-speaker Lyudmila Shvetsova). The general reason of this problem is in the price of staple foods which is above the possibilities of the family. The price is 400-500% artificially raised by resellers monopolists – the problem was not a once announced by President Putin without visible follow up. Introduction of the Food Cards for Poor was not a once proposed by NGOs, by the Civic Chamber of Russia, by different officials. However it is still discussed. Also the Minister of Agriculture Nikolai Fedorov announced in February 2013 that in 2015 the Program of Social Nutrition will be realized in Russia.

Comments to Chapter III «General measures of implementation»

To items 18-21, 23-40:

The Acts listed in these items were real positive steps, including introduction of maternity (family) capital (item 35).

To items 22:

The Federal Act # 48 08 24 April 2008 on Tutorship and Guardianship was a dramatic step back in the deinstitutionalization process which developed in 2000-2008 as pilot experience in many regions of Russia.

This pilot experience used new form of foster care called ‘patronat family care’ which is actually ‘foster care under social umbrella’ (or perhaps it may be called ‘therapeutic foster care with a care plan’). The key point was the participation in the Agreement on placing the child from institution into foster family of the social center (in pilot experiments these were the orphanages wherefrom child was moved to family care) which shared parental responsibility with the foster family. It was also important that these orphanages were authorized by local authority child protection (tutorship and guardianship bodies) to provide family support services

to biological families and to support them in family reunification and if that did not work, to prepare a child for an alternative family placement, to find, assess and train foster families, to match children with new prospective families taking into account best interests of the child, and to provide a step-by-step monitoring of placements and an after-placement support. As a result, practically all inmates of institutions, including children with disabilities, HIV/AIDS infected children, teenagers etc. were placed out with well trained and supported foster families and thus, almost 95% of all children were brought up in new families or returned home. Breakdown rates were very low even though placements were arranged for all children of any age or health status. Orphanages where this form was applied became empty from their inmates and thus began to work as Support Centers for patronat families and children living in these families in community. This form was established in some 43 regions (constituent entities of Russian Federation) including Moscow by the regional laws. It was an exponential growth in numbers of Russian regions which implemented such pilot schemes and adopted its regional legislation in favor of it, from 1 region in 1994 to 8 in 2000 and to 43 in 2008. In 2008, patronat pilot centers placed about 5500 children annually. Not all of these centers were working ‘in a right way’ and used all range of services needed for the child and his biological or new foster families, some of them were limited in possibilities to arrange the long-term placements or with their rights to work with all categories of children in need. But that was a stage of gaining of an experience and of exploring different ways in practice development and to explore what worked and what did not work in child protection and family placements.

The hope was that the new Federal Act on Tutorship and Guardianship will generalize this regional best practices at the federal level and thus will trigger the overwhelming deinstitutionalization all over Russia. However the legislators did something opposite: new Act banned participation of social center responsible for the child living in the foster family and hence it banned the center as participant of the Individual Agreement on placing the child to the family care. Thus Federal Act # 48 of 24 April 2008 abolished this best practice deinstitutionalization experiment of Russian regions. As a result all such centers have been closed down or became ordinary orphanages again. All their trained and experienced staff was fired and was no longer used or even sometimes not allowed to work for the governmental services. It should be mentioned that the same MP who initiated adoption of this ‘anti-deinstitutionalization’ Federal Act in 2008 was also an author of the Addition to the ‘Dima Yakovlev Act’ (December 2012) which put a ban to the US adoption from Russia.

To item 41:

About problems of the unaffordable preschool education see in the comments to items 15, 16.

To item 42:

On the 1 September 2009 President Dmitry Medvedev issued the Decree on establishing

the position/office of the Presidential Commissioner for Children's Rights, with the same Decree Alexei Golovan' (who was that time in the position of the Moscow Commissioner for Children's Rights) was appointed to this federal position. And in 4 months with another President Medvedev's Decree Alexei Golovan' was changed to Pavel Astakhov without any explanations. In 3 years (2010-2012) Pavel Astakhov essentially strengthened the network of regional Commissioners for Children's Rights. The following drawbacks of this system, which also show the ways to its possible improvement may be pointed out:

- regional Commissioners are appointed by regional administrations which contradicts the very idea of independent monitoring of observation of children's rights;
- the cooperation of the Office of Presidential Commissioner for Children's Rights with independent human rights, specifically children's rights institutions is so far underdeveloped;
- perhaps because of it the vitally needed system reforms were not promoted yet by the Presidential Commissioner for Children's Rights, and Program "Russia – without Orphans" presented by Federal Commissioner in February 2013 being quite positive in its declared priorities and goals does not include the practical steps and decisions needed to realize these priorities and goals – thus it is not a Program but a collection of 'declarations on intentions'.

To item 44:

State Consolidated Report truly says that Committee's Concluding Observations have been posted in internet and were publicized and discussed in periodicals and specialized journals. But State Report does not say that they were never discussed in Government, Ministries, in the Parliament, there were not a single Hearings dedicated to CRC's recommendations in any federal or regional State branches of power or bodies, including the Office of Presidential Commissioner for Children's Rights during more than 3 years of its existence beginning from September 2009.

Comments to Chapter V «General principles»

To item 51 (B. Best interests of the child (art. 3))

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, but however, it is not applied in practice and there are no legal mechanisms for the use of this principle.

The terminology such as the "best interests of the child" or "child developmental needs" are not legally defined in Russian laws. The Child protection state entities (tutorship and guardianship bodies) are assessing primary children's needs as general physical safety, and do not assess the emotional and psychological needs such as attachments or contact and do not

take these into accounts while making their decisions.

Russian law does not contain a definition of ‘the desired outcomes for the child’ and no one decision-making body (such as commissions for minors, or guardianship bodies, or courts) is responsible for meeting the child’s developmental needs nor for the general outcomes for the child which this child will have due to the decisions made to ‘protect’ this child.

The ‘Anti-juvenile justice’ public campaign (see item ‘e’ in the Attachment) is actually aimed to change the principle of ‘best interests of the child’ for the superiority of the rights of the ‘family’ (i.e. adults or the parents) over the rights of the single child.

