

To the UN Committee on the Rights of the Child

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Russian NGOs' Alternative Report Comments to Russia's Federal "Third Periodic Report on Realization in Russian Federation of the Convention on the Rights of the Child in 1998-2002"

Accompanying Letter

10 February, 2005

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 - Comments to Russia's Federal "Third Periodic Report on Realization in Russian Federation of the Convention on the Rights of the Child in 1998-2002", which was presented to the Committee in 2002. In this Alternative Report we did not limit ourselves by comments to Federal Report written more than two years ago, but following the structure and logic of the Third Federal Report tried to enlighten the updated situation.

We confirm the permission to distribute this Alternative Report 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. This Alternative Report will be published in Russian original soon and will be distributed among responsible official departments and personalities and also among public. Two of members of the Coalition plan to participate in the Working group meeting. We also have a pleasure to inform that public event – Hearings dedicated to the upcoming “Russian” meeting of CRC in September 2005 are already scheduled for June 2005.

In addition to Alternative Report – 2005 we prepared Comments to fulfilment by Russian Federation of the Committee's Concluding Observations – 1999 (**attached as separate document**). Like it was done in the previous Alternative Report – 1998 the Alternative Report – 2005 is also finalized by the concluding Chapter “Our Proposals” which this time are however much more detailed and elaborated. We tried to do our best to follow the “Main points” of CRC Guide for NGO reporting; the only violation is the size of the Report, which we sincerely apologize for. NGOs – authors of the Alternative Report possess so rich information that it proved to be impossible to reduce it artificially eliminating most essential points. Actually chapters of the Alternative Report dedicated (1) to children with disabilities, (2) to children-refugees, migrants and internally displaced children and (3) to children in system of justice on affairs of minors may be considered also **as separate special reports**. The detailed Table of contents will be helpful hopefully.

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February 2005

Alternative Report – 2005 by the Coalition of Russian NGOs Comments to Russia's Federal "Third Periodic Report on Realization in Russian Federation of the Convention on the Rights of the Child in 1998-2002" (FR-3¹)

Abstract of the Alternative Report - 2005

The main message of this Alternative Report – 2005 is as follows: except for certain positive steps, in particular in criminal and criminal-procedure laws with regards to minors, most of recommendations of the UN Committee on the Rights of the Child first formulated in 1993, repeated in 1999, as well as new Committee's recommendations of 1999, are not implemented in Russia until now. There is no juvenile courts so far; effective mechanisms of consideration of complaints about violence towards children and other infringements of children's rights as well as "preventing system" capable to cope with these problems are not created yet; de-institutionalization of care of orphans remains a dream whereas population of children's institutions is stably growing; the laws and rules favoring the wide participation of civil initiatives in social work in the interests of family and children are not adopted; problems of children with disabilities, of children in custody are still there, etc. (See also **attached** "Comments to fulfillment by Russian Federation of the Committee's Concluding Observations – 1999"). More of that: in 2004 the package of laws was adopted proclaiming decentralization of responsibility for protection of rights of children in Russian Federation; the responsibility is transferred to the discretion of authorities of every of 89 Russian region, and no federal standards were established - see comm. to items 16, 186-199 of FR-3 (pp. 7-8, 25-27 of this Alternative Report). In this way State-Party Russian Federation is now disintegrated to 89 "social principalities" which perhaps will write 89 chapters in the "Forth Periodic Report on Realization in Russian Federation of the Convention on the Rights of the Child in 2003-2007".

Demographic and other statistical data presented below in the Alternative Report – 2005 show that Russia pays terrible price for non-fulfillment of recommendations of the UN Committee on the Rights of the Child. The contents of this Alternative Report shows also that there is no need to comment separately the Russia's fulfillment of the "World Fit for Children" Declaration by the UN General Assembly Special Session on Children, 8-10 May 2002.

Chapters of the Alternative Report – 2005 dedicated to children with disabilities (comm. to items 186-199 of FR-3), to children-refugees, migrants and internally displaced children (comm. to items 273-283) and to children in system of justice on affairs of minors (comm. to items 292-339) may be considered also **as separate special reports**. Concluding chapter "Our Proposals" outlines the directions of future work which hopefully will be fulfilled because there are many people in Russia – in State structures, among NGOs, at the Federal level and in regions - who understand how serious the situation is and want to do good.

Note of the last moment: On February 7, 2005 President of Russia gave an instruction to support in State Duma the first one from the package of laws on juvenile justice (see comm. to items 320-322). Whether it will prove to be a real break-through we'll see in the nearest future.

¹ FR-3 – Federal Russia's Third Periodic Report on Realization of Convention on the Rights of the Child in 1998-2002.

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Comments to Chapter I «General Data of the Russian Federation»

To item 8:

According to the State report "About the situation with children in the Russian Federation. 2003" [1] (issued in March, 2004) in the beginning of 2003 number of the children's population of Russia was 30,5 millions; during 2002 it decreased in 1,1 millions preserving catastrophic demographic tendency of last 10 years. At The National Forum "Present and Future of the Population of Russia» (Moscow, November, 2004) the following data were presented: In Russia 125 children on 100 women are born (215 children on 100 women are necessary for simple reproduction of the population); now children under 14 are in 2,5 times less than pensioners; within a decade death rate among 15-19-teens has grown on 40 %; infantile death rate in one and a half-two times

higher, than in the developed countries; modern average Russian man is about 34 years old, the woman - 40 years old, women are at 10 millions more than men in Russia.

To item 14:

Not decreasing "stream of orphans from the population" (numbers of again revealed orphaned children and children who have stayed without parental care are: in 2003 - 128.950 children, in 2002 - 127.090, in 2001 - 128.075, in 2000 - 123.024, in 1999 - 113.913, in 1998 - 110.930, in 1997 - 105.534), and also scales of children's neglect and offences of minors, also speak about proceeding heavy system crisis of family in the Russian Federation and force to consider optimistic theses of the given item of FR-3 more likely as positive "declaration on intentions", instead of as the information reflecting a real state of affairs. The development of social service for family and children is completely insufficient, in particular owing to lack (and even chaos) of the law-regulation basis of so called "preventing system". Particularly: for the last 5 years laws establishing juvenile justice in Russia have not been adopted; there is no necessary legislation regulating early prevention work and possibility of social intervention to families at risk and their social accompanying; there is no proper legislation for guardianship and trusteeship activity as a whole; the legislation regulating coordinating activity of the Commissions on Affairs of Minors and Protection of their Rights is not adopted until now although this obligation of Commissions was declared by the Law in 1999; no one of federal laws stresses necessity of establishment of federal and regional Ombudsmen on Child Rights and corresponding Public Inspectorate; the federal laws guaranteeing the right of disabled children on rehabilitation and education, etc. are not implemented on a mass scale. In view of this it is difficult to perceive with optimism a phrase of the given item of FR-3 that *"the legislation on maintenance of the rights and interests of children develops, more and more efforts are applied for its implementation"*.

At the same time the major legislative innovation of the 2004 which came into force on January 1, 2005, was an acceptance of the Federal Law # 122-FL from August, 22, 2004, which essentially discharged the Russian Federation from execution of obligations of the State-participant of the Convention on the Rights of the Child (see comm. to item 16 of FR-3).

To item 15:

FR-3 describes a situation existed in 2002. Unfortunately, now, in the beginning of 2005, words by FR-3 about *"preservation of problems in the basic spheres of life of children"*, *"the disorganization of a part of families quite often connected to violence, including violence over children that conducts to neglect and offences of children, growth of social orphanhood"*, about *"an acute problem of drugs and alcohol addiction by minors"*, about a long-term problem of *"poverty of families with children"* are also actual.

On poverty: For today there are no signs of improvement of situation of poor families with children: *"In 2002 54,4 % of house ownerships, incorporating children in the age under 16, had average monetary incomes below a living wage, among them 22,8 % are lower than a living wage in two and more times"*, - the data of the Annual State Report of 2003 ([1], page 6), partially presented also in the item 243 of FR-3. It is known that Russia is very rich in its resources, it is now 3-d country in the world in its gold reserves, and it is among poorest countries in incomes of the population. The reason of poverty of the population of such a rich country may be in Russia's very low "rating of economic freedom" – place # 124, i.e. Russia is found in group of Cameroon, Indonesia and Ruanda ("Izvestia", 10.01.2005). In particular because of it socially-significant middle, small, smallest and family business is extremely underdeveloped.

To item 16:

Changes and additions to basic federal laws of the Russian Federation, including laws concerning protection of the rights and interests of children, initiated in May 2004 by the Government of the Russian Federation, unfortunately, appreciably cross out words of given item of FR-3 that the Russian Federation admit "*necessity of steady promotion in a direction of the fullest implementation of norms of the Convention and improvement of position of children on this basis ...*". These legislative innovations are summarized in two laws:

(1) Federal Law № 122-FL (so called "monetization of benefits law") which amended 115 other Russian laws; it was adopted by Parliament in Summer, signed by President of Russia on 22.08.2004 and entered into force beginning from January, 1, 2005. It is named officially "On modification in laws of the Russian Federation and a recognition some laws of the Russian Federation as invalid in connection with acceptance of Federal Laws «On modifications and additions to the Federal Law 'On general principles of the organization of legislative (representative) and executive bodies of subjects of the Russian Federation'» and «On general principles of the organization of local self-government in the Russian Federation»". And (2) Federal Law # 213-FL adopted and signed by President on 30 December 2004, which actually deprived Russian children of the right to housing (see below in this item). Now let us comment:

(1) The important innovations of the 2004 Federal law № 122-FL, repeated in many of its Clauses, are targeted at transferring of obligations of State Russian Federation on implementation of practical measures in the field of protection of the rights of children (that is obligations of State Party of the Convention) to authorities of 89 subjects of the Russian Federation – at their total discretion, without any obligatory for subjects of federation federal standards of social service of family and children and guaranteed by federal law minimal sizes of child pensions, allocations, etc. In particular, since January, 1, 2005 the welfare payments to the poor families having children, orphans' pensions, allocations to orphans living in foster families etc., many other pensions and benefits early guaranteed by the federal budget, and also establishment of standards of social service and protection of rights of children in difficult life situation, have become an obligation for subjects of the Russian Federation. This will result immediately in essential decrease of payments and of social services (because many regions have very poor budgets) and in strong disparity depending on the region of residence of the child. The only exception from this decentralization of State Party responsibility are monthly payments to children with disabilities (see below in comm. to items 186-199). Amendments connected with observation of rights of children are introduced by Clauses # 16, 53, 63, 65, 68, 81, 105, 123, 125 of the Federal Law # 122-FL; the content of these Clauses is partly clarified below in this Alternative Report in comments to items 19, 42, 71, 144, **186-199**, 222-237, 236, 238-245, 251 of the FR-3.

(2) In a vein of the destructive approach to lift maximally the State responsibility for children there are also changes in the item 4 of a Clause 292 ("Rights of members of family of proprietors of premises") of Civil Code of the Russian Federation introduced by the adopted in the end of December 2004 Federal Law # 213-FL (there are also respective amendments of the Housing Code of the Russian Federation). These changes discharged municipal governments (in this case - bodies of guardianship and trusteeship) from protection of the rights of children on their housing at transactions with premises where minors are registered in. It will lead to bulk selling of apartments, first of all by asocial parents which children, thus, appear homeless. As the Ombudsman on Human Rights in the Russian Federation Vladimir Lukin declared in June, 2004, "in the long

run it can lead to updating of unprecedented numerous "army" of homeless children". According to Alexey Golovan' – Ombudsman for Child Rights of the City of Moscow, in 3-4 years after adoption of this package of laws about 1 million homeless children will appear in the streets in Russia. The given legislative innovation comes into direct contradiction with item 1 of Clause 40 of Constitution of the Russian Federation where it is said that "Everyone has a right to housing. Nobody can be voluntarily deprived of dwelling".

Bringing in this "housing" legislative initiative to Parliament Government of the Russian Federation in the Explanatory Note specified, that its main incentive reason was to liquidate "unnecessary barriers" (i.e. observing interests of children) for developing of the market of housing. In addition proving the position, the Government of Russia asserts, that protection of the rights and legitimate interests of children is an exclusive duty of their parents, and bodies of the government have no right to interfere in affairs of family, including at transactions with apartments in which children live. Thus, the Government of the Russian Federation declares the approach which is in the direct contradiction with Clause 3 of the Convention on the Rights of the Child, ordering the State Party to provide to the child protection and care in case parents of the child do not carry out these duties. This approach also conflicts an item 2 of Clause 56 of the Family Code of the Russian Federation ("Child has the right to protection against abuse on the part of the parents ...") and item 2 of Clause 64 of the Family Code of the Russian Federation ("Parents not in the right to represent children if ..."). (See also comments to items 105, 368).

Comments to Chapter II "General Measures on Realization of Convention"

To item 18:

The Federal Law from June, 24, 1999 № 120-FL "Prevention of child neglect and juvenile crime" introduced the important concepts of "children and families in socially-dangerous situation". In view of increasing child neglect and child delinquency adoption of this law was very actual. Unfortunately, the law has not executed expectations assigned on him. Contrary: its "instant" result was a sharp increase (estimated in thousands) of number of street children (see more in detail in comments to items 173-175). About this tragic situation children's rights activists not a once addressed to leaders of the state, including President; the situation partially normalized after known Statement by President of Russia in January, 18, 2002 - then the measures reflected in item 175 of FR-3 were undertaken.

As a whole adoption of the Federal Law № 120-FL has not led yet to creation of effective system of prevention of child neglect, minors delinquency and social orphanhood, firstly, because the Law do not describe at all the mechanisms of work of this system, including mechanisms of interdepartmental coordination in individual work with children and families at risk. Though sub-item 3 of item 1 of Clause 11 of the Federal Law № 120-FL assigns this major function on the Commissions on Affairs of Minors and Protection of their Rights, but within 6 years after adoption of the Law, these three lines of the Law are not concretized by any additional Law or Regulation, whereas Commissions continue to work according to Soviet times Regulations of the 1967! The urgent demand to fill in this regulative gap is well understood; here is the quote from the July 2004 Letter by General Prosecutor Office: *"The problem of interdepartmental dissociation and weak coordination of activity of all bodies of system of prevention of neglect and offences of minors demands the solution. Public prosecutors on places should initiate development and adop-*

tion of the regional laws regulating activity of the Commissions on Affairs of Minors and Protection of their Rights " [2]. The detailed and proper regional draft-law was elaborated in 2004 in Moscow Region; the quite useful Law of Saratov Region "On Commissions..." was adopted on 31 December 2004. However every of Russia's 89 regions need effective "preventing system" which is hardly possible to built all over Russia without having standards of this construction determined by the federal laws. (See also comments to items 130-135, 165-171, 173-175, 229, 332-339).

Special comments deserves the lack of legal grounds for Early Prevention, i.e. for social intervention to families where children are still living and for social accompanying of such families ("family patronage"). All legal system of Russia, including Family Code, and also practice of State bodies and institutions are directed at isolation of child from his/her parents as the only tool to protect the child. Thus instead of fulfilling work on "prevention" the system works for to increase of social orphanhood. In the year 2001 Ministry of Education of Russia (now called "Ministry of Education and Science") directed to State Duma most important remedy to this legislative drawback: the draft-law where above mentioned "family patronage" was introduced into the Family Code, together with "patronat family" and extremely needed organizational tools of strengthening of guardianship and trusteeship bodies. But then the negative (and to our mind absolutely ungrounded) Conclusions by the Ministry of Finance of the Government of the Russian Federation followed: № 12-02-02 from 28.02.2002 and № 12-02-15 from 24.03.2004. Hence the vitally needed law still "waits" its approval by the Government.

In these Conclusions Ministry of Finance objects the possible increase in the budgetary expenses connected to a payment for the preventive "family patronage" work and for "patronage parents", but does not take into account incomparably larger economy of budgetary funds because of expected closing of children institutions in case flow of orphans from population will go down and inmates of institution will be moved to live in substitute families. It is very strange that experts of Ministry of Finances proved to be incapable to take into account well known figures: cumulative cost of the maintenance of the child in the institution of different regions is 300-600 Euro per month (with account of cost of rent and repair of the building itself), whereas to support poor family or even to pay to substitute family is 5-10 times cheaper.

(Cf. comm. to items 147, 148, 152-158).

To item 19:

The 1998 Federal law "On the basic guarantees of the rights of the child" (Federal Law # 124-FL) is, unfortunately, declarative in many respects and does not contain description of concrete mechanisms of consideration of complaints to infringement of the rights of children and tools of protection of their rights. In particular there are no indications on necessity of establishment of a position of the Federal Ombudsman on Child Rights, Regional Child Rights Ombudsmen and on necessity of creation of system of public inspectorate of observation of rights of children in children's institutions. At the same time, this Law introduced an important concept of "children in a difficult life situation" whose protection, according to Clause 15 of the Law (acting till January, 1, 2005) was the obligation of both federal authorities, and authorities of subjects of Federation. However, item 9 of Clause 105 of the 2004 Federal Law № 122-FL, described in comments to item 16, amended the Clause 15 of the 1998 Law № 124-FL to the following formulation: *"Protection of the rights of children in a difficult life situation, is carried out by bodies of the government of subjects of the Russian Federation according to the legislation of subjects of*

the Russian Federation". As a whole the 2004 Federal Law № 122-FL "cleaned" all other Clauses of the 1998 Federal law № 124-FL from any mentioning of obligations of Government of Russian Federation on protection and support of children in a difficult life situation (except for a small category of children living and educated in federal state educational institutions) – without establishing minimal federal standards of this protection and support obligatory for governments of subjects of Federation. In particular 2004 Law # 122-FL totally excluded from the 1998 Law # 124-FL its Clause 8 called "*Establishment of the state minimal social standards of the basic parameters of life quality for children*".

Thus amendments introduced in 2004 into the 1998 Federal Law # 124-FL discussed in this item of FR-3, transfer obligations on protection of rights of children in Russian Federation from Russian Federation to the discretion of authorities of each of 89 subjects of the Russian Federation. This decentralization will inevitably create unfair disparity and evidently contradicts obligations of the Russian Federation as a State Party of the Convention.

