



Global Initiative to
**End All Corporal Punishment
of Children**

**BRIEFING ON RUSSIAN FEDERATION FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD,
PRESESSIONAL WORKING GROUP – June 2013**

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

This briefing describes the legality of corporal punishment of children in the Russian Federation. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations on the issue, the Government’s acceptance of relevant recommendations during its UPR in 2009 and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:

- **in its List of Issues for the Russian Federation, raise the issue of corporal punishment of children, in particular asking what measures have been taken towards explicitly prohibiting corporal punishment in the home and other settings?**
- **in its concluding observations on the Russian Federation’s fourth/fifth report, recommend that legislation is enacted to explicitly prohibit corporal punishment in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

1 The Russian Federation’s report to the Committee on the Rights of the Child

1.1 The fourth/fifth state party report to the Committee on the Rights of the Child does not mention corporal punishment of children.

2 The legality of corporal punishment of children in the Russian Federation

2.1 *Summary:* In the Russian Federation, corporal punishment is unlawful as a sentence for crime; it is considered unlawful in schools and penal institutions but is not explicitly prohibited in those settings; it is lawful in the home and in alternative care settings.

- 2.2 *Home (lawful)*: In 2010, the Ministry of Justice stated that provisions in the Family Code – including article 54 protecting the child’s dignity, article 56 protecting the child from parental abuse, article 63 under which parents are responsible for their children’s upbringing and development and article 69 providing for deprivation of parental rights on grounds which include physical and mental violence against children – and the provisions on crimes against children in the Criminal Code amount to legislation prohibiting corporal punishment of children.¹ However, while article 65 of the Family Code 1995 states that “in exercising their parental rights, parents have no right to harm the physical and mental health of children, their moral development” and “ways of raising children should exclude dismissive, cruel, degrading treatment, abuse or exploitation of children” (unofficial translation), there is no explicit prohibition of all corporal punishment in childrearing. There is no evidence that provisions against violence and abuse in Federal Act No. 124 on Basic Guarantees of Children’s Rights 1998 (amended 2009), Federal Act No. 48 on Tutorship and Guardianship 2008, the Criminal Code 1996, the Administrative Offences Code 2001, the Federal Act on Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency 2003 and the Constitution 1993 are interpreted as prohibiting all corporal punishment in childrearing.
- 2.3 *Schools (unlawful)*: Corporal punishment is unlawful though it is not explicitly prohibited. Article 56(3) of Federal Education Act No. 3266-1 1992 states that grounds for dismissal include “the use, including the single use, of educational methods involving physical or mental abuse of the student’s personality or physical violence against the student” (unofficial translation).
- 2.4 *Penal system – sentence for crime (unlawful)*: There is no provision for judicial corporal punishment in criminal law.
- 2.5 *Penal system – disciplinary measure in penal institutions (no explicit prohibition)*: Corporal punishment is considered unlawful but there appears to be no explicit prohibition. Children in conflict with the law have legal protection from violence under the Penal Enforcement Code 1992, the Federal Act on Fundamentals of the System for the Prevention of Child Neglect and Juvenile Delinquency 2003, Federal Act No. 103 on the Detention of Persons Suspected or Charged with the Commission of Offences 1995 and Federal Act No. 76 on Public Oversight of Respect for Human Rights in Detention Facilities and Assistance for Detainees 2008.
- 2.6 *Alternative care settings (lawful)*: Act No. 3185-1 on Psychiatric Care and Guarantees for the Rights of Citizens Receiving Such Care 1992 states that the provision of care must be humane and must respect human and civil rights but it does not explicitly prohibit corporal punishment. There is no prohibition of corporal punishment in other care settings.

3 Recommendations by human rights treaty bodies and during the UPR

- 3.1 *CRC*: The Committee on the Rights of the Child first expressed concern about corporal punishment of children in the Russian Federation, and recommended its use in institutions be ended, in its concluding observations on the second report in 1999.² The Committee reiterated its concerns in its concluding observations on the third report in 2005 and

¹ 10 November 2010, Letter to Council of Europe Commissioner for Human Rights Mr Thomas Hammarberg

² 10 November 1999, CRC/C/15/Add.110, Concluding observations on second report, paras. 28, 29 and 30

recommended explicit prohibition of corporal punishment in the family and alternative care settings.³

3.2 *UPR*: The Russian Federation was examined in the first cycle of the Universal Periodic Review in 2009 (session 4). No recommendations were made specifically concerning corporal punishment of children, but the Government accepted recommendations to “develop and carry out the whole range of measures for the practical implementation of provisions of the Convention on the Rights of the Child” and to “pursue its action plans to protect the rights of the child and of the family”.⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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³ 23 November 2005, CRC/C/RUS/CO/3, Concluding observations on third report, paras. 7, 36, 37, 46 and 47

⁴ 3 March 2009, A/HRC/11/19, Report of the working group, paras. 85(33) and 85(39)