To items 54 (and 183):

Social services for children and families with children. There are three main problems of existing social system in Russia which make it of low effectiveness:

1. Social work is not organized in a way of planned and targeted case-management and is not directed on providing services at the place of living of citizens and families (i.e. at home). Because of it difficult life situation of the family (e.g. disabled child living at home) is resolved as a rule by taking the person, child in particular, from home – to shelters and social institutions for disabled ones, and boarding schools, or to substitute families (if substitute family comes to difficult situation then the child again is transferred somewhere, but no assistance is provided, no rehabilitation work with family itself is performed).

2. Social work is monopolized by State departments and their centers. There are no ways to direct budget support to non-governmental social initiatives – on equal competition with State departmental centers.

3. There are no federal minimal standards of social services and their quality. The disparity between regions (constituent entities of Russian Federation) is huge, and Federal Act # 122 from the August 2004 made it impossible to establish federal standards and rules in providing social services.

In 2011-2012 the draft of new Federal Act “On the Foundations of Social Service in Russian Federation” was elaborated by Ministry of Labor and Social Protection and beginning from June 2012 after new Government was formed by newly elected President Vladimir Putin and thanks to direct Order of new Vice-Premier Olga Golodets the elaboration of this draft-law is performed in close cooperation of Ministry of Labor with Commission of Civic Chamber of Russia on Social Politics and with huge pool of NGOs formed under umbrella of the Commission.

At present (February 2013) the draft-law is finalized and already agreed in Governmental structures, in March 2013 Government must submit it to State Duma.

This Draft-Law hopefully will resolve the above named problems of Russian social system. In particular it regulates providing of social services at the place of living (it is specially stated that social services to families with disabled children are free of charge) according to the individual programs and in a form of case-management, and it incorporates the mechanisms of

competition of different providers (including NGOs) of social services who realize the individual programs.

Also the mechanisms of independent monitoring and estimation of quality of the services are supposed which result will be taken into account in decision making of the choice of provider of services – which hopefully will stimulate the increase of quality and better work of all the social system.

Surely the Act is not passed yet and even if will be passed without its deterioration the big work of its proper implementation waits in future.

To Items 55-60/ C (“The right to life, survival and development”)

The right for the development is not observed sufficiently well as such an indicator is not used in Russian legislation nor used in practice. Developmental needs of the child are not assessed by the commissions for minors, or the guardianship bodies, or the courts and are not considered by decision-makers and social services providers. These bodies do not have any direct responsibility for such outcomes for the child.

Also, the new Federal Act “On Education in Russian Federation” (December, 2012) has limited dramatically a free of charge access to basic developmental stimulation for all Russian children.

Comments to Chapter VI «Civil Rights and Freedoms»

To items 80-88 “Access to information”:

Federal Act # 436 from 29 December 2010 “On protection of children from information threatening to their health and development” came into force on 1 September 2012. This is important positive step first of all because this Act establishes the mechanism of independent and impartial (hopefully) expertise of the information products. The necessity in this Act was huge because Russian children were absolutely unprotected from harmful information (pornography, cruelty and murders, drug instructions, suicide instructions etc.). But how this Act will show itself in practice will be seen in future (to this moment certain cleaning of media and internet took place).

To item 91 (“The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment”):

Real life situation shows that monitoring by the procuratorial authorities or by Federal or regional Commissioners are insufficient to prevent the violations of rights of children in children’s institutions. There is vital need in establishing the system of public inspectorate (see comments to items 132-133 below).

Comments to Chapter VII «Family Environment and Alternative Care»

To items 100-105 “Separation from parents”:

The annual number of new children deprived of parental care went down in the last few years from 127 thousands in 2006 to 83 thousands in 2012. This positive decline happened without any change of social system which as always does not have a task of restoring work with vulnerable families. The absence of this task shows itself in a number of children returned to their parents during a year which is extremely small - less than 10% from newly revealed children deprived of parental care.

To items 111-124 “Children deprived of a family environment”:

Summing up the data of Table 27 attached to the State Consolidated Report it is easy to see that in 2003 there were 477.4 thousand children permanently living in different children’s institutions, whereas the same number in 2009 was equal to 371.7 thousand children. This decrease well fit to the general decline of children population of Russia.

From the total huge numbers of institutionalized children only 25% are children officially acknowledged as orphans (80% from this 25% are social orphans with their parents alive but deprived of their parental rights by the Courts). 75% of inmates of Russian children’s institutions are so called “parental inmates” given by their parents under care of State “temporary”, as it is permitted by the Article 155-1 of the Family Code of Russian Federation.

Most of this 75% are so called “children with limited possibilities of health” (or children with special needs and disabilities), however there are plenty of children voluntarily given by their parents to the State institutions because of poverty, impossible living conditions, or by socially vulnerable parents (alcoholics etc.) who were ‘advised’ by authorities to write their Request on temporary placing of child under care of State and who are asked to revise this Request annually.

Authorities are interested to limit the number of inmates officially acknowledged as orphans because ‘parental inmates’ have no benefits which Federal law demands to provide to official orphans. On the other hand consolidated budget expenses, those are mostly expenses of budgets of regions, for every inmate of institution (let it be orphaned or ‘parental’ child) are approximately 40.000 Euro per year (this includes not only current budget of institutions but all expenses of capital repairing and construction of institutions and also the cost of different special programs in favor of orphans). Thus annual budget for care of 370 thousand inmates of Russian institutions approaches 15 billion Euro. This is enormous Corporation with institutionalized children instead of gas or oil.

Children permanently living in institutions are brought up without knowledge of such fundamental categories as ‘home’, ‘family’, ‘meaningful adult’, ‘private space’. Not to mention most terrible social internats for mentally disabled children which many inmates are victims of excessive psychiatric diagnoses. The first task is deinstitutionalization of care and reorganization of these institutions. Russia had this best practices experience which was abolished by the

Federal Act # 48 from 24 April 2008 “On Tutorship and Guardianship” – see comments to item 22 above.

To items 125-129 “Adoption”:

Although the Russia-USA Agreement on inter-country adoption was signed in 2012, the ‘Dima Yakovlev’ Federal Act of 28 December 2012 cancelled this Agreement and put a ban to adoptions from Russia to USA which is the most inhuman manifestation of the ‘Anti-West’ bias (see item ‘e’ in the Attachment) and is the mass scale violation of the top principle of the Best Interest of the Child (hundreds of children already ready for adoption and waiting for it were locked by this Act in Russian children’s institutions). It is sad to say that Presidential Commissioner on Children’s Rights Pavel Astakhov actively supported the violation of rights of children established by this Federal Act.