To items 24, 25:

Development of institute of the Regional Ombudsmen on Child Rights in regions (subjects) of Russian Federation is a strategic direction in creation in Russian Federation of effective system of protection of rights of children. The most valuable, when this institute is established legislatively as it has been done, for example, in Moscow (the Law of the City of Moscow № 43 from October, 3, 2001), as it was done in Samara region (2002), Krasnodar Krai (2002) and the Republic of Saha (Yakutia) (2003). Unfortunately, this institute develops insufficiently actively: in FR-3 it is spoken about 15 regions in 2002, now children's Ombudsmen exist in 18 regions, in a number of regions the post of the assistant to the regional Ombudsman on Human Rights, responsible for protection of rights of children, was established; however, regional Ombudsmen on Human Rights are still founded in less, than 30 % of 89 regions of the Russian Federation. It is possible to welcome the Statement of Carel de Rooy, UNICEF Representative in the Russian Federation and Belarus, made on January, 20, 2005, that "*the UNICEF is going to develop in the Russian Federation the work aimed at strengthening and expansion of a network of "children's ombudsmen" – regional Ombudsmen on Child Rights*". However development of this major institute in regions of Russia is essentially restrained, as it was already spoken in comm. to item 19, by the fact that this institute is not mentioned in any federal acts.

Information of FR-3 about presence of the Ombudsman on Child Rights in Chechen Republic is, unfortunately, out of date (see comm. to items 284-291).

Inspection of children's institutions. FR-3 speaks about inspections carried out by existing Regional Child Ombudsmen and also public prosecutor's offices. These checks really frequently reveal most serious violations of the rights of children - inmates of these institutions (see, for sample, [2]), although they are not too regular and are carried out as a rule with the prior notification of administration of establishment. The remarkable exception were the unexpected visits carried out in November-December, 2004 in a number of children's PNI (psycho-neurological internats) of Moscow and Moscow region by Natalia Yakovleva, the Head of Department on the Rights of the Child under the Ombudsman on Human Rights in the Russian Federation, and her employees, together with representatives of public organization "Down's Syndrome Association". (Results of these checks, which revealed gross infringements of the rights of children, will be presented in the report of Department). But as a whole the institute of Children's Ombudsmen, obviously, is insufficient for implementation of such checks on a regular basis in all children's institu-

tions. System of the public inspectorate can be good enough to protect rights of inmates of these institutions – as it was recommended in the Art. 39 of the CRC Concluding Observations - 1999. 6 years ago the draft "On public supervision over maintenance of the rights of children" was developed by children's rights NGOs. This draft-law was widely distributed in Russian regions among NGOs and authorities. Real steps on creation of such system are undertaken in Perm Region where public inspections of children's institutions were carried out earlier as pilot experiments and where in December 2004 the Perm Civil Chamber has started creation of Association of Civil Inspectors. (Cf. comm. to item 164).

To item 28:

The statement of given item of FR-3, that *"Created in the last years at a federal level the coordination mechanism (item 43 of the Second Periodic Report) proved the viability"*, unfortunately is not valid now, as the major component of this coordination mechanism - *"The Interdepartmental Commission on coordination of the works connected to realization in the Russian Federation of the Convention on the Rights of the Child"* was abolished in March, 2004 during restructuring of the new Government of Russia (see also comments to item 59).

To item 42:

Item 7 of Clause 53 of the 2004 Federal Law # 122-FL described above in comments to items 16, 19, introduced amendments to the 1995 Federal law 81-FL "On welfare payments to the citizens having children" completely eliminating the responsibility of the federal center for these payments. It established, that *"the rules of fixing and the size of monthly payments for the child are established by laws and other normative legal acts of the subject of Russian Federation"*. Again we see that 2004 Federal Law # 122-FL disintegrated State-Party Russian Federation to 89 "social estates" not responsible before UN Committee on the Rights of the Child for fulfilling of demands of Convention.

To item 53:

The result of the All-Russian Conference "Civil society - to children of Russia" mentioned in the given item of FR-3 was a creation of the same-title All-Russian Union of the public organizations working in interests of children. At the same time, development of civil social initiatives in interests of children is still essentially restrained in Russia with absence of effective mechanisms of their support. This question today is still actual, as it was 5 years ago, and it is understood in power structures as well. Here is quotation from October 2004 Talk by Marina Gordeeva, the Deputy Director of Department on Medical-Social Problems of Family, Motherhood and the Childhood of the Ministry of Health Care and Social Development of the Russian Federation: *"Today not only the administrative system is changing, but also system of budgetary financing... It is necessary to lay financial paths, which would allow to put state funds in work of NGOs. It will create conditions for development of new really multiplane social infrastructure"* [3].

About destiny of juvenile justice discussed at the Civil Forum of 2001, - see in the comments to items 320-322.

To item 59:

"The interdepartmental commission on coordination of the works connected with realization by the Russian Federation of the Convention on the Rights of the Child and the World Declaration on Maintenance of a Survival, Protection and Development of Children", which, as it is informed in this item of FR-3, organized preparation of the Third State Periodic Report of the Russian Federation to the UN Committee on the Rights of the Child, had been abolished in March, 2004 at

restructuring of the new Government of the Russian Federation.

Comments to Chapter III «Definition of the Child»

To item 62:

In addition to the positive legislative initiatives listed in the given item of FR-3 (also covered in comments to items 364-365), it is necessary to specify, that now (January-February 2005) the State Duma finishes elaborating the bill (doctors, teachers and children's rights activists insisted on it for a long time), protecting children from use of beer, i.e. essentially limiting advertising, retail and the resolved places of drinking beer by minors.

Comments to Chapter IV «General Principles»

A. Non-discrimination.

To item 69:

Adoption of the 2004 Federal Law # 122-FL (see comm. to item 16 above) will inevitably result in great disparities between different regions and hence in discrimination depending on child's place of residence; this Law violates the Constitutional principle of equality of all Russian citizens since social standards will essentially depend on the will of 89 authorities and possibilities of 89 budgets of different regions. We also pay attention that children with disabilities remain strongly discriminated group in Russia (comm. to 186-199). We also pay attention to the strongly discriminated group of HIV-infected children and abandoned children of HIV-infected mothers (comm. to 219-221).

And we want to pay special attention to the violation of basic rights of relatively small group of about 600 children in need of special protection – 0-3 years old children of mothers-convicts who live in pre-trial investigation isolators (SIZO) and in Baby Homes near the women corrective institutions. These babies and small children are not delinquents, that is why we discuss their problems in “*Non-discrimination*” Chapter and not in the Chapter “*B. Children in system of justice on affairs of minors*”. According to the Information (July, 1999, doc. № 18/10-334), given by Central Administrative Board of Execution of Punishments under the Ministry of Justice of the Russian Federation in reply to inquiry of the Ombudsman on Human Rights of the Russian Federation: “*As of 10.06.1999 in establishments of Ministry of Justice of Russia there are kept ... women with children in the age under 3 years old - 517 (children - 518)*”. In the same Information it is given the List of 10 female colonies where there are Baby Homes with 449 children living in (thus: 518 - 449 = 69 children lived with their mothers in chambers of investigation isolators of Russia in 1999). On the data for January, 1, 2003 in Baby Home at female colonies and in investigation isolators there was in general 528 children from 0 to 3 years old.

The main problem which forces to speak about gross infringement of the rights of these children is a separate residing of these children from their mothers, restriction of mothers' contact with their children for 1-2 hours a day. These children are not orphans, and the artificial separation of the child from mother in this case conflicts to the principals of Convention on the Rights of the Child and also the Family Code of the Russian Federation which clause 73 says “*Restriction of the parental rights is supposed only on the basis of decision of the court*”. Basically, the convicted

mothers separated with children, can bring to the court the claims to administration of colonies about removal of obstacles for upbringing their children. But a question is not a formal one. Little children who are torn off mother, do not develop normally, and it is unacceptable. And for convicted mothers constant residing with the child can become the important rehabilitation factor promoting returning of the stumbled woman to a normal life after release. According to a part 1 of Clause 100 of the Criminal-Executive Code of the Russian Federation the convicted mothers can communicate with the child “*during spare time*” that in any way does not contradict with their joint living with the child, certainly, under necessary control and social support.

Representatives of administration of female colonies and chiefs of State Department on Execution of Punishments (GUIN) under the Ministry of Justice basically do not object to such joint residing, but say, that there is no money for it and it is difficult for organizing. But these women and children are a drop in the sea in scale of all country, and a problem is so scandalous, that it should be solved urgently, for example, via creation for this contingent of women with their babies the specialized closed establishments in subjects of Federation as it is already done in Kaliningrad Region. Rather small prisons controlled by regional authorities and financed due to budgets of subjects of the Russian Federation – this is a strategic way of reforming Russian penitentiary system, transforming it from a punitive one (so multiplying criminality) into a rehabilitative one. And it is logical to begin such reforming from the solution of a problem of joint residing of convicted mothers with their small children.

To item 71:

Item 7 of Clause 125 of 2004 Federal Law # 122-FL (see comm. to 16) introduced an essential change to the Federal law from July, 17, 1999 № 178-FL “On the state social help”, having excluded means of the federal budget from sources of rendering of the state social help and establishing, that “*Bodies of the governments of subjects of the Russian Federation pass laws and other normative legal acts determining the sizes, conditions and the order of fixing the payments of the state social help to needy families ...*”. Thus, beginning from January, 1, 2005, this kind of the state social help to needy families with children has also ceased to be the obligation of the Russian Federation and is left at the discretion of authorities of each of 89 regions of the Russian Federation without legislative definition of the minimal federal standards of rendering of such help.

To item 72. It is difficult to agree with the statement of given item of FR-3, that “*During the reporting period the measures were undertaken directed to implementation of effective rehabilitation of disabled children and reintegration of them into society*” – see comments to items 186-199.

C. The right to life, survival and development.

To item 78 (Tragedy in Beslan):

Terrible on the scales and cruelty tragedy - mass murder by terrorists of children in the city of Beslan, the Republic of Northern Ossetia - Alania, in the beginning of September, 2004 - forces to consider critically the statement of given item of FR-3 “*In the Russian Federation the system guaranteeing of the right of the child for a life is formed ...*”. On September, 1, 2004 in the national “Day of knowledge” during solemn ceremony of the beginning of new academic year terrorists grasped school and took in hostages more than thousand children and adults. As a result of this monstrous act of terrorism 330 person (half from them children) were lost, many others were

wounded and remained invalids.

The information on this tragedy we have placed in section "*The Right to Life*", instead of in section "*Children in armed conflicts*" as we regard it is moral unacceptable to coordinate such crimes against humanity with any conflicts or others "explaining" (and in this way directly or indirectly justifying this ABSOLUTE EVIL) circumstances. The President of the Russian Federation Vladimir Putin has named two principal causes of tragedy in Beslan: the international terrorism and corruption in the Russian law enforcement agencies. We consider seriously this Statement by President of Russia. Absence of due tools of maintenance of a transparency and the accountability in activity of law enforcement agencies, power structures and special services generates corruption of such scale when the country becomes not capable to provide the right for a life of its children and adults. (See also comments to section "*The right of not to be exposed to tortures or other severe, brutal kinds of humiliating treatment or punishment*", items 117-119).

To items 81-83 (*Suicides of children and teenagers*):

Compensating the deficiency of information in FR-3 in which the data on number of children's suicides in the Russian Federation are not given, we present hear the data submitted to the "Right of the Child" NGO by the State Committee of Statistics in January 2005. According to these data, generated, as we were informed, on the official medical conclusions, in 2003 in Russia there were lost as a result of suicides:

- 8 children in age from 5 to 9;
- 355 children in age from 10 to 14;
- 2644 teenagers and young men in age from 15 to 19.

The number of suicides among children and teenagers makes from 2800 up to 3000 a year and remains constant for a number of years, that appears from the data presented in the previous 1998 Alternative report to the UN Committee on the Rights of the Child [4], and also from the Letter of the Ministry of Education of the Russian Federation from 2000 in which it is said: "*According to the state statistics, the quantity of children and the teenagers who have committed suicide, makes 12,7 % from the general number died of the unnatural reasons. For the last five years 14.157 minors committed suicide ... From suicides about 2800 children and teenagers in the age of from 5 till 19 years perishe annually, and these terrible figures do not take into account cases of unsuccessful attempts to commit suicide*" [5]. In this Letter of the Ministry of Education the data of children's suicides on some regions of Russia are cited, the analysis of the reasons of suicides is carried out among which one of the main reason is child's fear of adult violence in family and at school ("*cases of beating on the part of teachers are frequent*" [5]), and also it is named, maybe, the main system reason why this heaviest problem is not resolved: "*Bodies of system of preventive maintenance are not always guided by interests of the concrete child or the teenager, suppose a formalism, do not find out the reason and the conditions which have induced the teenager to leave a life so do not analyze in details each such concrete fact and, because of it, cannot develop appropriate system of measures of prevention and preventive maintenance of similar tragic events*" [5]. Among proposals for the decision of the problem, formulated in this Letter of the Ministry of Education, it is said, in particular, that it is necessary "*to inform immediately the Commission on Affairs of Minors and Protection of their Rights on the revealed cases of discrimination, physical or mental violence, insults, a rude treatment to minors ...*" [5]. However it is remained not clear enough who and how will "reveal" and "inform" and how Commissions suffering from shortage

of the staff and working under Regulations of 1967 will cope with this information. Thus, the solution of a problem of children's suicides comes to all the same general problem of creation of really "working" well coordinated system of early preventive maintenance focused on the concrete child. (Compare comments to items 18, 165-175).

The growth of quantity of establishments specified in item 81 of FR-3 where the specialized help to children and teenagers with suicide behavior can be provided, does not promote decrease in number of suicides and suicide attempts. That in the great degree can be explained by a low level of help, insufficient qualification of experts working in these establishments. In the Russian Federation as a matter of fact there is no system of training to knowledge and skills of suicide prevention for assisting experts of a various types. Creation of such system would be possible within the framework of the State Program of the Prevention of Suicides of Children and Teenagers. Such State program (about which necessity experts repeatedly speak) does not exist in the Russian Federation.

Comments to Chapter V "Civil Rights and Freedoms"

F. Privacy protection.

To item 105 (Canceling of protection of child's right for housing):

In the direct contradiction with provisions of given item of FR-3 where it is told, in a particular, that protection of the rights and legitimate interests of the child is carried out by bodies of trusteeship and the guardianship, changes introduced to the Civil Code of the Russian Federation by 2004 Federal Law # 213-FL (and by accompanying changes of the Housing Code) discharge bodies of guardianship and trusteeship from protection of the right of the child to housing (see comm. to items 16, 368).

H. The right of not to be exposed to tortures or other severe, brutal kinds of humiliating treatment or punishment .

To items 117, 118 (Statistics. Cases):

Tortures, severe, brutal, humiliating treatment including toward minors, are one of the most mass and painful phenomena in work of law-enforcement system of the Russian Federation. Complaints to such infringements of human rights make a significant part of the complaints, which come to the Ombusman on Human Rights in the Russian Federation, and fixed by human rights NGOs [6, 7, 8]. Russian media also often report about this issue.

In Spring 2003 Moscow human rights NGO "Committee for civil rights" made an interrogation of 1472 teenagers; from them 212 (15 %) told, that even one time in a life they were beaten by militia. In autumn 2004 Foundation "Public Verdict" (in cooperation with analytical "Levada-center") carried out large-scale research "Violence of militia over teenagers". Interrogation of 800 respondents has shown, that approximately every third (32 %) Russian teenager-man of 14-17 years old entered for the last year in different sorts of compulsory contacts with militia ("compulsory" means, that their initiator was militia) ... From them 12 % have undergone to beatings. Almost three quarters (71 %) of the Russian teenagers and their parents expect the violation of their rights on the part of employees of law enforcement agencies: *"The size of this parameter is those, that the sociologist should count this as a statistical norm of a life and consciousness of present Russians"* - authors of

this research conclude. According to other sociological researches: *"Almost half (48 %) of interrogated employees of brigades of ambulance and of traumathologic clinics in towns and cities of Russia have answered, that according to their experience most frequently - alongside with drunk - the victims of militia are teenagers and young persons; in a subgroup of workers of traumathologic clinics such answer were given by even 62 % of the interrogated"* («The Bulletin of Public Opinion», 2004, №4 (72), p. 42.). Foundation "Public Verdict" has directed results of these researches to the Office of General Prosecutor of Russia, to the Ombudsman on Human Rights, to the Commission on Human Rights under the President of Russia. On October, 5, 2004 in Moscow press conference was carried out by Foundation "Public Verdict" where results of these sociological researches on militia violence towards minors confirmed with the concrete drama facts were submitted. Also the additional information was presented at the press-conference by the human rights defending centers of some cities and regions of Russia (Kazan', Republic of Tatarstan; Ioshkar-Ola, Republic of Mari-El; Krasnokamsk Human Rights Defending Center, Perm region; Nizhny Novgorod Region etc.)

The given situation is characteristic practically for all regions of Russia, including the Chechen Republic where it is sharper owing to presence in Republic of huge quantity of employees of law enforcement bodies, power structures and special services. However, "cleansing" of youth of the city of Blagoveshchensk and neighboring villages, the Republic of Bashkiria, started by militia on the International Day of Human Rights, December 10, 2004 and proceeding within 4 days, has shown, that the Chechen Republic, probably, is not the most problem place of the Russian Federation regarding an arbitrariness of power structures. According the information from human rights activists of Bashkiria and of Moscow (in particular Blagoveshchensk was visited by Lyudmila Alekseeva, Chairman of the Moscow Helsinki Group) during these "actions of struggle against criminality" (in the wording of authorities of the Republic of Bashkiria) more than thousand young people, including minors were seized by militia in streets, in cafe, pulled out from machines, taken away from a house (as, for example, disabled minor Sergey Antipin). Hundreds arrested persons have been subjected to tortures and beatings, militiamen collectively raped the detained girls. During a few days about 400 victims with various traumas applied into hospitals of city of Blagoveshchensk, some of them will stay invalids. After the attention of the federal center (besides NGO human rights activists, Blagoveshchensk was visited by representatives of the Ombudsman on Human Rights in the Russian Federation, the Federal Ministry of Internal Affairs has declared the carrying out of special check of these events which results are not declared still) strongest pressure upon victims with a purpose to make them refuse the complaints to militia began. As human rights activists inform the book of records in city hospital disappeared. Thus, it is possible, that even in this scandalous case organizers and executors of this monstrous action will escape responsibility.