To items 132, 133 “Periodic review of placement”:

In Russia, the child care planning is not defined or regulated by the law and is not used in practice. It was introduced in patronat system but partonat was destroyed in 2008 together with its planning and monitoring parts (see comment to item 22 above). The child protection (guardianship) bodies do not have the duty to fulfill the ‘periodic reviews of placements’ which means that they are responsible only for a formal control over these placements, and in fact such a control is quite formal and covers assessments only of some general things such as actual accommodation, food and sanitary conditions. The most dramatic is the absence of any reviews of placement of children to the institutions.

Existing tools of supervision of observation of rights of inmates of children’s institutions enlisted in this item of the State Consolidated Report are evidently insufficient. The newest fact revealed in February 2013 by Investigation Committee of Russian Federation: in one of Orphanages in Syberia the older inmates raped the younger ones regardless of gender, and this system of active hetero- and homo- sexual abuse existed during 10 years.

It is evident that CRC’s recommendation (Art. 44-45 of the September 2005 Concluding Observations to Russia’s Third Periodic Report) to establish the public inspectorate of children’s institutions is one of most needed.

The draft Law on independent public inspections of children’s institutions was elaborated by human rights activists in 2010, it was supported by Civic Chamber of Russia, by Federal Commissioners for Human Rights and for Children’s Rights and most importantly – it was supported not a once by President Dmitry Medvedev. The final version of this draft law essentially improved by the top legal experts in Administration of President was introduced by President Medvedev to State Duma on 27 December 2011. And State Duma quickly passed it in the First Reading on 16 March 2012. However the Second Reading scheduled to the end of July 2012 did not happen until now (February 2013) because this draft law was severely attacked by the so called ‘Anti-Juvenile’ movement (see item ‘e’ in Attachment). On 18 June 2012 85

thousands signatures under Appeal to President Vladimir Putin and to Speaker of State Duma Sergei Naryshkin to stop the adoption of this Law were given to State Duma in 97 boxes. Thus the consideration of the Law was postponed. In September 2012 the same 'Anti-Juvenile' Movement collected 141 thousands signatures under Appeal to President Putin to stop this Law. However on 28 December 2012 President Putin signed the Decree # 1688 "On support of Orphaned Children" where he demanded to pass the Law on independent public inspectorate of children's institutions as soon as possible. But on 9 February 2013 President Putin unexpectedly visited the big Meeting of the 'Anti-Juvenile' movement and in his 15-minutes talk there expressed opinion that the draft law on public inspectorate of children's institutions is controversial and "perhaps it must not be adopted at all" (see also item 'e' in the Attachment).

Comments to Chapter VIII «Basic health and welfare»

To items 144-158 "Children with disabilities":

In May 2006 Commissioner for Human Rights of Russian Federation issued the Special Report "On observation of rights of disabled children in Russian Federation" (<http://www.osoboedetstvo.ru/rights/ibase/prt-001.html>) which priorities were based in particular on the CRC's Concluding Observations – 2005 (CRC/C/15/Add.274). Unfortunately most of the problems outlined in this Report are not resolved until now - during 7 years after its publication and submission to President and to Government of Russia.

To item 152:

The most dramatic remains the violations of rights of children (22.300 in 2009 according to the Consolidated State Report 4-5) – inmates of 'Social care institutions for mentally disabled children' (the Consolidated State Report calls these institutions 'boarding schools' which is not correct since they are not schools at all). These institutions are not educational facilities, although in some of them the Special (corrective) schools of the VIII type for mentally disabled children were established after 2007 (which was motivated by recommendations of the CRC's Concluding Observations – 2005 lobbed here in Russia by the members of Coalition of the "Alternative Report - 2005"). However in practice this 'education' is quite formal and these social institutions do not have sufficient qualified personnel even for elementary development of disabled inmates. The senseless children's life for years 'as a vegetable' – is usual practice in these institutions. And according to the Reports of Prosecution Offices the bedrooms in these institutions are overcrowded which is the drastic violation of the State Health Rules demanding the bed-room for 2-3 child, not more. This deprives children of the personal space and self-regulation of the psychological and physical distance from others, including the need for temporary seclusion. Also there are so called 'mercy rooms' in these institutions for 'bed-inmates' acknowledged as 'uneducatable' (they are about 50% of inmates).

But the most shocking and continued during many years is the practice of excessive diag-

noses of mental disability which locks for the ‘life-sentence’ (after reaching 18 years old *сршДВКУТ*-inmates are automatically moved to adults’ internats for mentally disabled) in these institutions the orphaned children with no mental disability, who were just underdeveloped and being unprotected by parents were stamped with heavy psychiatric diagnoses and were directed to these institutions by so called Psychology-Medico-Pedagogical Commissions.

As to the 1272 special (corrective) boarding schools accommodating 142.400 children with special educational needs – most dramatic is the fact that those are places of permanent child’s life, although most of inmates are not orphans. Thus exclusion of children with special educational needs from regular schools results in their mass institutionalization.

The Russian system of the institutional care of children must be radically reformed – see Concluding chapter “Our proposals”.

Absence of necessary social, psychological, medical, educational, legal assistance to families with disabled children is the acute problem. Perhaps it will be resolved by the new Law “On the Foundations of Social Service in the Russian Federation” (cf. Comments to item 54 above and item ‘i’ in the Attachment) which was drafted in close cooperation with and participation of the Commission on Social Politics of Civic Chamber of Russia and Coordinating Council of NGOs on Affairs of Children with Disabilities. In this draft law which must be introduced to State Duma in March 2013 it is said that social services (in a wide sense of word) must be provided to families with disabled children free of charge and mostly at the places of their living (at home). Hopefully this will put an end to the dreadful institutionalization of children with disabilities.

To item 154:

Another essential violation of rights of children with special educational needs, including children with disabilities, is their continued educational segregation. In the above named Special Report of 2006 by the Human Rights Commissioner of Russia it was stated that 200 thousand of children with disabilities did not receive any education (Consolidated State Report 4-5 does not give this information at all). Most of these children live at home, and there are no system of professional support of families with disabled children, and parents are not provided with possibilities to educate heavily disabled children living at home.

Certain priorities of inclusive education are included in the new Federal Act # 273-FZ “On Education in Russia Federation” adopted finally on 31 December 2012. But there is a long way in future to implement these principles in practice which is difficult also because this controversial Federal Act preserved the traditional rules of EXclusion of pupils from regular classes in case they do not cope with the obligatory educational program.

Also the discrimination of children with disabilities and necessity to equalize the opportunities for persons with disabilities are the problems which must be resolved in the nearest future since Russia ratified in May 2012 the UN Convention on the Rights of Persons with Disabilities.

To items 168 “B. Health and health services”: HIV and children.

Regardless of the taken measures the epidemic of AIDS in Russia grows: number of registered HIV-infected persons equals to 720.000, among them there are 6000 children below 15 years old.

Yes, there is essential positive trend in preventing vertical mother-to-child transmission. However feminization of the AIDS epidemic results in growing number of pregnant HIV-infected women: 16.972 in 2011, in average there are 13.000 children born by HIV mothers annually; all in all there are 84 277 children born by HIV mothers in Russia (data by Federal Centre HIV/AIDS by the end of 2011). In average there are about 13.000 children born by HIV mothers annually in Russia; about 3-5% of them prove to be HIV-infected. This figure is small but it must be zero after all.

The main problem in organization of preventing the mother-to-child transmission is the geographical decentralization because of the Federal Act # 122 from 2004 (cf. items ‘a’, ‘b’ in the Attachment). There is great disparity between different regions of Russia in providing the breast-milk substitutes, the antiretrovirals etc. Also the migrants, including pregnant women, are mostly deprived of necessary preventing therapy and assistance.

In general Russia does not have so far the National strategy of preventing HIV/AIDS epidemic.

To items 179-196 “Social security and childcare services and facilities”, “Standard of living”:

On social services (item 183) – see comment to item 54 above.

On housing (items 185, 187) – see paragraph one in comments to items 15, 16.

On preschool establishments and nursery (item 188) – see paragraph two in comments to items 15, 16.

On poverty of families with children (item 191) – see paragraph three in comments to items 15, 16.

Comments to Chapter IX «Education, leisure and cultural activities»

To items 197-211 “Education”:

In January 2010 that time President of Russia Dmitry Medvedev approved the National Program “Our new school” which incorporated the best experience of individual approach (inclusive education), of plural development of pupils, of “school – fit for children”, and even of school – fit for children’s parents who can fruitfully and interestingly spend there together with their children the out of lessons leisure time.

And also in January 2010 the draft of new Federal Act “On education in Russian Federation” was elaborated in the Ministry of Education and – obeying the order of President – was

presented to public for discussion and critics. This draft-law was many times strongly criticized by Civic Chamber of Russia, by NGOs and experts – first of all because it ignored the basic priorities of President Medvedev’s Program “Our new school”. After all there were 4 versions of this draft-law which was finally submitted to State Duma, adopted there and signed by President Putin on 31 February 2012.

This Federal Act is rather controversial since on the one hand it contains important innovative approaches (even inclusive education is declared) and on the other hand it preserved the traditional rules which make it obligatory to exclude the pupil with special educational needs. Now a lot of work is waiting for us to monitor and lobby the implementation of good priorities of new Federal Act “On Education in Russian Federation”.

To item 198:

The wide practice of closing of small schools in rural districts results in violation of right of the child to learn closely to the place of residence.

To items 212-225 “Leisure, recreation and cultural activities”:

Interesting for children and developing children leisure, recreation and culture ‘out of lessons activities’ are the main tools to hold children and young people from misbehavior, crime, alcohol, or drug addiction. State Consolidated Report does not tell about main problems in this field which are:

1) Schools are not interested to have high quality supplementary education and prefer to fire the specialized teachers of the out of lessons activities and in this way to increase the salaries of regular teachers.

2) The financial support of supplementary establishments out of schools (Houses of Children’s Creativity, Sport sections etc.) is, according to the federal law, the responsibility of municipalities with their extremely poor budgets (whereas financial support of schools is the responsibility of the regional budget); as a result there is dramatic decay of the municipal systems of children’s leisure activities in last 10-20 years – only those establishments survive which take money for their services.

Because of it millions of children from poor families are deprived of possibilities for leisure, recreation, culture and sport activities.

Comments to Chapter X «Special protection measures»

To items 235-238 and 256-266 “Administration of juvenile justice”, “Social reintegration”:

Yes, Russian Criminal Code became much more humane to children delinquents in the last years. Sentences not connected with deprivation of freedom became an ordinary practice of the Courts. This makes more and more important the creation of the effective rehabilitation

system. This problem is connected with necessity of effective interdepartmental coordination of the individual work at municipal level (see item ‘c’ in the attachment) and reforming of social system (see comment to item 54 of State Consolidated Report).

The extremely dangerous draft law is discussed now in Russian governmental structures: they consider possibility to lower the age of criminal discretion from 14 years old (now) to 12 years old. Hopefully this law will not be passed.

To item 237:

The punishments listed in this item not connected with restrictions of liberty are not accompanied as a rule by the additional social measures of rehabilitation, socialization and restoration as it is accepted in the countries with developed system of juvenile justice and as CRC, the Beijing Rules, the Riyadh guidelines recommend. The dramatic consequences are the repeated crimes with deprivation of freedom in the end.

To item 239 “Administration of juvenile justice”:

Juvenile courts. Yes, establishment of specialized procedures, presence at the trials of the social workers, and special ruling of juvenile courts addressed to local authorities had led to a significant decrease (10 times and more) in the minors’ crime recidivism in Rostov region. And this pilot juvenile justice experience was implemented in some courts of 50 regions of Russia. Also Plenum of the Supreme Court of Russian Federation in its Decision from February 01, 2011, having analyzed the practice of work of the pilot juvenile courts, acknowledged the importance of continuation and wide distribution of this work.

And at the same time there is paradoxical situation of the many years delay of adoption of package of laws on establishing in Russia of juvenile courts. The “Anti-Juvenile” events of 2012-2013 supported at the high level of power perhaps are the explanation of this delay – see in more detail items ‘e’, ‘t’ in the Attachment.

To items 240-254 “Children deprived of liberty”:

The direct result of humanization of punishment of children delinquents is the decrease of number of children sentenced to deprivation of freedom or arrested during the investigation. At present (1 January 2013) there were 2300 children serving their term of deprivation of freedom in 46 corrective colonies. This number is 10 or more times less than 10 years ago.