To item 119 (Necessity to overcome the monopoly of the Public Prosecutor Offices):

Unfortunately, the system of bringing to the responsibility of employees of law enforcement agencies and power structures in the Russian Federation is imperfect. For example, one of mechanisms of such unaccountability is described in the book of Human Rights Defending Center of the City of Kazan' issued in 2004 *"Tortures in Tatarstan: Scales. Facts"*, where it is underlined, that key witnesses on affairs of tortures in militia can and therefore should be employees of the medical personnel of traumatologic clinics and brigades of ambulance ("first aid"). However the acting instructions oblige them to inform only militia about the reception of patients with traces of physical

violence, thus in many cases this information about victims of violence is “checked” by the same employee of militia who perpetrated this violence.

According to item 119 of FR-3 *"In the Russian Federation there is a system of bodies of the Office of Public Prosecutor, called to carry out supervision of observance of the rights of citizens, including places of imprisonment, during militia investigation ..."*. However set of the facts speaks about inactivity of Office of Public Prosecutor in these questions: *"Public prosecutors of subjects of the Russian Federation - the Perm and Nizhniy Novgorod regions, the Republic of Tatarstan, the Republic of Mari-El did not use their authority given by the Federal Law «About Prokuratura» («On the Office of Public Prosecutor of the Russian Federation») and by Criminal-Procedure Code of Russian Federation to protect the rights of minors violated because of arbitrariness and violence in militia"*, - is said in the Appeal by Foundation “Public Verdict” directed to the General Public Prosecutor of the Russian Federation Vladimir Ustinov in September, 2004.

The Offices of Public Prosecutor (which, as a rule, aspire to help colleagues from militia to escape responsibility) according to the legislation of the Russian Federation completely monopolize the right of realization of preliminary investigation and maintenance of the state charge in the court for the category of cases connected with crimes of employees of the law-enforcement agencies. In the year 2003 human rights activists (3 of them are among authors of this Alternative Report) and legal experts formulated Proposals of the Commission on Human Rights under the President of the Russian Federation directed at liquidation of this destructive monopoly which is the deep root of the flourishing unaccountability and hence the continued abuse of power, towards minors in particular. (In formulation of Proposals the UN Committee Against Torture recommendations - UN doc. CAT/C/XXVIII/Concl.5, 16.05.2002, and recommendations of Amnesty International given in [8] were also used). These Proposals were handed to the President of Russia on December, 10, 2003 at his meeting with members of the Commission. Unfortunately, today (January, 2005) there are no signs that they have been heard. These Proposals of the Commission on Human Rights were published in [9]. (Cf. items 28-36 of the concluding Chapter “Our Proposals”).

Comments to Chapter VI “Family environment and alternative placement”

To items 122, 123:

There is no doubt, that development of plural services of social, medical-social, psychological-pedagogical assistance to family and children is a strategic direction of work in decision of the heavy problems of family and the childhood in Russia. Such opinion is shared as far as we know also by the Ministry of Health Care and Social Development of the Russian Federation and the Ministry of Education and Sciences of the Russian Federation. Unfortunately, the results achieved in this direction, does not correspond to scale of existing problems, first of all owing to absence of due coordination, disorganization of all system of preventive maintenance (see also in comments to items 14, 18, 130-135, 173-175, 229, 332-339). Besides, the role of the Federal Ministries specified above in definition of a real politics in this field will, apparently, be essentially decreased after coming into force on January, 1, 2005 of the Federal Law № 122-FL, removing the Federal center from the responsibility for rendering social help to children in a difficult life situation (see comm. to items 16, 19).

B. Parental responsibility

To items 124-129:

The information presented in these items of FR-3, does not correspond to a theme of the section "parental responsibility"; the certain information on this theme is given in items 124, 133, 171 of FR-3. The changes to the Administrative Code of Russian Federation specified in the item 133 of FR-3 really raise the size of fines imposed for non-fulfillment of parental duties; this measure, however, did not prove its efficiency. The question on punishment of parents is rather ambiguous, toughening of punishments can hardly help preservation of family within conditions of practical absence of the due social help and support. There are proposals proceeding now from some deputies of the State Duma, to introduce the criminal responsibility and to sentence for considerable terms of imprisonment the parents, not fulfilling their parental duties. Implementation of these proposals in modern conditions of crisis of family will lead only to mass increase of prisoners in Russia, and correspondingly to sharp increase of number of social orphans. Adoption of such a severe measures once again may prove to the world, that Russia traditionally remains the police state, not capable to help the fellow-citizens, but capable only to punish them.

C. Separation from parents

To items 130-135:

Unfortunately, separation from parents (temporary withdrawal of the child from the family or deprivation of parental rights - see also item 167 of FR-3) remains the basic measure on protection of the child whose rights are violated by parents. Statistics of last years shows that about 50% new annual orphans loose their parents because of their deprivation of parental rights by the courts; in 2003 there were revealed 60734 new orphans of this category. The system of early preventive maintenance, i.e. *"individual preventive work with parents or other legal representatives of the minor"* (item 131 of FR-3) including when the child still lives in problem family, and also system of restoration for the child of the broken communications with parents, in Russia is not actually created yet, except for positive encouraging examples of the organization of work in some Russian regions and municipalities (see e.g. in collection [10]). Everyone with good intentions realizes the necessity of creation of such system of early prevention. Children's rights defending organizations consider support and distribution of existing positive experience in this field as one of their major tasks.

The list of numerous bodies and institutions of system of preventive maintenance, presented in the item 132 of FR-3, begins with the commissions on affairs of minors and protection of their rights, which according to the 1999 Federal Law № 120-FL are called to coordinate individual preventive work of all these important institutions and departments, but which in practice cannot do it owing to absence of any legal basis of such coordination (see comments to item 18). As a result the present system of preventive maintenance in the Russian Federation does not manage with the main task of *"minimization of consequences of disorganization of family"* - on expression of item 131 of FR-3.

G. Children deprived of family environment.

To item 144:

According to amendment in item 5 of Clause 150 of the Family Code of the Russian Federa-

tion, brought in by Clause 68 of the 2004 Federal law № 122-FL the size of monthly payments targeted for food and cloth of the child in the guardianship family (360 thousands, i.e. 51%, of Russian orphans are living in these families) are now determined exclusively by authorities of regions of Federation (former formulation of this Clause of Family Code said "established by the Government of the Russian Federation"). Thus, in this question the Russian Federation also has declined its responsibility for maintenance of well-being of orphaned children, having assigned this responsibility to discretion of authorities of each of 89 subjects of Federation, and not having defined obligatory minimal payments guaranteed by the federal budget. This will create strong disparity which is well understood by officials as well. In her Talk at the All-Russian conference in October 2004 Galina Trostanetskaya, the Deputy Director of Department on the State Youth Policy, Education and Social Protection of Children under the Ministry of Education and Science of the Russian Federation, said: *"... According to new edition of the Family Code the responsibility for payment of money resources became an obligation of subjects of the Russian Federation. For maintenance of the state guarantees to children living in guardianship and foster families, irrespective of region of their residing, from our point of view, it is expedient to develop and accept the regulative act (even perhaps in the form of the Governmental Decree of the Russian Federation), establishing uniform norms of support of children both in guardianship and foster families, and in Orphanages. Otherwise, as it was said earlier, there is a danger: it's unpredictable what decision at a level of subjects can be made"* [11].

The legislation guaranteeing the right on housing for orphaned children, is not carried out in practice in the majority of 89 regions of the Russian Federation (except for Moscow and some other subjects of the Russian Federation). According to the Ministry of Education and Sciences of the Russian Federation there are now about 30.000 graduates of children's homes and other children's institutions of the Russian Federation having the right on housing who are actually homeless. In this connection it seems to be very important to quote again from the same Talk by Galina Trostanetskaya: *"We consider as necessary for the decision of this question to make changes to the federal legislation providing an opportunity of partial, up to 30-40 %, compensation to subjects of the Russian Federation of charges on purchase of premises for orphans from means of the federal budget ..."* [11].

To item 146:

Number of orphaned children in Russia at the end of 2002 made 699,2 thousands (has increased for a year on 14 thousands in comparison with the data in the beginning of 2002 given in this item of FR-3). From them: 359,7 thousand are brought up in guardianship families, 155 thousand are adopted and 186,1 thousand are inmates of the institutions (about 15 thousand orphans - in Baby Homes, 15 thousand – in internats for disabled children of bodies of social protection, so called PNI, and others – in Orphanages and school-internats under bodies of educations) [1], tables 31, 37.

Besides orphaned children, in boarding establishments on full state maintenance there are permanently living children who are not being orphans, but for these or those reasons are withdrawn from family (the data for 2001, the State Report "About situation with children in the Russian Federation. 2002 ", tab. 35):

- in boarding schools of the general type - 140,3 thousand;
- in boarding schools for "children with limited possibilities" – 194,6 (in 2003 - 188,7) thousand;

- in internats for disabled children under bodies of social security (PNI) – 15 thousand.

Thus: the general number of children who are permanently living in children institutions of Russia makes **more than 500 thousand**.

To item 147 (*Financial and organizational problems of de-institutionalization*):

"The State boarding system should be subject to stage-by-stage abolition", - is said in the Concluding Document of the "Russian Forum - 2003", which collected 5000 delegates from all country (Nizhni Novgorod, October, 23-25, 2003). Unfortunately, neither this appeal, nor corresponding recommendations of the 1999 Concluding Observations of the UN Committee on the Rights of the Child, nor available successful experience of some regions and municipalities on development of the family placement of the orphaned children, supported on high level of the Russian Federation, have not resulted in implementation in Russia of wide programs of de-institutionalization of care of orphaned children. The deep financial and economic reason of this conservatism of the institutional system was clarified at the above named "Russian-Forum - 2003" by that time Vice-Premier on Social Policy Galina Karelova (which also headed State Party Delegation at the "Russian" session of Committee on the Rights of the Child on September, 23, 1999). Answering questions of participants of the "Russian Forum – 2003", Galina Karelova said: " We can repeat for 10 years each other, that constant residing at the institution is harmful for the child and expensive for the budget, but it will change nothing, while the traditional scheme of financing exists based upon financing of institutions, not children individually ... For active development of family forms of the placement of children, deprived of parental care, it is necessary to proceed on target "personal" financing, allocated to regions for placement of children" [12] (the same important idea she repeated in the interview to Governmental "Rossiskaya gazeta" [13]). We shall notice, that in new Government of Russia formed in Spring of 2004 the post of Vice-Premier on Social Policy was abolished and Galina Karelova was transferred to other position.

The other reason of the insufficient work on family placement of orphans is weakness of guardianship and trusteeship bodies of municipal governments authorized by Family Code to fulfill this work. The personnel of these bodies are called "specialists on protection of childhood", and the numbers of this personnel are extremely insufficient around the country. According to the Ministry of Education and Science in the general number of municipalities of the Russian Federation: number of municipalities having 1 specialists on protection of childhood is: 1787 municipalities (in the year 2000), 1630 (in 2001), 1582 (in 2002); number of municipalities having more than 1 specialists on protection of childhood is: 789 (in 2000), 1022 (in 2001), 1079 (in 2002); number of municipalities not having specialists on protection of childhood is: 576 (in 2000), 557 (in 2001), 537 (in 2002). The draft-law amending Family Code of the Russian Federation partly described above in comm. to item 18 have been also directed at strengthening of guardianship and trusteeship bodies by so called "authorized institutions", that would have crucial importance for development of the family placement of orphaned children in Russia. However, as it has already been told, adoption of these major legislative proposals has met negative reaction of the Government of Russia. There is also great need in the Federal Law on Guardianship and Trusteeship Activity since at present the regulating documents of this activity are absolutely insufficient.

As a strategic direction of work on of process of de-institutionalization of children in Russia the corresponding National and regional programs of developing of different forms of family placement must be implemented - on the basis of positive experience of some regions (e.g. Sam-

ara and Perm regions, Smolensk region - in implementation of programs of Short-stay visits and family mentoring with prospect of the permanent family care or long-term family patronage, as it was presented in particular at the All-Russian Conference named in references [3, 11, 17, 19]).

To item 148 (*Patronage family care*):

The new form of family upbringing of orphaned children - patronage family - really gives hope for an intensification of process of de-institutionalization of inmates of boarding schools of Russia. For most inmates of the age over 7 this is perhaps the only chance to change institution to family environment. Regional laws, setting patronage upbringing, were adopted in 9 regions of the Russian Federation; in practice this form has received intensive development in Perm region. Development of this form of the family care of orphaned children is essentially held by that fact, that it is not legalized by the federal legislation. Corresponding additions to the Family Code were prepared by the Ministry of Education in 2001, but their adoption appeared impossible owing to negative responses of the Government of Russian Federation (cf. in comm. to items 18, 147).

H. Adoption.

To items 152-158:

According to the Ministry of Education and Science, 15.183 orphans were adopted in Russia by alien adopters in 2003: 7331 were adopted by Russia residents (among them 412 children over 7 and 13 children with disabilities), 7852 – were adopted by foreigners (among them 868 children over 7 and 196 children with disabilities).

The Decrees from March, 2000 (see items 154, 155 of FR-3) and 2001 Federal law № 44-FL "On the State databank of children who stayed without care of parents" (item 156 of FR-3) have really created firm legal basis for in-Russian and international adoption in the Russian Federation. In particular the specified law "On the State databank ..." for the first time has introduced the most important concept of "*derivative information*" about children from State databank, which is open for general public; derivative information includes child's photo and other useful for potential adopter information, but observe necessary child's privacy. Introduction of this concept will undoubtedly be useful for development of adoption and other forms of family placement of orphans, although these potential possibilities are not effectively used so far. At present there are 170.000 names of orphaned children in the State databank. However, during 3 years after adoption of the law derivative information about only a small number of children from the State databank have been placed in various sorts of mass-media and in the Internet - and many of these lucky children were adopted by Russians. The major problem for the future - to place in the Internet the derivative information on all 170.000 orphaned children from the State databank.

The reason of unacceptable low level of in-Russian adoption (7000 children a year, that is only 4% from general number of 170.000 of orphaned children from the State databank) is the systematic one: the state system of adoption working in the Russian Federation is not "friendly" towards the Russian adopters. Contrary to foreign adopters who according to Russian Law may be accompanied and helped by accredited adoption agencies, Russian adopter, according to the Law, may receive necessary assistance only from specialists of guardianship and trusteeship bodies. However these specialists suffer from the low salary and many other duties, and their number is

drastically insufficient (see comm. to item 147).

Other reason of a low level of the in-Russian adoption, existing until January 2005, was unfairly strict requirements of Clause 127 of the Family Code of the Russian Federation to adoption parents on the sizes of their incomes and apartments; as a result thousands and thousands of potential Russian adopters have been deprived opportunities to give happiness of family life to the child. The experts and human rights defenders for a long time insisted on mitigation of these restrictions. Fortunately at the end of December, 2004 under the initiative of Committee of the State Duma on Affairs of Women, Families and Youth the Federal Law № 185-FL has been passed, the Law permitted to the courts to ignore these restrictions "in the best interests of a child". To a regret, the same Law has brought to Clause 124 of the Family Code essentially discrimination norm concerning the international adoption, having increased the "moratorium" for international adoption from 3 to 6 months from the date of registration of child's name in the State databank. As a result of this legislative innovation the smallest, newborn orphaned children having problems with health will suffer first of all; the additional artificial three-monthly delay in adoption can have for them the heaviest consequences.

To item 161:

Specified in the given item of FR-3 "*preparation for ratification*" of the Convention on protection of children and co-operation in the field of the international adoption - the Hague Convention, unfortunately, proceeds till now - after four years of signing the Hague Convention by the President of Russia and after three years of FR-3 promise of its fast ratification. Against ratification of the Hague Convention the influential political forces act, it was their initiative to pass new amendments discriminating the inter-country adoption (see comm. to items 152-158 above); they basically reject the international adoption rejecting in this way the Convention on the Right of the Child basic principle of making decisions "in the best interest of a child". In November, 2004 the Ombudsman on Human Rights in the Russian Federation Vladimir Lukin has addressed to Premier Michael Fradkov with appeal to direct to State Duma the legislative initiative about ratification of the Hague Convention.

I. A periodic estimation of conditions connected with child care.

To item 164:

Children's institutions in many respects remain "the closed zone", which results in gross infringements of the rights of their inmates. This is stated not only by NGOs ([14], [15]), but also e.g. in the 2004 Letter by Prosecutor General Office: "*The serious concern is caused with regards to observation of rights of inmates of Orphanages and other children institutions. In many of them the conditions even minimally providing worthy living, as it is demanded by the Convention on the Rights of the Child, are not created* [2]. The situation in this sense has not changed, and could not change in comparison with one described in the 1998 Alternative report [4], since the traditional departmental and public prosecutor's control over observance of the rights of inmates of children's institutions, although important, is obviously not enough for maintenance of constant and unexpected monitoring which is only capable to prevent infringements of the rights of children. Certainly, the visits without warning by employees from the staff of the Federal or Regional Ombudsmen is the important tool, but the staff of Ombudsmen does not possess sufficient personnel re-

sources for implementation of such control in due scale. As well as 5 years ago, the question on creation of system of the independent public inspectorate is very acute – as it was recommended by Committee on the Rights of the Child in Concluding Observations to the Second periodic report of the Russian Federation. (Cf. comm. to items 24-25).