To item 245

The adoption of the 2008 year standard named in item 245 (the obligatory transfer from juvenile to adults places of deprivation of freedom the young convict who reaches 19 years old) is directly contrary to item 3.3 of the Beijing rules, which involves the desire of countries-signatories to apply the principles of juvenile justice to young adults. Thus, a huge number of young adults immediately on reaching the age of 19 are sent to adult penal colony, where as a

rule, they become an object of much more hard pressure by the adult inhabitants of these colonies, or are forced to behave aggressively in order to “survive” in more severe conditions of the criminal adult environment, which negatively affects their ability to further successful reintegration into society.

It must be noted that before the introduction of this 2008 amendment to the Law on Penal Enforcement Code, the young adults were held separately from children and separately from adult offenders, that has helped to preserve socializing atmosphere for them.

Also this new rule created problems in juvenile penal colonies themselves because the older child-inmates anticipating their transfer at their 19 years to the adult criminal environment try to adopt themselves to it in advance which creates great problems for teachers and tutors in juvenile penal colonies.

To item 251:

The proper level of social support and of preparation for release of juvenile offenders is absent and very often is limited to the “accompanying to the bus”. This is a specific manifestation of general incapability of the present Russian social system for planned and targeted case-management (cf. comment to item 54).

To Chapter X (“Special measures of protection”): Babies in custody.

There are now 796 babies and small (below 3 years old) children of women in custody living in 13 Baby Homes at the same territory of women isolation centers. Their mothers are given possibility to contact their children only for 1 hour per day. This is quite harmful for babies (contact of baby with mother during first 8 months of baby’s life is absolutely necessary for normal development). And this does not help social rehabilitation of their mothers. The custody must be organized in a way when mothers and their children may live together under tutorship of responsible personnel.

To item 290 (Chapter X “Special measures of protection”).

When parents divorce, the parent - owner of a residence (often it is father) have a right to sell the apartment “together” with his former wife and his own children, who after that become homeless. This legal possibility was introduced in 2005 in the federal legislation by Article 292 of the Civil Code of the Russian Federation and by the Article 31 of the Housing Code of the Russian Federation. And during 8 years after adoption of this laws thousands of children were evicted “to nowhere” or to improper dwellings in rural districts with decisions of the Courts which in turn must follow the Law and are incapable to refuse the child’s eviction. (Cf. item ‘h’ of Attachment).

Conclusion: Our Proposals of Reforms

1. Elimination by the Law of any forms of the permanent communal life of children in institutions. Realization of this priority demands:

1.1. Creation in all children's institutions, and wider – in all social establishments, of the 'Family support divisions' with the following tasks:

- Strengthening the restoring work with biological families, including extended families;
- Legal, organizational, psychology-pedagogical support of any forms of substitute families (this is the formula from the paragraph 1 of the President Putin's Decree # 1688 from 28 December 2012);

- Ad hoc search and preparation of potential substitute parents.

1.2. Introduction in the federal legislation of the form "substitute professional family", including patronat family care (see Comments to item 22 above).

1.3. Establishing in the Article 155 of the Family Code of Russian Federation that life of children in any institutions must be temporary and must be organized only in the separate family-like groups with permanent (24 hours per day) "tutors-parents" (in case of babies in custodies these must be the babies' biological mothers – see comment above).

2. Development of the social orphanhood preventing work directed at preservation of the biological family. Realization of this priority demands:

2.1. Radical reform of the tutorship and guardianship bodies who work now as executors of the families; their work must be incorporated by the Law in the planned case-management restoring work with vulnerable families.

2.2. Adoption of the innovative Federal Act "On the Foundation of social service in Russian Federation" which establishes in particular:

- home oriented assistance to children and families in the difficult life situation;
- planned case-management principle of organization of social assistance;
- competitive approach in the selection of providers of social services supported by budgets, with admission to this competition of the non-governmental socially important professional initiatives;

- introduction of the new form of social service "dwelling with social support" (about social dwelling see Proposal # 4 below) alternative to institutionalization, or to leaving child or young adult in helpless situation (it is often necessary for children who graduated from institution, for offenders after release from custody, for persons with disability...).

3. Inclusive education must be implemented which demands:

3.1. Strengthening its legislative base.

3.2. Realization of the Federal Program of reforming of regular schools and kindergartens to inclusive educational facilities with gradual transfer of part of children from corrective (special) schools to regular schools prepared for their studying.

3.3. Special Psychology-Pedagogical Centers must be established in every district with a task to help schools to implement the inclusive education.

3.4. Radical reforming of the presently quite formal work of the Psychology-Medico-Pedagogical commissions which work must be incorporated by the Law into the work of named in 3.3 above Special Psychology-Pedagogical Centers. (This will hopefully put an end to the abuse of misdiagnoses of mental disability for the ‘educational segregation’ purposes).

4. Realization of the “Dwelling Saving Belt” Program which main priorities are:

4.1. Creation of the socially important fund of apartments with immediate measure of the state long-term rent of apartments from private owners. (This immediate measure is motivated by the helpless dwelling situations of thousands of homeless orphans, of many-children families, of families with disabled children, etc.).

4.2. Realization of the Federal Program of the quick industrial construction of the ‘rent houses’ available to the families with low income (those are most families with children); social grants assisting the rent by the socially vulnerable groups. There are all conditions necessary for development of this Program: building plots equipped with needed infrastructure; quick-construction industry; money of potential investors. To realize the Program only the top Political Will is needed.

4.3. Responsibility of the federal budget of Russian Federation for the rent-assisting grants for the vulnerable children and families with children not possessing permanent residence.

5. Nutrition of poor children and pregnant mothers.

Realization of the Federal Program ‘Food for Poor’ which incorporates in particular:

- opening of food markets for Russian farmers;
- introduction of the ‘food cards’ for poor.

6. Available kindergartens and nurseries. The measures to reach this goal:

- again (like in Proposal 4.2 above) creation of the favorable conditions for quick industrial construction of kindergartens;
- developing of a system of certified ‘home nurses’;
- establishing by the Law of the essential responsibility, up to resignation, of officials responsible for the ‘eternal’ Waiting Lists to kindergartens.

7. Juvenile courts. Adoption of the laws which introduce special juvenile courts into the Court System of Russian Federation.

8. Geographical disparity. Adoption of the amendments to the Federal Act # 122 from 2004 which restore – in correspondence with Constitution of Russian Federation – the social responsibilities of the federal center, including the establishment of the federal standards of social services.

Attachment:

To the “Alternative Report – 2013” by the Coalition of Russian NGOs - Comments to Russia’s State “Consolidated fourth and fifth periodic report of the Russian Federation on the implementation of the provisions of the Convention on the Rights of the Child” (SR-4&5¹)

February 2013

**Comments by the Coalition of Russian NGOs to the Russia’s fulfillment of the
“Concluding Observations of the Committee on the Rights of the Child: Russian Federation”,
CRC/C/15/Add.274, adopted at the 1080-th meeting, 30 September 2005**

Comments to “C. Principal subjects of concern, suggestions and recommendations”

C.1. GENERAL MEASURES OF IMPLEMENTATION

a) To the Art. 7, 8 of the Concluding Observations (CO-3). Coalition of Russia NGOs again regrets together with Committee that some of the concerns and recommendations repeated in CO-3 after CO-2 (CRC/C/15/Add.126) have not been sufficiently addressed, inter alia those concerning children with disabilities, non-discrimination (in particular discrimination of children and families with children - citizens of Russia not possessing permanent residence registration is at hand), administration of juvenile justice, etc. as well as have not been sufficiently addressed some of concerns and recommendations made in CO-3 (CRC/C/15/Add.274), inter alia those concerning geographical disparity between Russian regions and absence of national standards, absence of the coordinating entity for the implementation of the Convention on the Rights of the Child, absence of mechanism to collect data within the national statistical system on vulnerable children, absence of system of preventing measures to avoid separation of children from their family environment, absence of mechanisms for independent public inspections of children’s institutions, absence of the inclusive education, absence of standards of living guaranteeing the right of children from economically disadvantaged families for adequate housing and nutrition.

Corporal punishment in schools and institutions is strictly prohibited in Russia by the Law. There is no law prohibiting it in the family, as well as there is no long awaited law “On preventing the violence in the Family”. At the same time Criminal Code of Russia assumes essential punishment for cruel treatment and violence against children in the family although this is difficult to apply. As to the physical or sexual violence, torture and abuse – the new Body, Investigation Committee of Russian Federation (IC RF) established in 2006, has a special task to reveal and to investigate these violations of rights of children in families, in institutions or in police. Information regularly given by IC RF is shocking, the

¹ SR-4&5 – State Russia’s Consolidated fourth and fifth Periodic Report on the implementation of the provisions of the Convention on the Rights of the Child;
AR-2013 – Russian NGOs “Alternative Report – 2013” – comments to SR-4&5;
CO-3 – September 2005 CRC’s Concluding Observations to the Third Russia’s Report to CRC.

problem is in the absence of social system of early prevention and of rehabilitation. Another tool to reveal these violations of rights is Office of the Presidential Commissioner for Children's Rights established in September 2009.

b) To the Art. 9, 10 of CO-3. No comprehensive analysis of the consequences of the decentralization foreseen by Federal Law No. 122 of 2004 in order to prevent disparities in enjoyment and protection of children's rights were undertaken and no national minimal social standards for the enjoyment of rights of children in the context of the decentralization were implemented.

c) To the Art. 11, 12 ("Coordination"). No coordinating entity for the implementation of the Convention on the Rights of the Child was established yet.

Meanwhile absence of effective interdepartmental coordination in fulfilling the individual social restoring work with vulnerable children or families with children is a long term and yet unresolved problem in Russia. The special Commission on Creation of the Coordinating Body in the Field of Protection of Children's Rights with participation of representatives of Civil Society was formed in Administration of President of Russia in 2010 under chair of the Presidential Commissioner for Children's Rights. Commission worked during a year. The drafts of needed documents elaborated by this Commission on the basis of the best practices of coordination in Russian regions were presented to President Dmitry Medvedev in December 2010. It resulted in President's Order, confirmed in January-February 2011 by the targeted Decisions by that time Head of the Government Vladimir Putin and by the Security Council of Russian Federation, to transform the so called Government's Commission on Affairs of Minors and Protection of their Rights (GCAM) into the wishful Coordinating Body. According to these Decisions Chair of GCAM became Vice-Premier on Social Questions (earlier it was of lower position Minister of Interior). However no other steps to strengthen GCAM as coordinating entity were performed in 2 years after these Decisions. In particular until now only one member of the Ministry of Education and Science works for GCAM between its rear meetings.

However the important outcome of this activity was the Federal Act # 297 signed by President Putin on 30 December 2012. This Act strengthened the coordinating function of the local commissions on affairs of minors and protection of their rights, and according to this Act the new Regulations on this commissions must be elaborated to the 1 of April 2013 (at present the work of these commissions is regulated by the 1967 document of Soviet times). Hopefully those are the real steps to overcome the traditional departmental disparity in the work with vulnerable children and families with children and to create the coordinating system of protection of children's rights.

d) To the Art. 13, 14 ("Independent Monitoring Structures"). On the 1 September 2009 President Dmitry Medvedev issued the Decree on establishing the position/office of the Presidential Commissioner for Children's Rights. See in more detail AR-2013: comments to item 42 of SR-4&5.

e) To the Art. 15, 16 ("National Plan of Action / Coordination"). On the 1 June 2012 President of

Russia Vladimir Putin approved with his President's Decree the 'National Strategy of Actions in the Interests of Children for 2012-2017'. This fundamental document which covers practically all areas of the Convention was prepared in 2011-2012 in the Council of Federation (Upper Chamber of Russian Parliament) with involvement of plenty of children's rights NGOs and experts. With the same Decree President Putin ordered to the Government "to elaborate to the 1 September 2012 the Plan of Immediate Actions for realization of priorities and goals of the National Strategy". This Plan of Immediate Actions was finally approved by the Government on 15 October 2012, but paradoxically it ignored most of practical proposals by Civil society institutions and children's rights experts and did not contain any 'immediate actions' but just repeated the goals of the National Strategy referring their realization to the future 'Reports to President of Russian Federation'.