J. III- treatment and absence of care, physical and psychological restoration and social re-integration.

To items 165 – 171 (Domestic violence):

Not denying the importance of the legislative measures (specified in the given items of FR-3) on protection of minors against all forms of physical and psychological violence, it is necessary to underline, that these measures are directed on the one hand to perfection of the mechanism of withdrawal of the child from a threatening domestic environment, and on the another hand they toughen punishments for parents. However, the main problems - perfection of the mechanism of revealing and early prevention of cases of cruel treatment and other infringements of the rights of children in family and in institutions, and also organization of rehabilitative-restoring work with “bad” parents – are remaining unresolved (cf. comm. to item 18 and to items of FR-3 specified therein). This conclusion is confirmed by the merciless statistics:

According to the wide scale research ordered in 2001 by Committee of the State Duma on Affairs of Women, Families and Youth, about 2 million children in age under 14 are exposed annually to beating in families in Russia. Boys are beaten three times more often, than girls. Two thirds of beaten ones are preschool children. At the conference “Security in the Family” (Moscow, May, 13, 2003; conference was organized by the Ministry of Labor and Social Development and Association of Crisis Centers of Russia “We Shall Stop Violence”) the following data have been presented: 14 thousand women and 2000 children annually perish in Russia as a result of violence in family. According to sociological researches in 75 % of the Russian families this or that form of domestic violence over women and children is practiced. Only in Moscow about 700 children in a year are delivered in clinics with the traumas caused as a result of violence of parents (data of 20-th Moscow traumatological clinic, June, 2003). The close data on violence in the Russian families are presented also in the book [16], page 97-98.

In the 2004 Letter of the Prosecutor General Office [2] it is said about numerous facts of violence revealed by public prosecutors, about cruel treatment towards pupils at schools of various regions of Russia, about the violence in families: *“Public prosecutors reveal the facts, when employees of educational establishments (schools, kindergardens) knew about cases of cruel treatment of parents with children, but didn’t informed bodies of guardianship and trusteeship, public health services, the commission on affairs of minors and protection of their rights, law enforcement agencies”*. We totally agree with these words: the revealing of cases of cruel treatment and their early prevention must be carried out in every institution of “territory of childhood”, including schools, kindergardens, children’s polyclinics etc. – see Art. 5 of the concluding chapter “Our Proposals”.

To items 173-175 (Neglected and street children):

We agree with the statement of item 173 of FR-3 that main reason which drive out children to street is cruel treatment in family, neglect of parental duties; also selective checks of Orphanages find out, as a rule, absence of many inmates which prefer street to uninteresting and half-

starved life in four walls of the institution. In the 2001 Prosecutor General Office Report it is spoken about 1,5 million neglected street children in Russia. It is obvious, however, that it is necessary to distinguish essentially concepts of the really homeless child – one who has no place of residing and whose parents are unknown, and concept "neglected child" whose place of residing is known, parents or guardians are known but they do not fulfill properly their duties, therefore the child "moved to the street". So, for example, in the Regional Databank of families and children in social-dangerous situation in the Tyumen region there are 2594 neglected children and 3 homeless children - the data from the report of the Deputy Director of Department of Social Security of the Population under Administration of the Tyumen Region Galina Kaljuzhnaya at the All-Russian conference in October, 2004 [17]. At the same conference representative of the Ministry of Health Care and Social Development Marina Gordeyeva criticized the often repeated data on millions of homeless children in Russia: *"We have attentively estimated, that in Russia the number of homeless children is about 9000; it is quite real figure. But number of neglected children joining the endless army of children appearing in the streets is certainly much more. Somewhere 100.000 families do not implement the parental functions. It is possible to correct these figures, I name them not to belittle the importance of a problem, but to see adequately with whom and how we should deal... We must organize the registration of children and families in socially dangerous situation throughout the entire country. Such Data Banks already exist in many regions. The Federal Data Bank which I speak about must be compatible with these regional ones..."* [3]. Creation of federal and regional personified databanks of children and the families in social-dangerous situation, where different groups of vulnerable children are taken into account, seems to be extremely important not only for putting in order in statistics, but first of all it is necessary for the effective organization of complex individual preventive-rehabilitative social work with the concrete family and the concrete child.

As to statistics of "street" children, there are certain exact data – number of children taken by militia from the streets, railway stations etc.: in 2002 it was withdrawn from streets, stations, etc. 700 thousand minors (from them 553 thousand were returned to parents), that is in 2,5 times more, than in the year 2001 (the data of the State Report 2003 [1], page 64). In January 2005 Ministry of Internal Affairs of Russia provided "Right of the child" NGO with the same data for 2003: 620 thousand children were withdrawn by militia from streets. Sharp increase (in 2,5 times) in numbers of these children in 2002 in comparison with 2001 is not accidental. After adoption of the 1999 Federal "Prevention of child neglect and juvenile crime" act (Federal Law # 120-FL) the number of neglected children in streets has increased drastically (because Office of Public Prosecutor, strictly following the given Law, began to punish the employees of militia who "collected" from the streets children non-delinquents). The situation had risen to catastrophic scales that forced the President of Russia to make on January, 18, 2002 the known Statement where he demanded from responsible authorities to undertake adequate measures. After that, on March 13, 2002, the Government of the Russian Federation issued the Decree № 154 and the "Interdepartmental Operative Staff ..." was created under aegis of the Ministry of Internal Affairs of Russia (about them it is spoken in item 175 of FR-3). In Moscow, the Moscow region, in other regions of Russia work on "collecting" children from streets and rendering them first help was organized. To tell the truth, as it was repeatedly informed by the officials, many of hundreds thousand children who were returned to their parents or to the boarding establishments escape again and again (some for 10-20 times). That, obviously, shows that returning of the child into family or institution is not

so far accompanied by necessary “social-rehabilitation” work with parents or administration of the institution.

In the Annual State Report 2003 [1], page 64, it is informed: *"Law-enforcement agencies revealed 2751 crimes of default of duties on bringing up of minors. Almost 441 thousand parents, maliciously ignoring the duties on bringing up their children, were subjected in 2002 to measures of administrative punishment; there were directed 40,7 thousand materials to courts for the decision of a question on deprivation of the parental rights; 275,7 thousand parents (guardians, trustees) are registered as not complying with parental duties or inadequately acting with regards to children's upbringing"*. That is true. But, as practice shows, “punishment” or “registration” do not mean at all that necessary real preventive-restoring work was carried out; the measures listed in the above quotation from State Report [1] prove to be not too effective. We repeat: the system of preventive maintenance in Russia is extremely weakly developed, its legal base is not settled, and the laws adopted in 2004, including removing from the Federation and transferring at the discretion of its subjects of all responsibility for the organization of social help to children and families, aggravate situation essentially (compare comments to items 16, 18, 19).

Comments to Chapter VII «Primary Health Services and Well-being»

A. Children with disabilities, disabled children

To items 186-199:

Review of changes regarding disabled children, introduced by the 2004 Law № 122-FL

Vulnerable group “Children with disabilities” is wider but includes the group of officially registered “disabled children” (see figures in comm. to items 188-190, 191-193). Their rights and interests and guarantees of their development and education are regulated by plenty of acts, from them most important are 1995 Federal Law # 181-FL “On social protection of disabled people in the Russian Federation” and 1992 Federal Law # 3266-I “On education”, both comply with the international norms. The problem is in the implementation of the laws, which is most clear demonstrated by the 2002 Letter of General Prosecutor of Russia to President of Russia [18] about results of General Prosecutor Office check of execution of the legislation concerning disabled children carried out in 2001 on the Order of President; on the Title page of this Letter that time Vice-Premier on Social Policy Valentina Matvienko wrote: *“Heart freezing information”* - details see below. But we shall begin this chapter from the review of important changes made in Russian legislation by the 2004 Federal “monetization” Law # 122-FL (described in comm. to item 16) in the field of protection of rights of children with disabilities:

(1) The positive fact is that, contrary to decentralization of many other State Party obligations in protection of child's rights, Clauses 63 and 125 of the Law # 122-FL (amending 1995 Law # 181-FL “On social protection...” and 1999 Federal Law # 178-FL “On the state social assistance” correspondingly) kept responsibility of the Russian Federation for social protection and rehabilitation of disabled children. Also item 25, Clause 63 of the Law № 122-FL introduced monthly monetary payments guaranteed by the federal budget to disabled children at a rate of 1000 rubles (30 Euro). This however is about 3 times less of living wage and half of this sum will be cut out as a cost of so called “social package”.

(2) The real blow, especially painful for most poor and unprotected, is canceling of some vi-

tally important benefits, like e.g. receiving of many of free of charge equipment for the deaf and the blind, benefit of free of charge transportation, which is partly compensated by “social package” for disabled child himself, but is totally abolished for accompanying adults, etc. Item 28, Clause 63 of the 2004 Law № 122-FL cut out from the 1995 Law # 181-FL very important and widely used before 1 January 2005 Clause 30: *“Disabled children, their parents, guardians, trustees ... use the right of free-of-charge travel on public transport within the city and region, except for a taxi”*. In practice, in conditions of real poverty of majority of families with disabled children, it will result (already began to result) in impossibility of trips of disabled child to places of treatment and rehabilitation, and to any other places (educational, spare time developing groups, etc.). Also the problems arose in receiving medicine necessary for disabled child. There is quite recent information about demonstrations in some Russian towns of disabled children together with their parents protesting the discriminative Federal Law # 122-FL. Still back in October Ella Pamfilova, then Chair of the Commission on Human Rights under President of Russian Federation², Chair of the All-Russian Union of NGOs “Civil Society – for Children of Russia” in her Talk at the All-Russian Conference strongly criticized “monetization” package of laws summed up in the Federal Law # 122-FL for its *“possible negative impact upon children”*, and underlined: *“Just recently at a Meeting with President Putin, I commented that this Law is not good for the protection of children. And this Law affects the interests and lives of millions of children... We spoke with President also on a wider scope – about the necessity of a national strategy with regards to families and children... We spoke that present day administrative reform moves all the responsibility for social work from the Federal Center to regional governments. After 1 January 2005 Russia will be the only country in Europe where benefits to poor families with children are not fixed at the federal level. The package of laws adopted in the summer violates many Russian international obligations and ratified conventions... Most terrible is that the first group which will suffer after coming in force on 1 January 2005 of the Law No. 122 will be the most vulnerable group – disabled children.”* [19]. Ella Pamfilova said that she proposed to postpone for a year coming into force of this package of laws to have time to prepare it properly. We know now that this proposal was not heard. It is really difficult to comprehend the motivations of the authors of Law № 122-FL who deprived the disabled children of vitally necessary benefits.

(3) Potentially positive innovation is the legislative establishment of the federal structure of medical-social examination (MSE) in the Russian Federation (item 4, Clause 63 of the Law № 122-FL). Rather critically estimating activity of present regional bureaus of MSE (see in more detail in comm. to items 188-190), representatives of Ministry of Health Care and Social Development in their talks on the Round Table in the State Duma in December, 2004 [20] (where some authors of this Alternative Report took part as well) underlined, that now experts of the Ministry will have the real opportunity to improve the quality of work of MSE in regions of Russia.

(4) At the same time the most serious concern is caused by the amendments in the 1992 Law "On education" and 1995 Law "On social protection..." (Clause 16 and Clause 63 of the Law № 122-FL correspondingly) by which the fixing of *"the order of education and training of disabled children at-home"* (which also defines the sizes of reimbursement of expenses of parents on these purposes) is delivered from federal center to authorities of regions - at their discretion. This will result in strong “regional” disparity as the tax potential and financial opportunities of various re-

² In November 2004 this Commission was transformed into “Council under President of Russian Federation on Assistance to Development of Institutes of Civil Society and Human Rights”, also chaired by Ella Pamfilova.

gions essentially differ. This is infringement of the Constitutional principle of equality of citizens of the Russian Federation in education, discrimination on the basis of place of registration.

(5) Besides it the introduced by # 122-FL new formulation of Clause 18 of the 1995 Federal Law # 181-FL "On social protection..." there disappeared a mentioning of State obligation to reimburse to parents of disabled child expenses of his/her education in non-state educational establishments. There are so many disabled children for whom alternative non-state schools are the only possibility for socialization and education, and the benefit of above mentioned State reimbursement was widely used in a form of direct State support of non-state schools providing education for disabled children. The refusal in this reimbursement is real discrimination, it will also lead to the closure of many of effectively working establishments, many disabled children would lose an opportunity to receive education. Now only children of well-off parents will use the alternative education. This legislative innovation also directly contradicts the declared development of non-state initiatives in the interests of children, their support; in this case instead of support destruction of such initiatives takes place, despite of their obvious necessity for disabled children.

(6) One more negative innovation introduced by the item 20, Clause 63 of the 2004 Federal Law № 122-FL concerns professional training and employment of disabled children. Namely the paragraph is removed from the Clause 21 of the 1995 Law # 181-FL "On social protection..." about obligatory payments by the employer into the special Fund in case given employer does not fulfill established quota on number of disabled persons in his staff. The problem of employment of disabled minors existed earlier, many young disabled people are stamped by bureaus of medical-social examination as "incapable for work". Unfortunately, Federal Law № 122-FL adopted in summer 2004 aggravates the situation.

To items 188-190 (Statistics and problems of registration of disability):

There are strong reasons to believe, that the official figure of number of disabled children - 658,1 thousand by the beginning of 2002 (467 thousand from them – of school age 7-17 years old) - is essentially lower than true number of disabled children in the Russian Federation because of unsatisfactory work of bureaus of medical-social examination. In opinion of Larissa Baleva, head specialist on Medico-social examination of children with disabilities of the Ministry of Health Care (interview to the newspaper "Novyje Izvestia", 10.09.2003, pp. 1, 7): *"According to specialists' estimates the disabled children's statistics must be higher – at least one million – because very many disabled children are not registered as such and the mechanism of disability registration in practice is very ineffective"*. The similar data (*"real number of disabled children - 1000-1500 thousand"*), based on independent scientific researches, were presented at the Round Table [20] in State Duma by Nikolay Vaganov, Head physician of the Republican Children's Clinical Hospital. Imperfection of registering of disabled children resulting in infringement of their rights was also pointed out by Prosecutor General in the above mentioned Letter to President of Russia: *"The fullest observation of the rights of disabled children is not executed also because the Government of the Russian Federation has not created until now the universal system of registering of disabled children. This circumstance promotes mass infringements of their right in receiving guaranteed by the law services of education, public health services and employment, since departments responsible for providing of these services do not possess necessary information. As a result non-registered disabled children are not taken into consideration in formation of budgets, drawing up of territorial programs, of obligatory medical insurance, etc."* [18]. Let's add, that in

regions the difficulties in receiving of status of disabled child are supplemented by the often applied practice of removal the status of “disabled child” (and corresponding privileges) in connection with disabled child’s reception to the ordinary kindergarden.

Apparently from the FR-3 data it follows that the basic part of disabled children (60 %, i.e. about 400 thousand) are children with psycho-neurology and multiple disturbances. As a rule, it is children with the serious pathology, especially requiring in the intensive complex help and regular high professional curative-pedagogical assistance. From them 96,3 thousand are children suffering of mental disability; these children (as well as their parents) are in most catastrophic situation in Russia since authorities as a rule flatly refuse to admit them to state rehabilitation centers, kindergardens, “auxiliary schools” etc. and just advice the parents to abandon the child.

Statistical data on number of “children with limited possibilities” not having status of “disabled child” see in next comments, in the sub-item “Inclusive education, auxiliary schools and corrective classes”.

To item 191-193 (and also to 229-232) (Prevention of child disability, rehabilitation and education of children with disabilities):

Early prevention:

Not denying new medical-preventing measures described in the item 292 of FR-3 we just outline their drastic insufficiency for effective early prevention of children’s disabilities in scale of the country. Child disability preventing measures first of all must include wide implementation of programs of sexual education and reproductive health protection aimed at overcoming the ignorance in sexual matters among adolescences, young people and adults, prevention of abortions (cf. comm. to items 213-218), and neonate disability. To choose the best strategy of earliest as possible intervention to help the child it is necessary to work out and implement programs of screening assessment for newborn babies and young children including visual and hearing assessment and development screening. All this need to be developed even in big towns. The real problem is that many disabled children are born in socially unfavorable families which are practically totally excluded from the system of necessary medical treatment, especially from the prophylactics. Here we again come to the general problem of creating effective “preventing system” capable to provide real and timely assistance to children and families in socially dangerous situation.

Rehabilitation:

"The new ideology of medical-social examination" referred to in the item 191 of FR-3 almost nowhere in Russia was implemented during last years: legislative norm (Clause 11 of the 1995 Federal Law № 181-FL) about necessity of working out and implementation for each disabled child of the individual program of rehabilitation (IPR) wasn’t fulfilled on a mass scale. The General Prosecutor informs President in the Letter of 2002: *“Individual programs of rehabilitation ... are developed only in single instances. Simultaneously for the lack of individual programs disabled children are refused in granting expensive medical aid, free-of-charge orthopedic products, medicines or indemnification of charges on their purchase. In the Kaluga region in the year 2000 1745 children are recognized as invalids, in 2001 - 1036, but for none of them IPR were developed...”* [18]. General Prosecutor lists plenty of Russian regions where disabled children are deprived of IPR, and underlines that there is especially unsatisfactory situation in providing service to disabled children living in rural districts. But even the largest cities are not an exception. That confirm, for example, results of the check which was carried out in 2003 by Office of Public

Prosecutor of Moscow: *"The complaints about infringement by bureaus of medical-social examination of Moscow of the rights of disabled children regarding working out of individual programs of rehabilitation are confirmed... According to the statistical reporting in 2002 in Moscow it is given only 2626 individual programs of rehabilitation whereas 16.000 children are recognized as invalids. For example, in a pediatric medical-social bureau № 5 in 2002 it is developed only nine individual programs of rehabilitation, in a pediatric bureau № 7 - 189, whereas these bureaus recognized as disabled correspondingly 1858 and 1147 minors"* [21]. In Saint Petersburg for 9 years after adoption in 1995 of the Federal law № 181-FL not a single individual program of rehabilitation was worked out (the first in history of the City of Saint Petersburg court session on consideration of refusal of authorities to provide disabled child with IPR is scheduled to March, 2005).