At the same time, beginning from June 2012 and until now, the huge so called "anti-juvenile" campaign was developed against the National Strategy, 141 thousand signatures were collected in September 2012 all over Russia under Appeal to President Putin to stop the implementation of National Strategy because it follows "Western juvenile principles which are alien to Russian traditions and which threaten Russian families and Russian parents in favor of abstract rights of children". The same campaign attacked the draft laws on Public Inspectorate of Children's Institutions (see item 'n' Comments to Art. 44-45 of CO-3), on restoring work with vulnerable families, on juvenile courts (item 't', Comments to Art. 84-86), and widely – it declared as 'subversive' the priorities of the Convention on the Rights of the Child. It is sad to say that Presidential Commissioner for Children's Rights made his important contribution to this 'Anti-West' bias.

The background of popularity of this campaign is in the wide population's fright of losing their children since they see the everyday destroying of families under pretext of protection of children's rights by the tutorship and guardianship bodies and by subsequent deprivation of parental rights by the Courts' Decisions. Organizers of this 'Anti-Juvenile' campaign ignore that right of the child for the family is among the main priorities of the Convention and that Russia's practice of destroying families is flourishing because Russia does not follow CRC's recommendations to introduce 'preventing measures to avoid separation of children from their family environment'. On 9 February 2013 the big "All-Russia Parents' Meeting" of the leaders of this "Anti-Juvenile" movement was unexpectedly visited by President Vladimir Putin who in his 15-minutes Talk expressed his consent with the goals of the movement. Thus the future of the National Strategy of Actions in the Interests of Children for 2012-2017 is now unclear. The same may be said about the draft laws on juvenile courts and on independent public inspectorate of children's institutions (items 'n', 't' below).

f) To the Art. 19, 20 ("Resources for children"). No measures were undertaken so far to "ensure a balanced distribution of income throughout the country in order to prevent unjustifiable disparities in availability and access of social and other services for children" (quotation from CO-3). The difficulties in taking remedies against geographical regional disparity introduced by the Federal Law # 122 from the August 2004 are in parallel with difficulties in creation of the national coordinating entity for implementation of the Convention.

g) To the Art. 20 (“Resources for Children”) and Art. 62, 63 (“Adequate standard of living”). No effective measures are undertaken “to ensure implementation of the economic, social and cultural rights of children, in particular belonging to economically disadvantaged groups” (CO-3, Art. 20). And ‘economically disadvantaged group’ is 54.6 per cent of Russian families with children which income per capita is below the subsistence level (SR-4&5, Art. 191). Because of it free of charge culture, sport etc. groups are dramatically underdeveloped, most of children from the families with low income have no access to these services.

No “targeted programs with regard to the most vulnerable groups of families in order to guarantee the right of all children to an adequate standard of living” (CO-3, Art. 63) were undertaken. And according to the Art. 191 of SR-4&5 the number of poorest (‘most vulnerable’) families with children (‘poorest’ means that per capita income of the family is less than half the subsistence level) is 65.9 per cent of all poor families with children.

The main problems of poor families with children, including many-children families, are inadequate housing and nutrition living conditions. And special problem raised at the Hearings in State Duma (Lower Chamber of Parliament) on 4-th February 2013 is the regular birth of weak and deceased babies because of malnutrition of their mothers during 9 months of pregnancy. But there are hopes for future:

- Minister of Agriculture of Russia Nikolai Fedorov declared (February 2013) that the Program of Social Nutrition for Poor will be realized in Russia beginning from 2015;
- President of Russia Vladimir Putin signed on 7 May 2012 Decree # 600 which demands the realization of program of the wide-scale building of the cheap-rent houses.

See in more detail AR-2013: comments to Art. 15, 16 of the SR-4&5.

C.2. GENERAL PRINCIPLES

h) To the Art. 24 (“Non-discrimination”). Children and their parents which do not possess / lost the permanent residence registration are essentially discriminated in plenty of their rights, including the right for dwelling guaranteed by the Constitution of Russia Federation. The deep reason of this discrimination is the Federal Law # 122 from 2004 which turned all responsibility for social wellbeing from the Russian Federation to its constituent entities (regions of Russian Federation – cf. items ‘a’, ‘b’ above on disparity because of the Federal Law # 122). Hence the citizen of Russia, including child, who ‘is not attached’ to any region with their permanent residence registration is essentially discriminated in his/her rights. In particular these citizens or families can not be included in any regional program of improvement of housing conditions and there are no federal programs of this type.

It must be added that according to the new Civil Code and Housing Code of Russian Federation from

2005 the owner of the dwelling is given right to sell it “together with” permanently registered inhabitants, including children, even including the owner’s own children after divorce with their mother (or father) who is not the owner of dwelling, - without providing any alternative dwelling. In this cases these inhabitants, including children, including pregnant women..., are deprived by the Courts of the right to live in the sold dwelling and are deprived of their permanent residence registration there – hence they must ‘go to the street’ (in practice to the extremely expensive rented private dwelling) and enter the discriminated group described above.

i) To the Art. 28, 29 (“Right to life”). The new Body established in 2006 - the Investigation Committee of Russian Federation has a special task to investigated all heavy crimes against children, including infanticide, sexual violence etc. Active work of this Body during 6 years revealed the system problem: incapability of Russian social system to provide necessary preventive measures. Investigation Committee reports that because of it there are many cases on infanticide or child suicide when all responsible local authorities knew well about difficult situation abuse or cruel treatment in the family or institution and did not take any preventive measures during even year or longer.

At present the new Law “On the Foundations of Social Service in Russian Federation” is drafted in close cooperation of Ministry of Labor and Social Protection, of Civic Chamber of Russia and of NGOs – members of the “Alternative Report - 2013” Coalition in particular. Hopefully this Law will turn Russian social system to preventive work (see in more detail in AR-2013: comments to items 54 and 183 of SR-4&5).

j) To the Art. 28, 29 (“Respect for the Views of the Child”). “Participation of the Children” – this is the Title of one of five Chapters of the ‘National Strategy of Actions in the Interests of Children for 2012-2017’ approved by President Vladimir Putin on 1 June 2012. However the future of this National Strategy is unclear at the moment – see item ‘e’ above.

C.3. CIVIL RIGHTS AND FREEDOMS

k) To the Art. 32-37 (“Torture and other cruel, inhuman or degrading treatment or punishment. Corporal punishment”). As it was said in items ‘a’, ‘i’ above the Investigation Committee of Russian Federation has a special task to reveal and investigate the cases under consideration and to prosecute and sanction those committing acts of torture, violence, inhumane or degrading treatment against children.