The general reason for this systematic infringement of the Law by authorities of all the country was non-fulfillment by the Government of the Russian Federation the demand of the 1995 Federal Law # 181-FL to ratify the Federal base program of rehabilitation of invalids and the order of its implementation which should have contained the Guarantee List of rehabilitation actions and the free-of-charge services given to the invalid due to means of the federal budget. This infringement of the Law by the Government of Russia was eliminated only 9 years after the adoption of the 1995 Law № 181-FL – in the Fall 2004. By its Decree № 1343-r, dated 21.10.2004, Government of Russia ratified *"The Federal List of rehabilitation actions, means of rehabilitation and the free-of-charge services given to the invalid"*. However so long expected document, called, in particular, to provide to disabled children individual program of rehabilitation, proved to be essentially limited. Namely: in the "List" there are no instructions on actions on social rehabilitation (including *"social - environmental, social-pedagogical, social-psychological and cultural rehabilitation, social adaptation"*), which is defined by the Law № 181-FL from 1995 as *"the basic direction of rehabilitation of invalids"*. Thus this "Federal List" excludes financing at a federal level of the rehabilitation actions specified in the Law, reduces minimally guaranteed volume of social protection in comparison with that volume which is established by the Law № 181-FL. The "List" contradicts the very sense of the Constitution of the Russian Federation and the international acts which Russia joined, depriving overwhelming majority of disabled children, and also a significant part of invalids of other categories, of vital and the basic for them direction of rehabilitation, and is the witness of discrimination concerning these categories of citizens of the Russian Federation. Also in general this "Federal List", unfortunately, does not carry out its main task, stipulated by the law # 181-FL "On social protection..." – it does not define concrete volumes of the rehabilitation actions included in it and consequently does not formulate the guaranteed minimum of the rehabilitation actions given to the invalid due to means of the federal budget.

The general number of the centers and rehabilitation branches (195+233+200=628 by the end of 2000 - according to item 193 of FR-3) which are supposed to provide developing services to disabled children, including children living in the family, in scales of the country is obviously not enough. But the most dramatic fact is that these centers evade or categorically refuse professional, social, psychological rehabilitation to the disabled children with heavy psycho-neurology and multiple pathology (as it was said in comments to items 188-190 there are about 400 thousand children of these categories in Russia, thus it is very large vulnerable group). Departments of social protection of the population, using a tool of bureaus of medical-social examination, still deny necessity for such children of social rehabilitation in the form of regular training, and consider,

that the child should be treated only periodically in hospitals (that in most cases is inefficient and has nothing to do with rehabilitation). In the 1997 Regulations, operating the work of the rehabilitation centers discussed here, among contra-indications to putting citizen (adult or child) on service of the center as the first item it is written “mental diseases”. In plenty of reject-answers to appeals of parents of disabled children Department of Social Protection of Population of the Government of Moscow repeats one and the same standard information: *"In branches of social rehabilitation services for disabled children, in the centers of social service and the centers of social help to family and children available almost in each administrative district, children from 3 up to 18- years old, not demanding extraneous assistance and not having restrictions to self-service, are accepted".* Thus, these services are supposed to provide help to children with small defects; they do not accept children with heavier disturbances.

Inclusive education, auxiliary schools and corrective classes.

Russia signed important international documents (UNESCO Salamanca Statement and Framework for Action - 1994, Dakar Framework for Action - 2000) which proclaim in particular the necessity to escape segregation of children with disabilities in education and to develop inclusive (integrative) education. Of course there are disabled children studying in system of the general education in Russia (numbers in some regions are given in next sub-item). However the system of inclusion in mainstream education of children with psycho-neurology or mental disabilities is practically absent. Contrary to the idea of “inclusion” the practice of directing these children to special corrective “auxiliary schools” and “corrective classes” is at hand. Authorities rather painfully react if child with visibly serious disability (e.g. with so called “delay in psychic development”) is studying in ordinary classes and press to move the child to “corrective class” or “auxiliary school” even in cases when the Administration of school wants to realize “inclusive” education for this child. Meanwhile the efforts to develop in Russia inclusive education continue. As a result of the International Conference on Inclusive Education organized by Ministry of Education and UNESCO, Ministry of Education directed to regional departments of education the Letter from 16.04.2001 # 29/1524-6 *“On conception of inclusive education of persons with limited possibilities of their health”*; however these recommendations are basically not implemented so far. At present (in 2005) Ministry of Education and Science in cooperation with NGO “Down’s Syndrome Association” in frames of international cooperation develops “Methodical recommendations on inclusive education of children with mental disabilities”. Inclusion is very effective for child’s rehabilitation and development; in practice disabled child in ordinary classes often need accompanying mentor-specialist, and it would be very important to promote the creation of network of many-discipline interdepartmental centers in every district providing services of different specialists to disabled pupils in neighboring schools.

Of course in many cases studying of child with disabilities in special classes or schools is necessary. There is the wide group of these children with smaller defects officially called “children with limited possibilities” who receive the service of special education. Many of them are pupils of 1975 special corrective “auxiliary schools” (267.400 pupils, 50.000 from them possess also status of “disabled child” – as it is said in the item 194 of FR-3) and of 19.993 special “corrective classes” in ordinary schools (214300 pupils). It must be noted that among named 1975 “auxiliary schools” there are 1426 of boarding schools (schools-internats) where 188.700 pupils are living permanently. (Data of tables 36, 38 in the 2003 Annual State Report [1], pages 114-115). In 2004 Ministry of Education and Science with participation of the “Moscow Open Educa-

tion Institute”, Pskov and Moscow Medical-Pedagogical Centers, in frames of international co-operation with Handicapped International prepared for publishing the package of methodical materials on studying in corrective schools and corrective classes of children with deviation in mental development and children with complex structure of defects.

It is also necessary to outline that draft of long awaited amendments and additions to the Federal Laws "On education" and "On social protection of disabled people in the Russian Federation" regulating the questions of bringing up and education of children with special needs in a system of mainstream general and special education is now actively considered in Working Group created in State Duma. President of "Down's Syndrome Association" (co-author of this Alternative Report) is one of seven members of this Working Group.

Violation of right for education of disabled children.

Preschool education:

In violation of Clause 18 of the 1995 Law "On social protection..." the overwhelming majority of children's preschool establishments of the general type does not accept disabled children of preschool age with serious violations of development. Special preschool establishments have, as a rule, a five-day regime of stay of the child (which is practically regime of the permanent-life boarding school), and this sharply reduces chances of development of such a child.

School age:

According to the Statistical reporting [22] and the Ministry of Education of Russia [23], and also the data of the Annual State Report 2000 "On situation with children in the Russian Federation" (page 44-45) only about 185 thousand disabled children of school age receive education in system of the general and special education (including the form of home studying). Thus most of the other 282 thousand (from general number of 467 thousand of school age disabled children) are deprived of any form of pre-school and school education. Those are first of all children with psycho-neurology and multiple disturbances suffering from serious pathology, very rarely they are admitted to schools even for "home education" or to corrective "auxiliary schools" or "corrective classes", even in case this would be physically possible for the child. The Russian children's rights NGOs possess set of documentary certificates of official refusals to parents of disabled children in granting of the guaranteed by the law services on development and education of disabled child. These conclusions are confirmed by the information received from subjects of the Russian Federation in reply to January 2003 Inquiry of Ministry of Education of the Russian Federation [24] about protection of the right of disabled children on education (this Inquiry was initiated by NGO "Down's Syndrome Association"). By April, 30, 2003 the answers from 34 subjects of Russian Federation had been received; here are some of data from these answers:

From 5788 disabled children of school age living in Saratov region 2200 disabled children are studying (1850 - in system of the general education, 195 at-home; 182 - in educational establishments (special schools) of VIII type; 98 - in auxiliary corrective boarding schools). Thus, from the submitted data follows, that in Saratov region 3588 disabled children of school age do not receive education that makes 62 %.

752 disabled children of school age live in Magadan region. From them 235 disabled children are studying (163 - in system of the general education; 63 - in special educational establishments; 9 - in boarding schools). Thus, from the submitted data follows, that in the Magadan region 517 disabled children of school age do not receive education that makes 69 %.

4384 disabled children of school age live in Tver' region, from them 829 disabled children are studying (105 - in boarding establishments of an education system; 243 - individually at home under special programs, 481 - in special (correctional) educational establishments). In the Letter of Administration of Tver' region it is not informed on number of disabled children - pupils of general educational establishments, however in any case it is obvious, that the total number of studying disabled children is much less than quantity of disabled children of school age.

The most trouble is caused by results of analysis of data on quantity of mentally retarded children deprived of right for education. Results show that they obtain education much more rare than disabled children in average. So, in Tyumen region from 2082 disabled children of the given category (mentally deceased) 50 children are studying only, in Krasnodar Krai - from 1194 these children of school age 70 are studying only, in Stavropol Region - 36. In Omsk Region there are 5119 disabled children registered, from them 2010 children received the conclusion about impossibility of studying. In Saratov region 1685 mentally disabled children (from them 1439 of school age) are "*not studied*" in infringement of the legislation.

Absence of educational structure is supported with the regional (contradicting federal laws) decrees refusing in education to children with gross disturbances of development. So, for example, the Inter-departmental Decree [25] determining this sphere in Moscow, contains contraindications to reception in special (correctional) educational establishments of disabled children with "*heavy forms of dementia; idiotic of various types, including disease of Down; organic dementia with expressed des-adaptation (absence of skills of self-service)*". Even if not to consider the extremely discriminating and unethical terminology used in this Decree for the description of problems of these children, the note to the Decree precisely and unambiguously defines these children destiny: "*children, suffering dementia by named forms, are directed to corresponding institutions of the Committee of Social Protection of Population*" (these institutions are called PNI – Psycho-Neurological Internats). Fulfilling this Decree, medical-psychological-pedagogical commissions of Moscow issue the conclusions rejecting parents whose disabled child reached school age in providing their child with necessary educational service and recommend to abandon the child to State internat. In Saint Petersburg officials found now “decent” words for this brutality recommending the child’s institutionalization for the purpose of “*education (? !) in internat of bodies of social protection*”.

To items 194-195 (Disabled children in the institutions):

The statement of FR-3 "*only 5 % from a total number of disabled children are living in the institutions*" is incorrect. 5 % (about 30.000) are living in the internats of bodies of social protection (PNI). We must add to them specified in the item 194 of FR-3 50.000 disabled children - pupils of “auxiliary” schools-internats for “children with limited possibilities of health” of an educational system (cf. comm. to 188-190), and also 5,2 thousand disabled children under 4 living in Baby Homes. So quantity of disabled children in Russia constantly living in establishments will make 13 % from their general number in 2001. Also there are approximately 140.000 non-registered as disabled ones “children with limited possibilities” permanently living in “auxiliary” schools-internats.

Although general child population of Russia decreased by 14,8% from 1997 to 2003 ([1], Table 1) and small children (0-4 years) population went down by 4,5%, the population of Baby Homes increased by 6,6% during the same period ([1], Table 36; 30% of children in Baby Homes

are children with disabilities). The important characteristic is the index of number of disabled children – inmates of internats of bodies of social protection (children of 5-17 years old) to 100 thousand of children population of the same age: 103/100.000 – in the end of 1997; 120/100.000 – in the end of 2002. – The increase of this index by 16,5% is explained by decrease of general children population. Thus we see that mechanisms of institutionalization are “working” effectively.

In the Alternative report of 1998 we informed about the awful circumstance, - that internats for disabled children of bodies of social protection (where 30.000 kids are living) were attributed to Department on Affairs of Older Persons and Invalids of the Ministry of Labor and Social Protection. In the year 2000 management of the given establishments has been transferred to Department on Affairs of Children, Families and Youth under the Ministry of Labor (now called Ministry of Health Care and Social Protection), that led to the greater openness of these establishments, to reception of financing by them from the Presidential program "Disabled children", to opening of rehabilitation branches. Also in 2002 Ministry of Labor and Social Protection approved Methodical recommendations on the organization of activity of the state (municipal) establishment "Boarding school for mentally retarded children", and in December, 2003 this Ministry cancelled at last the Soviet times regulative documents of these establishments breaking the rights of children kept in it. These positive changes took place thanks to criticism of the Alternative Report – 1998 and thanks to subsequent human rights defending campaigns initiated by NGO “Down's Syndrome Association”.

At the same time concerning children living in internats of system of social protection, their guaranteed by the Constitution and the Law right for preschool and basic general education is drastically violated even formally, because these internats are not licensed and accredited as educational establishments. The analysis of the information contained in letters of administration of Krasnodar Krai, Tula and Magadan Regions showed, that the quantity of the pedagogical personnel in these internats in the given subjects of Federation is many times less than the specifications established by the Ministry of Education of Russia for carrying out of educational activity with children of the given category. So, in social internats of Krasnodar Krai the number of tutors are 6,5 times less, teachers 7,5 times less than necessary educational norm; in the social internats of Tula region the number of tutors is 5,3 times less, teachers - 13,6 times less; in the social internats of Magadan region the number of tutors is 11,8 times less, teachers 16,8 times less. Those data are presented in the Inquiry to the Government of Russian Federation of the State Duma Committee on Education (23.12.2003 doc. № 35-24/452). Also in this Inquiry it is underlined that inmates of these social internats are divided to two categories of “educatable” and “non-educatable” not supposed by ant Law. According to the statistical data over 40 % of these children aren't considered as subject of any studying [26]. For these children no pedagogical personnel is provided. In general inmates of these internats may be considered as exposed "to psychological violence, to absence of care and the negligent treatment", to "the brutal and humiliating treatment", which was repeatedly specified by the Russian and international public [4, 14, 15, 27, 28]. In the Report of Amnesty International [28], page 69, concern is expressed by the fact, *"that in the Russian Federation children with lacks of intellectual development are deprived of rights on freedom on the basis of the procedures breaking a principle of fairness. They lose the*

rights on education, on family and are kept in the conditions which are not providing respect for dignity".

To item 199 (*Poverty of families where children with disabilities are living. Reimbursement of expenses of child rehabilitation and education*):

The majority of families, bringing up children with gross violations of development, are in a real distress. For the child with serious problems of the development living in family, only small social pension and monthly social payment are paid (all in all about 30-40 USD per month). But for them there are no kindergardens, schools; therefore mother of such child, as a rule, cannot work - she is compelled to sit with the child who in turn is deprived of necessary rehabilitation and education services. These parents are advised by authorities to abandon the child to State internat where monthly cost of child's care is in average 500 USD. We may ask: why State can not direct part of this enormous sum to support life of disabled child in the family? The point is that means for education and rehabilitation of children in Russia are distributed only through State departments and State institutions. For the healthy children or children with smaller defect corresponding means form the budgets of kindergardens, schools, auxiliary schools, State social centers, establishments of professional education etc. – institutions where children receive necessary services. As the State does not create any establishments for children with serious problems of the development, living in family, - these children do not receive money of tax bearers which the State is obliged to allocate for the purposes of their rehabilitation and education.

The Law took into account this contradiction and introduced the possibility of the State “reimbursement” to parents of disabled child an expense for child's rehabilitation and studying organized by parents themselves in the family or in alternative establishments (the right for alternative education is specified in items 253-254 of FR-3) - in frames determined by the state and local specifications of financing of expenses for rehabilitation and education in state or municipal establishments [29]. Unfortunately these “reimbursement” provisions of the Law were not implemented properly so far in real life; and the 2004 Federal Law № 122-FL additionally limited these opportunities (see sub-item (5) in Review of the Law # 122-FL above).

Actually the “Federal List...” established by the Government must be a document which is supposed to give legal grounds for financial covering of rehabilitation and education of children with disabilities, living in the families in particular. Unfortunately, as it was described in commentaries to 191-193 (sub-item “Rehabilitation”), the “Federal List...” introduced by the Government in October 2004 will not permit to cover any expenses; it surely must be improved, we outlined it the concluding chapter “Our Proposals”.

In 2002-2004 the problems of infringement of the rights of disabled children with deviations of intellectual development were not a once raised by the Committee on Education and Science and by deputies of the State Duma, by Ombudsman on Human Rights in the Russian Federation, the Commission of Human Rights under the President of the Russian Federation, by organizations of parents of disabled children, by the Russian and foreign citizens – in particular in their appeals to President and Government of Russian Federation.

B. Health protection and services in the field of public health care.

To items 200-208:

The infants mortality went down in Russia essentially during last 5 year. However some specialists, commenting this positive statistics, note that the very notion of “alive infant” in Russia differs from that in other countries. Because of it many deaths of babies in Russian maternity houses are not counted by statistics since these babies were considered as “born dead”.

In addition to these items of FR-3 we shall present the following information: 40 % of newborns in Russia suffer various diseases; among younger schoolboys the number of absolutely healthy children does not exceed 8-10 %, among senior pupils - no more than 3-5 %; as a whole it is possible to regard as healthy only 32 % of Russian children (data presented at the Session of Working group of the Government of the Russian Federation on questions of health protection of children carried out on September, 10, 2003 under presidency of that time Vice-Premier on Social Policy Galina Karelova). At press-conference of the Scientific Center of Obstetrics, Gynecology and Pediatrics of Russian Academy of Medical Science held in July, 2004 and dated by the World Day of the Population the following data were presented: in Russia mother's death rate is 3 times higher, than in any country of the West; only each tenth woman of genital age can be considered absolutely healthy; each sixth woman for whatever reasons cannot have children, barrenness in Russia is a problem for 6 million women; early pregnancy frequently result in abortions (about this see in item 218 of FR-3), 10 % of girls and young women, who made abortion, become barren.

In September 2004 came out the UN Fund of Population report “Population of the World in 2004”, which informed, that children under 5 in Russia die twice more often than in Europe, men at able-bodied age die in 10 times more often, and women – in four times.