However the programs for the recovery and social reintegration of the victims are still in the stage of planning and are not implemented yet.

Also the mechanisms for children to file complaints are essentially underdeveloped and are of the local pilot nature. In fact these mechanisms must be an element of the preventing and recovering social system which perhaps will be built soon – see item ‘i’.

About corporal punishment see item 'a' above.

C.4. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

l) To the Art. 38, 39 (“Children deprived of their family environment”). On 10 May 2006 in his Annual Appeal to Parliament that time President of Russia Vladimir Putin made an Order to Government and Heads of Russian regions: “To elaborate mechanisms which permit to decrease the number of children living in institutions”; he also ordered to increase essentially payments to foster parents. (It must be noted that “Alternative Report - 2005” was given to President Putin personally in Kremlin on 4 November 2005 and later not a once main priorities of the CRC’s Concluding Observations were reported to him). Additional Budget allocations were included in the Federal Budget – 2007 and in subsequent years for the increased payments to foster parents.

However first President’s Order “to elaborate mechanisms...” was not fulfilled and more of that – Federal Act # 48 of 24 April 2008 On Tutorship and Guardianship strictly prohibited the best practice of active deinstitutionalization developed in Russian regions in 2000-2008 (see AR-2013: comments to item 22 of SR-4&5). Now the same Order ‘to create mechanisms...’ was repeated by President Putin in his Decree # 1688 from 28 December 2012: “Government and Heads of regions must create mechanisms of the legal, organizational and psychology-pedagogical support of citizens who decided to be a substitute parents for orphaned child.”

m) To the Art. 40-43 (“Adoption”). The secrecy of adoption is still there being established by the Law and being protected by the Criminal Code of Russia; and there is no Law which makes it obligatory to open fact of his/her adoption to the child.

The system of accreditation of foreign adoption agencies was created and works successfully.

About Russia-USA Agreement on adoption and subsequent ban of adoption to USA see AR-2013: comments to item 125-129 of SR-4&5.

n) To the Art. 44-45 (“Periodic review of placement”). See AR-2013: comments to items 132-133 of SR-4&5.

C.5. BASIC HEALTH AND WELFARE

o) To the Art. 49-50 (“Children with disabilities”). The discrimination of children with disabilities is still there in Russia. This means:

- Educational segregation, not inclusive, but exclusive approach: child who can not cope with obligatory program automatically, according to the Law, is moved to special classes or special boarding school; the worst educational discrimination is practiced in social internats for mentally disabled children where there are about 20.000 inmates and which are not educational facilities at all.
- Lack of assistance at home and easy placement to Boarding schools and internats.
- Lack of accessible environment

In more detail see AR-2013: comments to items 144-157 of SR-4&5.

C.6. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

p) To the Art. 64, 65. New Law “On Education in Russian Federation” was adopted in January 2013. It bears some new priorities which potentially open possibilities for development of inclusive education and for improvement of vocational training. However it is a long way to implement in practice the good priorities of this Law.

On the other hand Article 65 of this Law states the 4-5 times increase of parent’s payments for the care of child in kindergartens which is a strong blow to Russia’s demography situation and will deprive millions of children of pre-school education which is guaranteed by the same Law. On the problems of pre-school education see also AR-2013: Comments to Art. 15-16 of SR-4&5.

Commercialization of leisure (different developing and sport) activities made them unaffordable for millions of children from economically disadvantaged families which are incapable to pay for this work with their children (the data on poverty see in item 191 of SR-4&5 and in AR-2013: comments to items 15, 16 of SR-4&5).

C.7. SPECIAL PROTECTION MEASURES

r) To the Art. 74-77 (“Street children”, “Drug abuse”). The measures taken during last years practically eliminated the problem of the homeless street children. However there are plenty of children without necessary care who spent in the streets the essential part of their life. The numbers are not fixed but the measures needed to improve the situation are evident: to reorganize social system and social facilities to the assistance to families with children in difficult life situation (the grounds to hope for improvement are in the draft law “On the Foundations of Social Service in Russia Federation”, cf. items ‘i’ ‘o’), to make leisure activities affordable for all (see item ‘p’), etc.

The same may be said about drug abuse among children. The dramatic absence of the social preventing work changing to better and more interesting all environment of life of the child makes the problem of drug addiction of minors more and more acute.

s) To the Art. 78, 79 (“Sexual exploitation and sexual abuse”). As it was said, in 2006 the Investigation Committee of Russia Federation (ICRF) was founded, which task among others is to investigate

all cases of sexual violence or abuse of children. The reports presented by ICRF are shocking, its work reveals the huge scale of the problem. The difficulties in the work of investigators:

- absence of cooperation with social system capable to fulfill the preventive work or to assist in rehabilitation of victims of sexual violence and sexual abuse;
- dramatic lack of expert laboratories capable to make quick analyses needed for impartial investigation.

t) To the Art. 84-86 (“Administration of juvenile justice”). The pilot experience of introduction of juvenile courts in Russia developed, and there were special Decisions of Supreme Court of Russia from the 1 February 2011 in favor of developing of juvenile justice. However in October 2010 State Duma again declined in the Second Reading the Laws proclaiming introduction of juvenile courts in the Courts’ System of Russian Federation and there were no attempts to pass these Laws after that. The political reason for this many years delay is the active ‘Anti-Juvenile’ movement with its strangely strong influence at Kremlin (see items ‘e’, ‘n’).

Meanwhile suspended sentences and conditional release are applied more and more active which is a positive trend.

The permanent problem is in the incapability of the present Russian social system for social accompanying measures for minors – delinquents. As it was said above the grounds of hope for improvement may be in the new Law “On the Foundations of Social Service in Russian Federation” which draft was elaborated together with NGOs and Civic Chamber of Russia and which must be introduced to State Duma by the Government in March 2013.

C.9. FOLLOW-UP AND DISSEMINATION

u) To the Art. 88, 89. Unfortunately in 2005 – 2012 there were no special events in the Government or Parliament where recommendations of CO-3 were discussed. Also they were never discussed in provincial (regional) Governments or Parliaments. The basic reason for this indifference is the absence in Russian Federation the Federal coordinating entity (body) responsible for implementation of Convention on the Rights of the Child, cf. item ‘c’.