These unfavorable figures testify first of all about inadmissible low level of health services for a great bulk of the population of the Russian Federation. On December, 7, 2004 at Parliamentary Hearings in Committee on Health Protection of the State Duma on a theme “About legislative regulation of financing of public health services” Chairman of Committee Tatyana Jakovleva said: “*The acting model of obligatory medical insurance (OMI) didn't solve any question in principle: quality and availability of medical aid is not improved, the doctor still is not interested in a result of his work*” [30]. (OMI was introduced in Russia in 1992). Special concern of participants of Hearings, including the famous children's doctor, Director of the Center “Medicine of Catastrophes” Leonid Roshal, was caused by the project of reforms of the Russian public health care, financed by the World Bank, supposing the replacement with family doctors of local pediatricists and therapists, and also gynecologists in female consultation services. In opinion of critics of proposed reforms their implementation will lead not to improvement of situation, but to full disorder in children's and adult medicine in Russia.

To items 213, 215, 217, 218:

Very big numbers of percentage of abortions, especially by girls-teenagers, presented in item 218 of FR-3 are well explained by the information of same item that “*no more than 17-18 % of teenagers who interrupted pregnancy by artificial abortion, had obtained consultations on contraception prior to the beginning of a sexual life; 45-55 % did not apply contraception, 3,5 % used hormonal contraceptives, 45 % used not effective methods*”. In general in Russia “*25,2 % of women of genital age use modern means of contraception*” (against 60-70 % in the developed

countries). All this means first of all that “*new forms of work with teenagers*” are actually underdeveloped, that there is critical shortage of “*cabinets of gynecology for children and teenagers*”, “*centers of planning of family and reproduction*” (quotations from items 213, 215, 218 of FR-3). The problem of illiteracy in sexual matters among population, including adolescences and young people, has got national scales, and those ones who in this connection speak about threat of degeneration of the nation are right.

To items 219-221 (Infringement of rights of abandoned HIV/AIDS- children):

From 1997 till 2003 the quantity of a HIV/AIDS-infected children increased almost in 30 times and reached 9094 children in the age under 14; the number of children born by HIV/AIDS-infected mothers increased more than in 60 times and reached 3111 children in 2003 ([31], page 12,13). Rights of the abandoned HIV/AIDS-infected children and children born by HIV/AIDS-infected mothers are violated to the greatest degree. “*Absence of precise recommendations on life organization of abandoned children who were born by HIV/AIDS-infected mothers leads to unreasonably long stay of such children in hospitals and prophylactic medical establishments – this happens all over the country as investigations of many territories show*” (page 57 of [31], “*unreasonably long*” means for months and even years). “*As a rule, in hospitals there is no opportunity to organize with children educational work necessary for their normal psychomotor development at early age therefore children irreparably lag behind in intellectual and physical development*” ([31], pages 16 and 21). Also there are no instructive documents on the placement of abandoned children who were born by HIV/AIDS-infected mothers in Children’s institutions of bodies of education that deprives them of opportunity to receive the preschool and basic general education.

C. Social security, services and establishments for care over children.

To items 222-237 (Decentralization of organization of social service, preschool education, financing of birth grants and orphans’ pensions):

The information of the items 223-225 of FR-3 concerning pensions for orphaned children and of the item 227 of FR-3 concerning federal financing of a monthly birth grant is now out of date in connection with adoption of 2004 Federal Law № 122-FL. Its Clauses 81 and 53 amended the 1996 Federal Law № 159-FL “*On additional guarantees of social security of orphaned children and children deprived of parental care*” and the 1995 Federal Law № 81-FL “*On welfare payments to the citizens having children*” charging payment of these grants and pensions at the discretion of authorities of each of 89 subjects of the Russian Federation without any minimal federal standards of such payments established by the federal law. Also Clause 65 of Federal Law № 122-FL introduced into the 1995 Federal Law № 195-FL “*On foundations of social service of the population in the Russian Federation*” cardinal changes assigning the organization of this service on authorities of each 89 subjects of Federation. All these new amendments create geographical disparity and in practice may lead to essential degradation of social service in many regions of Russia.

We completely share the thesis of item 229 of FR-3 that “*One of the most significant and effective elements of a policy held in interests of children is activity of personally focused ramified system of establishments of social service for family and children*”. Today, after adoption of the 2004 Federal Law # 122-FL which transferred to regions responsibility for protection of child-

hood, the strategic task is to create the regional well coordinated systems of effective early prevention of social orphanhood, child neglect and delinquency of minors (cf. comm. to 18).

To item 236:

Item 10, Clause 16 of the 2004 Federal Law № 122-FL totally removes the responsibility for financing and organization of the work of preschool establishments from the federal center to authorities of regions, that, as many experts notice, threatens with destruction of all system of preschool education in the Russian Federation (see more in detail in the comment to item 251).

D. Living standards

To items 238-245 (Poverty of families with children. Decentralization of State social help to needy families):

The data presented in item 243 of FR-3 that 55 % of children of the Russian Federation are brought up in families with average incomes not exceeding a regional living wage, once again shows an acuteness of a problem of poverty of families with children (see also comm. to item 15). The information of item 245 of FR-3 is out of day now, as after adoption of the 2004 Federal Law № 122-FL (see comm. to item 16) "*the State social help to needy families*" is not more a sphere of the federal State responsibility.

Comments to Chapter VIII «Education, recreation and cultural activities»

To items 246-259:

The statement of item 248 of FR-3 that "*Citizens of Russia are guaranteed of general available and free-of-charge education irrespective of ... places of their residence...*" is exposed to serious test now in connection with adoption of the 2004 Federal Law # 122-FL (see comm. to 251).

In addition to item 249 of FR-3 it is necessary to note, that on June 25, 2002 there was adopted an important Federal Law № 71-FL "On changes and additions into the Law of the Russian Federation 'On education'" which makes a duty of municipal governments to trace the drop-out of children of age 7-15 from schools. At the same time the common solution of a problem of non-attendance to schools comes to general problem of creation of effective complex system of prevention of child neglect, creation of municipal and regional data banks of children and families in socially-dangerous situation etc. (see comm. to items 18, 173-175 and pointed out therein)

To item 251 (Decentralization of support of education):

The statement of the given item, that "*According to the Federal Law of the Russian Federation "On education" the share of the general budget allocated on needs of various levels of an education system, makes 10 % of the national budget*" is out of date now because item 20, Clause 16 of the 2004 Federal Law № 122-FL cut out from the 1992 Federal Law "On education" its Clause 40 which contained this provision of the Law. Also item 13, Clause 16 of the Federal Law № 122-FL excluded from the Law "On education" item 15 of the Clause 28 called "Competence of the Russian Federation in the field of education", which earlier formulated obligation of the Russian Federation to make "*an annual establishment of a share of the federal income directed on financing of education. Formation of the federal budget regarding charges on education, federal funds of development of education*". Thus beginning from 1 January 2005 Federal Center do not bear any responsibility for organization and financial support of education in Russian Federation.

Also Clause 16 of the Federal law № 122-FL excluded from the Law "On education" clauses which released schools and other educational institutions from "*rent payments for using fixed objects (buildings)*" and from "*payments of all kinds of taxes, including the tax for the ground*".

Precisely also in spirit of the administrative reform relieving the State Russian Federation of responsibility for social support of its citizens, item 10, Clause 16 of the Federal Law № 122-FL excluded from the law "On education" item 2 of Clause 18 which said: "*State guarantees financial and material support of education of children of early children's age, provides availability of educational services of preschool educational establishment to all layers of the population*", and the same Clause 16 of the Federal law № 122-FL excluded from Chapter V of the Law "On education" item 22 of Clause 50 which said: "*State provides creation of the mechanism of social protection of children and teenagers, certain workplaces at the enterprises for employment of graduates, orphaned children, children with deviations in development and behavior; develops and carries out target programs on maintenance of protection of the rights, protection of a life and health of children, protection of children against all forms of discrimination*". Also the 2004 Federal Law № 122-FL cancelled all privileges to the teachers working at rural schools, and brought many other potentially destructive changes to the legislation on education.

The Federal Law № 122-FL came into force on January, 1, 2005. In the near future its consequences will be clear. It is possible, that one of consequences of this Law will be closing of many free-of-charge state or municipal general education schools and kindergardens that would be visible infringement of item 2 of Clause 40 of Constitution of the Russian Federation which says: "*There are guaranteed general availability and free-of-charge preschool, basic primary and high school education ...*".

Comments to Chapter IX «Special measures of protection»

A. Children in emergencies

1. Children-refugees, migrants and internally displaced children

To items 273-283:

Impact of new Federal Laws: "On citizenship of the Russian Federation" (19.04.2002) and "On a legal status of foreign citizens on the territory of the Russian Federation" (25.07.2002):

The first and main problem of refugees and the migrants in Russia, including children, is to receive any legal status, to have any document. This proves to be rather difficult to receive and to have. In 2002 after adoption of the named laws the number of illegal migrants in Russia increased by 450 thousand (according to the Ministry of Internal Affairs) or by 1 up to 3 million (according to independent experts' estimations). Most of them are former Soviet citizens who for different reasons (beginning from ethnic cleansings and up to family motives) resettled to Russia from CIS countries but did not acquire Russian citizenship because it was not demanded at all. They lived in Russia during years without any violation of the law having permanent or temporary registration in their Former USSR passports. New 2002 Federal Law "On citizenship..." invalidated these passports in Russia and hundreds of thousands of their owners instantly became "foreigners without visa" – with many unpleasant consequences for them and their children. To acquire quickly Russian citizenship and in this way to correct the unfair situation proved to be very difficult because first of these two laws extremely narrowed a circle of persons, having the right

on the simplified order of receiving citizenship, and the second one – reduce to three months the right of stay on the territory of the Russian Federation for the persons having the right on visa-free entrance to Russia (clause 5, part 1, paragraph 2). The law did not provide exception for families, living in the Russian Federation for many years. Three months is a short term, and many families were enforced to depart from Russia and come back every three months just for the goal to receive in their “foreign” (i.e. former Soviet) passports stamps of crossing the boarder demanded by new law. Those who don’t leave Russia in three months, appear in position of ones infringing the law and, further receive refusal in permission to temporary residing.

The Armenian refugees from Azerbaijan and Georgian from Abkhazia, living in the Russian Federation for 12-15 years, suddenly turned illegal, together with their children, including born on the territory of Russia. They must pass a complex and long procedure of legalization, during which they and their children are deprived of legal status and hence of state social support (pensions, grants, the free-of-charge medical and medicinal help, an opportunity of reception of free-of-charge average and high vocational training). In the most favorable situation process of legalization of former citizens of the USSR takes about one and a half year during which children of migrants do not receive any support from the state. At the best they may go to the nearest school thanks to personal arrangement with director.

At the meeting of members of the Commission on Human Rights under President of Russia with President Vladimir Putin on 10 December 2002 these problems were put point-blank. This had certain positive impact: on November 11, 2003 State Duma passed amendments to the 2002 Federal Law “On citizenship...” initiated by President which permitted to acquire quickly Russian citizenship by those ones who have permanent residence registration in Russia. This positive measure did not solve however plenty of problems.

“No document” problem:

Sometimes, the procedure of legalization appears impossible. The one of the reasons of it is **no temporary identification card of the person without citizenship and the foreign citizen** who for the objective reasons (usual position of the refugee) cannot address for documents to embassy of the country of the citizenship. Especially it concerns the persons who arrived to the Russian Federation being children, i.e. before the age of majority. Nobody explained to his/her parents that the parents’ acquiring of the citizenship of Russian Federation does not mean automatically acquiring of citizenship for their children. After approach of fourteen-year age when Russian children receive passports, children who do not have citizenship, appear in rather complex situation. They are stopped by militia in the street, taken away to police stations, they are frequently suspected in offences as children of East appearance look more senior than in reality. And even having reached 18 years, i.e. age of majority, all of them equally have no identification card, so their applications couldn’t be submitted to court - either on granting of citizenship or on residence permission. This desperate dead alley situation is realized well by employees of the Ministry of Internal Affairs. However they have no power to develop the form of the necessary document, this demands Decision of the Government. And appeals of NGOs activists to the Government of the Russian Federation to resolve this keen problem were not heard so far.

Problem of quota:

By the law "On a legal status of foreign citizens on the territory of the Russian Federation" there were introduced a quota on delivery to foreign citizens and persons without citizenship of permission to temporary residing in the Russian Federation. These quotas are established by au-

thorities of subjects of Federation at their discretion and are not grounded in any way (Clause 6, part 1). As the fear before visitors is distributed most widely, quotas are appointed ridiculously small, in some subjects - even tens or hundreds persons. There are known cases when in one and the same family one of its members can have time to legalize papers and get in a quota, and others are enforced remain outside of it till next year, families appear divided.

Children without parents:

Work with children who stayed without parents is not carried out properly. Committee "Civic Assistance for Refugees and Forced Migrants" collided with cases when children who arrived to Russia with parents and later for the different reasons appeared without parents were considered by authorities as illegal foreigners. And authorities did their best to send these children back to the countries which they had left many years ago. In some cases close relatives (grandmother or aunt) are arbitrarily refused in registration of guardianship or trusteeship of the child who lost his/her parents. Committee "Civic Assistance" not a once defended rights of children without parents, living without registration with their relatives, to visit school and to receive health services.

Internally displaced persons and registration of place of living:

The special problem - internally displaced persons, IDPs. They are citizens of the Russian Federation but their situation in Russia is not better, than situation of refugees and migrants. The IDPs in Russia are victims of war in the Chechen Republic and Ingushs from the Suburb District of Northern Ossetia - Alania, who run from ethnic cleansing more than 10 years ago.

The part of families from the Chechen Republic received the status of the forced migrant - 147 000 victims of the first Chechen campaign and 12 000 victims – of the second one. Those were, mainly, "citizens of not leading nationality" (as official documents of Federal Migration Service put it, meaning by "not leading" in Chechen Republic, i.e. - not Chechenians). Actually, the Chechen republic was left by more than 600.000 citizens. Without having status of forced migrants they have many problems with registration at their place of residence resulting also in violation of basic rights of their children. Law-enforcement bodies do all possible to refuse in registration of IDPs, referring to any formal demand, and sometimes directly explaining, that they have the oral instruction not to register ones who arrived from the Chechen Republic. Also frequently IDPs cannot receive registration as their passports lost force (the Soviet sample, where e.g. there is not necessary photo at the age 25 or 45). Also it appears impossible to receive the passport to children who reached 14 years old. They are suggested by authorities to go to receive documents back in the Chechen Republic where their life is threatened and where many do not have any habitation.

In Moscow children of teenage age of not Slavic type are often exposed to temporary detention by employees of militia for check of documents and registration. In rare cases they are allowed to inform parents about their detainment. In Moscow there were cases when detained children - pupils of the Moscow schools – were transferred to hospitals' specialized branches for homeless children, wherefrom they were taken away by the parents who found out about their site only in a day.

At absence of registration of a residence children are not paid with allowances, also the disability pension, they are deprived of free-of-charge medical aid, free-of-charge medicines, not observed in polyclinics in a place of residing, babies do not receive a free-of-charge food. Therefore NGO try to help with a feeding of small children.

With coming into force of the "monetary compensations" Federal Law # 122-FL situation

will sharply worsen, as children from large families possessing temporary registration of their residence now lost benefits of free-of-charge feeding at schools, use the right of free-of-charge travel inside the City.

Registration and right for education

On December 25, 2000 Moscow City Court issued a Decision which cancelled the discriminative item of Registration Rules for Moscow, forbidding to accept to Moscow schools and kindergardens children which parents have no registration in Moscow. Later this Decision of the Moscow City Court was authorized by the Supreme Court of Russia. However despite of these positive decisions many parents who do not have registration, still collide with refusal in reception of their children in schools and kindergardens of Moscow and the Moscow region.

After numerous applications about such infringement of the Law the Committee of Education of Moscow directed to Directors of schools the Instructive Letter from 12.10.2001 № 2-13-15/20 in which, in the implementation of the Decision of Moscow City Court, was specified a necessity to accept children in school, irrespective of registration of parents. However by the same Letter Committee asked "at reception of children in school to inform law-enforcement bodies on the facts of absence of registration of parents of minor citizens". This letter is valid by this day, cases when employees of militia come in schools and interrogate children of IDPs without presence of parents or guardians are known. It frightens also children and parents. Now many directors and managers of kindergardens under any pretext try to refuse in reception of Chechen children and threaten parents that inform about a place of their residing to bodies of militia.

Internally displaced children in North Caucuses.

Situation of displaced children, both in points of temporary accommodation, and in a private sector of the Chechen Republics, is very hard. They suffer the diseases peculiar to children, they mature and are brought up at lack of a feed, in cellars and damp premises. The majority of them requires medical aid, but receive it in very small volume. Support by NGOs, having means for payment for travel and treatment of these children, is complicated because, contrary to the rules acting for residents of other regions of Russia, to receive a direction on treatment in Moscow or in other city of the Russian Federation for children from Chechen Republic is possible only through Permanent Mission of Chechen Republic in Moscow.

Besides it, 19.000 of IDPs from the Suburb District of Northern Ossetia – Alania can not return to their houses, more than 1200 from them live for 10 years in camp near the settlement "Maysky" in North Ossetia – Alania in completely unacceptable conditions in extreme density and poverty. It is necessary to tell about this camp "Maysky" and a life of hundreds of children there:

By results of the social research which have been lead by Human Rights Center "Memorial" in November, 2004, 99 % of 1235 inhabitants of camp "Maysky" are unemployed. The majority of families have many children. On data of Muhammad Tsurov, the commandant of this small town, from 1235 its inhabitants there are 584 children, from them - 387 schoolboys and 197 children of preschool age. 66 half-orphans, 11 orphans, 11 lonely and 62 elderly persons live in "Maysky". Educational process of 387 schoolboys living there is extremely complicated. As inhabitants witness, in a normal regime the school is visited only with third of children. Many families not send children to study, as they can not afford to dress them, especially during winter time; annual purchase of textbooks and school accessories (about 1000 rubles on the child) is very heavy for the overwhelming majority of families.

Secondary school of settlement Maysky (address: Republic of Northern Ossetia - Alania, settlement Maysky, Communalnaya ul. 18), designed on 450 pupils, trains 1129 pupils in practice. 800 from these children - the forced migrants from the Suburb District of North Ossetia – Alania and the Chechen Republic (besides camp "Maysky", many Ingush forced migrants settle in a private sector). The school lacks all. There is even sharp shortage of chairs and tables where children can sit and work – this is the main problem of the school. In library there are no textbooks, cabinets are not equipped, heating is weak. It is very cold in October. Children study in two changes, till 18 o'clock. The first-aid post is not present, a hot feed is not organized.

According to the director of studies of school Larissa Akhmedovna Tseloeva, schoolboys from camp "Maysky" sharply differ from other pupils: *"Nervousness, absent-mindedness, problems with memory, often misses, weak motivation lead to low progress of these children. Besides they are given to themselves - parents do not have forces and opportunities to manage with their education. Many are just hungry, a free-of-charge feeding at school is not present, and they cannot allow to buy a breakfast in buffet"*.

It is necessary to add only, that all these children – are full-rights citizens of the Russian Federation whose rights guaranteed by the Russian Constitution and Convention on the Rights of the Child Russian Federation is obliged to observe.

2. Children in armed conflicts, including questions of physical and psychological restoration and social reintegration.

To items 285-291:

Oleg Gaba, former Ombudsman on the Child Rights of Chechen Republic in 2001-2002, has done a huge work on protection of the rights of children of Chechen Republic. In particular he organized the account of all orphaned children - for this reason according to official statistics of the Ministry of Education of Russia number of the orphans revealed in Chechen Republic in 2000 was equal 69, and in 2001 – 1772 ! And due to the Ombudsman on Child Rights all of them began to receive orphans welfare payments. About problems of children of Chechen Republic Oleg Gaba also spoke out in federal mass-media [32]. Not everybody liked it, Children's Ombudsman had undergone to the strongest pressure on the part of representatives of the federal power structures operating in Chechen Republic, and in 2002 he was compelled to leave the Chechen Republic. Since then the post of the Ombudsman on Child Rights of Chechen Republic is empty. Republican Women Congress with two hundred delegates took place in the August, 2004 in Grozny. At the Congress women were speaking about a distress in Chechen Republic, about a problem of payment of monetary compensations for lost housing in a course of "counter-terrorist operation", a problem of reception of children's payments. Delegates of Congress of the Chechen Women appealed to renew in the Chechen Republic activity of the Ombudsman on Child Rights. Today this appeal still remains actual.

As a whole the main problem in Chechen Republic today, having also the direct attitude to matters of children of Republic, is a necessity to overcome an existing legal chaos, to create the effective pluralistic mechanisms of protection of human rights and punishment of perpetrators of their infringements, including abductions, tortures and executions of people. The perpetrators of such crimes are representatives of federal forces, representatives of law enforcement bodies of the Chechen Republic, and also members of so-called "armed opposition". As it was mentioned in comments to items 117-119, a problem of creation of mechanisms of a due transparency and ac-

countability in activity of employees of law enforcement bodies, power structures and special services, the mechanisms, capable to provide observance of legality and human rights – this is a problem of all Russia. In the Chechen Republic it stands more sharply owing to huge concentration of employees of these bodies and structures. Activity of the Ombudsman on Child Rights would be an important component of general protective legal mechanism, and we hope, that this activity in the Chechen Republic will be renewed.

Meanwhile children of the Chechen Republic have a lot of problems:

Children living in temporary accommodation in the Chechen Republic, are on the verge of an exhaustion since their parents cannot receive work and all family is compelled to exist on pensions of old men and the children's grants making 70 roubles a month, i.e. hardly more than 2 dollars. At absence of milk at mother (because of a bad feed it happens frequently) the baby does not receive a free-of-charge children's feed. Children under 3 which should be on a special diet, are deprived of this opportunity and compelled to eat daily food of family, i.e. flour products (if they are) that is negatively reflected on their health and development. Appeals on this question to Federal Migratory Service and to Chairman of the Government of the Russian Federation resulted in nothing; this correspondence is in Committee of " Civic Assistance for Refugees and Forced Migrants".

In temporary accommodation in territory of the Chechen Republic there are no kindergartens. Schools in the Chechen Republic are not completed with necessary textbooks, help materials and fiction. Educational process is carried out incidentally, as now to move inside some areas of Chechen Republic is unsafe. There are no teachers - especially in the senior classes. The level of knowledge of Chechen schoolboys, regardless of their big motivation to studying, considerably lags behind a level of knowledge of pupils of same age from other regions of Russia. Graduates of the Chechen schools, as a rule, have fewer chances for free-of-charge average special and higher education in other regions of the country as they are not capable to sustain a competition.

Children living in the Chechen Republic, are deprived of the qualified medical aid and necessary medicines. Children becoming invalids as a result of military actions are registered as “invalids since the childhood”, not as victims of military actions; therefore they cannot receive the necessary help in prosthetics and treatment, their parents for the lack of money resources are not capable to buy them expensive medicines and to order functional artificial limbs, which cost is some thousand dollars. Chechen children, who survived in confrontation, don't receive necessary psychiatric and psychological help. Residing at the Chechen Republic is unsafe. Cleansings and round-ups during which militarians on eyes at children forcedly take away fathers and the senior brothers and then they completely disappear, generate in the child a fear before any person in the military uniform. Quite often a victim of such “kidnappings” become boys of teenage age.

B. Children in system of administration of juvenile justice

1. Administration of justice.

To items 292 – 306 (*New Laws and Courts practice*):

Legislative process of humanization of criminal and criminal-procedure justice concerning minors, which important stages (including the July 1, 2002 new Criminal-Procedure Code, CPC, of the Russian Federation) are specified in FR-3, was continued in 2003 by adoption of changes

and additions to CPC of the Russian Federation (Federal Laws from July, 7, 2003 № 111-FL and from December, 8, 2003 № 161-FL) and to the Criminal Code, CC, of the Russian Federation (Federal Law from December, 8, 2003 № 162-FL). General sense of these legislative innovations - in expansion of an opportunity (in cases of small or average offences and crimes) of application to minor of measures of so called “educational influence” or punishment not connected with deprivation of freedom, and also in legalizing of wider possibilities of release of minors from “educational colonies” (EC) before they served full term of imprisonment. Let us look upon immediate impact of these new humane laws:

Courts’ verdicts, connected with deprivation of freedom in particular:

The total number of minors sentenced by Russian courts to different punishments: in 1999 - 146.698, in 2000 – 148560, in 2001 – 142.829, in 2002 – 88.334. From them number of minors deprived of freedom by the decision of the court: in 1999 – 34.407 (23,9% from general number of sentenced minors), in 2000 – 29.407 (25,5%), in 2001 – 29.624 (22,7%), in 2002 – 18.934 (24,5%) ([1], page 122, table 45). Thus we see that in 2002 the number of minors brought to justice was 54.500 less than in 2001, which is direct result of humanization of the Law. This however does not mean that number of offences perpetrated by minors in 2002 went down to compare with 2001. The point is that many minors, who perpetrated small offences and in 2001 and earlier were brought to justice, thanks to new laws escaped the courts in 2002. This very good evaluation puts however serious questions. It is well known that many of minors-offenders not brought to justice according to new laws, although are put to special account, in practice are left without necessary social accompanying and rehabilitative support. This in many cases result in repeated offence or crime by the same minor. Thus “humanization” is a challenge, a strong stimulus to improve the work of “preventive system” (cf. comm. to items 18, 173-175).

Another visible impact of new laws is the decrease of verdicts connected with deprivation of freedom shown above – by 10.690 from 2001 to 2002. This is one of the reasons (together with amnesty) of decrease in 2002 of population of children’s corrective “educational colonies” (see below in sub-item “Minors in educational colonies”). At the same time lower number of courts’ sentences connected with deprivation of freedom in no way is connected with practice of pre-trial arrest (see below). Let us compare percentage of courts’ verdicts connected with deprivation of freedom of minors in Russia with same figure in other countries. Figures presented in the beginning of this item show that percent of such court verdicts in Russia from general annual number of sentences appointed to minors by the courts is some above 20%. Comparison to other countries shows, that 20 % of verdicts to imprisonment of minors – is a huge figure. In the countries with civilized justice this parameter varies from zero or shares of percent up to 2-5 percent; and, as a rule, it is about 10 times below similar parameter for adults, - that is a first sign that a society and law-enforcement system understand and take into account that the child is the child, that it is for advantage of the society not punish but to rehabilitate him. In the Russian Federation children are being sentenced to imprisonment not in 10 times less, but in 1,17 (2000) - 1,42 (1993) time less, than adults. That is children and adults are measured similarly.

Huge terms of deprivation of freedom:

According to census of condemned and the prisoners, carried out in 1999 [33], average term of minor’s imprisonment in educational colonies (EC) made 4.1 years. It is by nine months more, than it was shown by similar census in 1994. More than 90 % of prisoners of colonies, received punishment over 2 years (1/5 from the maximal term for minors). Several examples: (1) For

smallest theft estimated by the Court in 312 rubles 50 kopeks (13 USD) the 14-years old boy D. was sentenced to 2 years of imprisonment in EC, and this is unfortunately typical situation. (2) Natasha D. 15-years old inmate of Orphanage was sentenced by the Court (together with another girl) to 3 years of deprivation of freedom for theft of linen, jacket and liter of common cost of 615 rubles (25 USD); the Court ignored that the “victim” of the theft was man K. who treated girls with home-distilled vodka, and the Court even did not study why girls were found in his apartment. Most of thefts are perpetrated by minors because of hunger: (3) Inmate of Orphanage Luba M. from the town of Gremyachensk Perm’ Region stole together with two other girls a loaf, some other food and a pot of made porridge; they ate it all the same evening together with Lyuba’s mother; Lyuba was sentenced to three years of confinement. (4) Tanya Sh. from Orenburg Region together with two other persons stole 7 rails from railway store-house; in this way she received 1680 rubles which she needed to buy food for her three small brothers and sisters; they had nothing to eat at home because their parents were in hard-drinking already for two months; the Court did not take into account all these circumstances and sentenced Tanya Sh. to one year of deprivation of freedom. Statistics says that only 1,5 % of teenagers – inmates of ECs received term less than 1 year (according to various researches, 1 year is a deadline of imprisonment for teenagers after which the irreversible changes in their psychics begin).

Researches conducted by group of human rights activists and experts permit to say that rights of children during investigation and trial are violated on a mass scale. Most of teenagers can not rely upon qualified assistance of the lawyer, they themselves are incapable to protect their rights. In most region judges do not take into account the psychology of the child-age, social status, difficulties in development, information about personality of the child, the motives of crime. One of the authors of the Concept of the Judicial Reform in Russia approved by the Parliament in 1991, renown lawyer Sergey Pashin writes: *"Modern Russian justice keeps traces of medieval justice which counted the child the reduced copy of the adult"* [34]. In opinion of human rights activists, many investigators, public prosecutors and judges regard teenagers as most criminal part of a society, fiends, and believe, that for the blessing of a society, children who appeared in a network of criminal justice, must be sent in prison.

To items 310-315 (*Special schools*):

Given in FR-3 and also in the State Annual Report 2003 [1] data on number of pupils of special schools and special vocational colleges of closed and open type (in “closed” - 4354 pupils by the end of 2002; in “open” - 2394 pupils – see [1], page 69), show on the one hand the insufficiency of these establishments in scales of the country. On the other hand data on repeated crimes of former inmates of special schools of closed type are really depressing: during first three years after release the repeated crime is perpetrated by 50% of former inmates of special schools and special vocational colleagues (the child may be directed to special school beginning from 11 year, this it is not a surprise that psychic of these children is deformed by the life in closed institution). It is also known that children-offenders who were directed by the courts to special schools, but were not accepted there because of shortage of places and remained to live at home, create repeated crimes 2-3 times less, than those who were “corrected” in special schools. *“The social adaptation of graduates of special educational establishments is not too effective because of insufficient inter-departmental interaction on municipal and regional levels”* ([1] page 71).

To items 316-319 (Militia divisions on affairs of minors):

It is possible to welcome only, that in law-enforcement bodies there are specialized divisions on affairs of minors (PDN). One of acute problems about which FR-3 speaks nothing, is in necessity of increase of status of PDN within a system of law-enforcement bodies of Ministry of Interior. Rather law status of PDN existing today reflects the general approach according to which everything that is connected to children is considered as secondary. Perhaps laws, establishing juvenile justice in Russia, are not adopted until now because of this deep and dangerous for future of the country prejudice.

To items 320-322 (Laws on Juvenile Justice):

The way of creation of juvenile justice in the Russian Federation is difficult, and this road has not gone yet. The Committee of the United Nations on the Rights of the Child in 1993, and then in Concluding Observations in October 1999, strongly recommended to adopt corresponding laws. Galina Karelova, Head of Russian State Delegation at the "Russian" session of the Committee on September 23, 1999 assured that *"the package of legislative proposals on introduction in the Russian Federation of the specialized justice for minors was prepared"*. And this was truth. The adoption of this package was, however, postponed for a long time: in autumn 1999 the new State Duma was elected, in spring 2000 - elections of the new President of Russia, in May, 2000 - formation of the Government which then in May directed to the State Duma the negative Conclusion to the draft-laws on juvenile justice. As a result of the active position of public organizations (first of all by the Foundation "No to Alcoholism and Drug Addiction"), expressed in particular at the Civil Forum in Kremlin in December 2001, a position of the Government in the attitude to juvenile justices changed to positive, also a positive position was taken by the Supreme Court of the Russian Federation. As a result on February, 15, 2002 the overwhelming majority of the State Duma (366 - pro, 6 - contra) adopted in the First Reading specified in the item 322 of FR-3 draft of the Federal Constitutional Law # 38948-3-FL which is first of three laws from "juvenile" package, declaring juvenile courts as a component of the Courts System in the Russian Federation (other two draft-bills are "On juvenile courts in the Russian Federation" and "On foundations of system of juvenile justice in the Russian Federation").

However, 1,5 month later after this almost unanimous vote, State Duma received negative Conclusion to this bill signed by President of Russia (the Letter № Pr-564 from April, 2, 2002). This negative Conclusion was prepared by the State-Legal Department under the President of the Russian Federation, and it obviously, made impossible the further promotion of the first law and of other two laws on juvenile justice. The given Conclusion still lay in the State Duma (newly elected in December, 2003).

On the International Human Rights Day, December 10, 2002, Vladimir Putin met members of the Commission on Human Rights under the President which members are well known human rights activists and public figures. The question about juvenile justice was discussed in a positive key therefore the President gave the order about creation of Working Group on Juvenile Justice with participation of the high officials of the State. The second meeting of members of the Commission on Human Rights with the President took place again on the International Human Rights Day on December 10, 2003, and there was also actively and positively discussed juvenile justice. As a result of the work done by public organizations, practically no one remained among leading heads of all branches of power who openly would have declared the opposition to the establishment in Russia of

the specialized courts for minors. Nevertheless in December 2004 one more negative Conclusion to the package of laws on juvenile justice came to State Duma from Administration of the President of the Russian Federation. In the Letter by Regional NGO "Right of the Child", sent on December 16, 2004 to the Head of Administration under the President of the Russian Federation Dmitriy Medvedev, it is underlined, that in September 2005 the Russian Federation will report in Geneva to the UN Committee on the Rights of the Child and that absence of progress in the creation in Russia of juvenile justice will cause a serious damage to the international image of the Russian Federation.

Meanwhile juvenile justice begins to be implemented in some Russian regions. The special progress was done in Rostov Region where 14 prototypes of Juvenile Courts are already working and first in Russia separate Juvenile Court was opened in the town of Taganrog. At the same time we can not expect essential "regional" progress in juvenile justice in the absence of the corresponding federal laws.

Important event of the last moment: On February 7, 2005 President Putin had special meeting dedicated to juvenile justice with Ella Pamfilova, Chair of the "Council under President of Russian Federation on Assistance to Development of Institutes of Civil Society and Human Rights". As a result of this meeting President of Russia commissioned Administration of President to draft the President's positive Conclusion to the first Law on juvenile justice declaring, as it was said above, juvenile courts as a component of judicial system of the Russian Federation

2. Children deprived of freedom, including any form of detainment, imprisonment or directing to corrective institution.

To items 323-329:

Arrest and pre-trial detention:

According to official prison statistics received by censuses of prisoners (data of the Ministry of Internal Affairs, Ministry of Justice and State Committee on Statistics), in 1998-2002 the relative quantity of minors under investigation in pre-trial isolators (SIZO) was from 6 up to 8 % of all SIZO prisoners (together with minors already sentenced by the courts and waiting for transportation to educational colony - from 9 up to 12 %). The figures are great and show that investigators and public prosecutors used such preventive punishment, as placing minors in custody, with obvious redundancy. As it is noted in item 323 of FR-3, according to new, of the year 2002, redaction of Clause 108 of the Criminal-Procedure Code (CPC), the arrest as a preventive measure before trial can be applied to minors only in case if they are suspected in heavy and especially heavy weight crimes; in exceptional cases it may be applied in case of average weight crime. Amendments introduced to Clause 108 of CPC by the 8.12.2003 Federal Law # 161-FL even strengthen these human incentives of legislators. Real life however does not obey them and prove to be an "exceptional case" very often.

Here are some figures from the data (received by the "Moscow Center for Prison Reform" from the Ministry of Justice) about "*The persons first time arrested according the decision of the court, who were placed in isolators of Ministry of Justice of the Russian Federation in 2002-2003*". The special column of these data gives numbers of minors "*suspected in small and average weight crimes*" (who – we remind - according to CPC may be subjected to pre-trial arrest only in "exceptional cases"):

- In July-December, 2002 - 1324 first time arrested minors suspected in small and average

weight crimes were placed in SIZO according the decision of the Court (this is 5,1 % from the general number of persons suspected in crimes of the same category and placed during these 6 months in SIZO according decision of the Court);

- January-June, 2003 - 1601 minors (4,4 % from the general number of new pre-trial prisoners of same category);
- July-December, 2003 - 1731 minors (4,6 % from the general number of new prisoners of same category).

As it is seen, humanization of the law in 2002 didn't affect number of pre-trial arrests of minors which in 2000-2003 approximately in one and a half time exceeded a similar parameter for 1993-1997. At the same level (3.7-4.6 % from total number of arrested persons suspected in crimes of the same category) was number of the first time arrested and placed in SIZO minors suspected in crimes of small and average weight in the first 6 months of 2004. And this is done, despite of introduction into the Criminal Code of the Russian Federation (December 8, 2003 Federal Law # 162-FL) of the amendments forbidding to judges to appoint preliminary imprisonment to the minor, suspected and accused in small and average weight crimes.

The number of minors in Russian pre-trial detention centers (SIZO): in 1999 – 13.400 minors, in 2000 – 12.300, in 2001 – 9.500 ([35] page 66). The average term spent by the minor in pre-trial detention is about 7 months. At the same time 70 % of these minors are sentenced by the courts to punishments not connected with deprivation of freedom, which is result of humanization of the law described above. Thus the question arises: why teenager was held for 7 months in custody, moreover in conditions of investigation isolator? The answer is evident: for the sake of convenience of investigators who are practically always supported by the courts. Also it is important to note that life of about 10 thousand minors in pre-trial detention is not properly organized: only half of SIZO, possessing special branches for minors, have schools or training-consulting centers; there is lack of space for leisure and amateur occupations; rehabilitation and educational programs in SIZO are carried out only thanks to selfless initiatives of some members of personnel and by activists of human rights organizations.

Minors in educational colonies:

Let's present the comparative statistical data on number of the minors contained in educational colonies (EC) in different years: in 1999 – 22.000 minors, in 2000 – 17.200, in 2001 – 18.700, in 2002 – 10.900 (data from Annual Reports [1] page 74; [36] page 66). The sharp decrease of quantity of children's population of EC - by 7.800 during 2002 - may be caused on the one hand by also sharp decrease in number of such sentences in 2002 (see in comm. to 292-306), on the other hand, however, it is necessary to take into account, that in 2002 wide amnesty was declared which resulted in release of 13,5 thousand minors ([1], page 68). Now there is preliminary rather worrying information about new increase of sentences of minors to deprivation of freedom and hence new increase in population of ECs. Actually it would be understandable because it is hardly possible to expect appreciable change of judiciary practice towards minors without legislative establishment of general system of juvenile justice and wide use of juvenile technologies (cf. comm. to items 320-322).

10% of inmates of EC are orphans; 20% have deviations in their psychic development confirmed by medical documents; 5-6% are former pupils of "auxiliary schools". 50% never studied or worked before the arrest; 25% of inmates have only primary education (4 classes). More than 7% are suffering from alcoholism and drug addiction. Among inmates of EC there are from 25%

to 40% of the age above 18 years (below 21). In 2001-2002 there worked 10,5 thousand employees of EC; from them those who directly work with inmates are: 8% - tutors, 7,7% - teachers, 1,6% - psychologists, 5,3% - medical workers, 2% - masters of vocational training. Many of them try to do their best to make life of minors in confinement sensible, to teach and to rehabilitate them. However not this work, but observation of regime is considered a priority by administration of most colonies. "Educational" or "corrective" colonies, as a rule, do not justify these titles. This is especially harmful to children because terms of imprisonment of minors in Russia are very high – about 4 year in average (see above).

General number of minors deprived of freedom:

Speaking about number of children in compulsory isolation in Russia it is necessary to the above-stated data on the minors in establishments of GUIN of Ministry of Justice (EC and SIZO) to add children contained in establishments of closed and half-closed type of other ministries:

- 5-7 thousand minors in isolators of temporary custody (IVS) of militia and in the Centers of Temporary Isolation of Minors-Delinquents of the Ministry of Internal Affairs;
- 4-4,5 thousand minors in special schools and special vocational colleges of closed type of the Ministry of Education and Science.

Besides it in Baby Homes of women colonies and in chambers of pre-trial centers there are living 500 - 700 kids of 0-3 years old – babies and small children of mothers-convicts. About this essentially discriminated vulnerable group see above in comm. to item 69.

Thus, the general number of minors in places of deprivation of freedom in Russia varies from 30 up to 40 thousand (in different years). This is 21-28 minors in confinement to 100 thousand population of the Russian Federation. To compare with other countries the same parameter in Western and Central Europe is from 0 (Italy) up to 5,7 (Greece); in the countries of former communist block - from 0,6 (Slovenia) up to 16,6 (Estonia) and 17 (Belarus); in the USA – 30. A shameful record by quantity of children contained in places of deprivation of freedom Russia keeps (from the end of XX century - together with the USA) since times of Stalin's GULAG.

Geography of educational colonies:

Russia is a big country. In 36 (from 89) of its regions there are no Educational Colonies (EC) for minors at all. Only 15% of minors – inmates of EC serve their term of imprisonment close to their homes; 65% - serve the term in the same region where they live, but not in the same district. – Thus they, as well as 20% who moved far off to other parts of Russia, are geographically separated from municipal authorities and services of their permanent residence which were responsible for them before their imprisonment and will be responsible after their return home; and they are also essentially separated from parents whose visits to EC are difficult because of far distance and high cost of travel. Even worse is situation with girls (about 1000 girls are inmates of ECs) since there are only three EC for girls in Russia: Tomskaya (where girls from 23 subjects of Siberia and Far East are placed), Ryazanskaya and Novooskol'skaya (for girls from Ural and European part of Russia). In Kaliningrad Region there is its own EC for girls, boys and women (living separately) – this may be good example for all the country, although it happened only because transportation of convicts through Baltic States to other parts of Russia is very expensive.

Problem of documents:

After minor was sentenced by the Court to deprivation of freedom he/she must be transferred from pre-trial detention center (SIZO) to educational colony (EC). And there are many cases when minors are moved without any accompanying personal documents permitting identification

of their personality (passport, birth certificate, Sentence) which often creates problems – up to confinement of one minor instead of another. The other problem is providing of minors with necessary documents at their release from the EC. The reason of these drawbacks is seemingly funny but actually is very deep. As a rule there is no special money in budgets of establishments supposed for making documents, making necessary photos of minors etc. This money are evidently rather small but nobody will pay these expenses from one's own salary. At this point we come to main deacease of the Russian penitentiary system – human being, minor in particular, is simply lost as a separate personality in this huge “fabric”.

To make jail more close to people, to raise the responsibility of regional and municipal authorities:

The most elementary financial expenses (e.g. of making documents for minors, reimbursement of cost of parents' travel to visit minors, payment the “release” allocation, and, which is most important, – of accompanying minor after his/her release) must be obligation not of establishments of confinement but of local authorities of district of minor's residence. And it would be very important to establish the municipal budgets' obligation to cover part of cost of minors' life in ECs. This will increase municipal authorities' responsibility for minors in confinement, and at the same time will increase their responsibility for improving social politics at their districts as a whole. Such an experience was performed in Penza Region: during two years the Decree of regional government was in action which established that districts reimbursed to regional ECs (in money or in kind) part of cost of confinement of every inmate whose residence was in this district. The immediate result was the certain decrease of minors deprived of freedom, because local authorities trying to save money became more attentive to preventing and social rehabilitation work. The existing situation of absence of any financial responsibility of municipal authorities for minors sentenced to confinement stimulates the punitive practice, – it is much easier for authorities “to arrest and forget” than to organize social accompanying and social-restoring work with their minors.

Thus strategic way of reforming of Russian penitentiary system for minors (and for adults as well) would be to create relatively small colonies in every region and in many municipalities, to oblige regions and municipalities to cover part of colonies' maintenance cost from their budgets (cf. comm. to item 69 in connection with babies in custody). And also to raise the responsibility of regional and municipal authorities for social accompanying and social rehabilitation of minors delinquents – not only those ones who stayed at home in their districts, but also for their minors-residents deprived of freedom.

3. Physical and psychological restoration and social reintegration of the child.

To items 332-339:

The progressive and human line on reduction of imprisonment to minors (in case it will be successfully implemented) challenges all existing system of preventive maintenance, all Russian system of social support of children and the families in social-dangerous situation. Today, unfortunately, once stumbled teenager, as a rule, stays to live inside the same environment which has driven him to the crime - with all following for the child and for society consequences. Annual State report 2003: *"It is necessary to recognize ineffective individual-preventive work with the minors who are on the account for earlier crimes... Absolute number of the minors who repeatedly make crimes:*

2000 - 29,5 thousand, 2001 - 29,9 thousand, 2002 - 25,5 thousand... ” ([1], page 68). This is correspondingly 16,6%, 17,3% and 18,1% from the general number of minors brought to responsibility for crimes in the Russian Federation in the years 2000, 2001 and 2002, - Annual Report 2003 in forms.

There is problem of social accompanying of those minors-delinquents who were not sentenced to deprivation of freedom; and there is also not less acute and nowadays basically not resolved problem of effective, really “curative” social accompanying of those who served their term in ECs and returned home.

And there is special problem of those ones who was arrested being minor and is released after age of majority 18 years – they are essential part, 60% from all released. Commissions on affairs of minors and protection of their rights are not responsible for these “adults” at all. And actually nobody among authorities is responsible for their social reintegration, although they are absolutely not prepared for the life in the Big World – just like orphans who graduated from Orphanages. Human rights activists insist that law must determine for these “adult” persons the benefits and necessity of special accompanying to the age of 23 years old, like now Law determines it for orphans.

In general the solution of a problem of effective psychological restoration and social reintegration of minors-offenders discussed in the given items may be in strategic reform of Russian penitentiary system targeted at approaching of place of confinement of minor-offender to place of his/her residence and at increasing of responsibility of regional and municipal authorities – as it was discussed above. And solution of this problem comes also to the solution of more general problem - to create in regions of the Russian Federation of effective system of preventive maintenance, social accompanying, social rehabilitation of children and the families in social-dangerous situation. (See comm. to items 18, 130-135, 165-171, 173-175, 229).

C. Children undergone exploitation, including questions of physical and psychological restoration and social reintegration.

1. Economic exploitation of children, including child labor

To items 340-349:

In the Labor Code of the Russian Federation adopted in December, 30, 2001 there was excluded the norm on necessity of establishing obligatory for employers quotas of workplaces for employment of youth. This, in particular, created additional problems with employment of the teenagers who stopped study after finishing the obligatory 9-years education in secondary school. At the same time, as it is specified in items 341-343 of FR-3, the new Labor Code has toughened requirements to employers regarding protection of minors against harmful conditions of work. However, these important protective legislative restrictions operate only in case when teenager is officially hired for work; in huge number of cases children get a job illegally and then their protection is provided with nothing (see e.g. in [36]). In the worst forms of child labor (forced labor, distribution of drugs, prostitution, porno business ...) homeless and neglected children, children from asocial families, etc. are involved first of all (see also [37]). Getting rid of the worst forms of child labor, obviously, is coordinated to overcoming poverty and to organization of work on preventive maintenance of family trouble, creation of effective tools of protection of the rights of children, development of children's leisure and children's professional education.

To item 347 (ILO Convention № 182):

The ILO Convention № 182 on prohibition and immediate measures on eradication of the worst forms of child labor was ratified by the Russian Federation in December 2003 via adoption of the 2003 Federal Law # 22-FL of the Russian Federation "On ratification of the Convention on prohibition and immediate measures on eradication of the worst forms of child labor (the Convention № 182)".

2. Drug addicting

To items 350-357 (New positive Law and Decision of the Government):

In addition to FR-3 we inform that Federal Law № 162-FL adopted on December 8, 2003 introduced important changes and additions into Clause 228 "*Illegal purchase, storage, transfer, manufacturing, processing of narcotics, psychotropic substances or their analogues in the large volume*" of the Criminal Code of the Russian Federation. These changes for the first time precisely defined concept "*large volume*" in terms of the other concept introduced by this Law "*the size of an average single doze of consumption*". According to the Law "*sizes of average single dozes of narcotics and psychotropic substances ...to be established by the Government of the Russian Federation*". The goal of this Law was to determine exactly the "border" between consumers of drugs (whose criminal prosecution is inhumane and senseless) and distributors of drugs (whose criminal prosecution is, obviously, necessary). To determine this border is very important for improvement of work of law-enforcement bodies called to struggle with drugs. Traditional aspiration of employees of these bodies in Russia is to bring to justice consumers of drugs (actually requiring not punishment, but the medical-rehabilitation help), thus improving the reports with big numbers of disclosed crimes, which is much easier than to combat real drug-mafia.

That is why Ministry of Interior and especially recently formed new special service called State Drug Control Department did their best to lobby Decision of the Government establishing the minimal *size of an average single dose* – the size which will permit to arrest arbitrarily any consumer. Happily the struggle against this destructive approach, initiated at the very tops of power in January-May 2004 by "No to Alcoholism and Drug Addiction" Foundation (the co-author of the given Alternative Report), ended in victory: on May 12, 2004 Government of the Russian Federation with its Decree "*On average single dozes of consumption of drugs and psychotropic substances*" established rather high, corresponding to requirements of reason and humanity, size of these dozes. According to this act there were to be released from imprisonment about 32.000 of consumers of drugs, including minors, earlier sentenced to deprivation of freedom. Now, in January 2005, 20.000 from them have been already released.

3. Sexual exploitation

To items 364-365 (New Law protecting from use in pornography and prostitution business):

The specified in the given items of FR-3 draft-law "*On modification and amendments of the Criminal code of the Russian Federation*", called to resist use of children in manufacture of pornographic production or for pornographic performances was finally passed on December, 8, 2003 (the Federal law № 162-FL). Additional Clause 242-prim "*Manufacturing and distribution of materials or subjects with pornographic images of minors*" introduced by this Law to the Criminal Code provides as a measure of punishment for these actions an "*imprisonment for the term up to six years*" corresponding to the world standards. Adoption of this law put an end to a situation of

unacceptable liberalism of the Russian legislation concerning the crime of use of children in porno-business.

The same Federal Law from December, 8, 2003 has included “*use of obvious minors in prostitution business*” in number of aggravating circumstances by Clause 241 of the Criminal Code of the Russian Federation “Organization of prostitution”.

Also the Federal Law from December 8, 2003 № 162-FL introduced into the Clause 134 of the Criminal Code the change increasing so-called “age of the consent” of the minor from 14 to 16 years old: “*restriction of freedom for the term up to three years or imprisonment for the term up to four years*” is a punishment for “*the sexual relations, homosexuality or lesbian relations, accomplished by the person who reached eighteen-year age, with the person who obviously has not reached sixteen-year age*”.

5. Other forms of exploitation.

To item 368 (Use of child's housing for making profit):

The statement of the given item of FR-3, that the legislation of the Russian Federation provides “*the obligatory account of interests of the child at privatization of housing*” is obsolete now, as amendments to the Civil Code and the Housing Code introduced by the 2004 Federal Law # 213-FL (see comm. to items 16, 105), allow the owner of an apartment where child's residence is registered to deprive the child of this dwelling by selling the apartment to new owner without the obligatory coordination of this transaction with any state body authorized to protect children's rights.

D. Children of minorities or of indigenous peoples

To item 372:

Information of the given item about Federal program “Children of the North” is outdated, as according to the Annual State Report 2003: “*In the Federal target program “Children of Russia” for 2003-2006 the program similar to the program “Children of the North” is not envisaged, that will reduce opportunities for solution of specific problems of children of the North and can cause deterioration in sphere of education, development, health protection of this category*” [1], page 58. The special problem is deprivation of indigenous people of the lands of their traditional habitation with many consequences for their children. The existing legal vacuum in this question would be resolved by long awaited Decree of the Government “About the order of apportion and legal regime of federal territories of traditional use of nature”.

The hot present day problem of indigenous children of Chukotka (as well as of many rural regions with small population of settlements all over Russia) is the State politics of closer of schools with “insufficient” number of pupils. Because of it even small children must leave their families and move to far-off internats to continue the education. Because of it in practice they become separated with their parents like orphans.

Conclusion: Our Proposals

I. General system of protection of the rights and interests of children in Russia

1. As a remedy against decentralization of responsibility for fulfillment of commitments of the Russian Federation, as a State-Party of the Convention on the Rights of the Child, and to prevent discrimination on the grounds of place of child's residence – it is necessary to adopt Federal Laws or Decisions of the Government establishing the obligatory for subjects of the Russian Federation State standards of social, educational, medical and rehabilitation services, organizational standards of protection of children in difficult life situation, guaranteed State benefits and minimal payments to most vulnerable groups of children and to poor families with children, federal norms of maintenance of orphaned children living in guardianship, foster families or in the institutions.
2. To establish State mechanisms securing child's right for housing and preventing eviction of children from their dwelling. To legitimate with the Federal Law of the Federal Budget transfers targeted to reimburse to regions 30-40% of expenses of purchasing of apartments for orphaned children.
3. To create the system of juvenile justice, which priorities are rehabilitation and restoring justice, and which includes juvenile courts and regional systems of preventing of social orphanhood, child neglect and delinquency of minors. To reach this goal it is necessary:
 - to speed up adoption of a package of laws, establishing in Russia specialized courts for minors (juvenile courts);
 - to adopt acts regulating coordinating functions of commissions on affairs of minors and protection of their rights;
 - to introduce into the Family Code of the Russian Federation amendment establishing the concept of "family patronage" as legal base allowing to carry out social accompanying of families at risk where children are living;
 - to organize work of Federal and Regional Databanks of families and children in social-dangerous situation, of vulnerable groups of children;
 - to organize the early revealing and early prevention social work with families and children in trouble in all institutions of the "territory of childhood" (schools, kindergardens, medical establishments, maternity houses, etc.).
4. To introduce into the Federal legislation positions declaring the necessity of the following organizational tools of protection of rights of children: (1) Federal Ombudsman on the Rights of the Child, (2) Regional Ombudsmen on the Rights of the Child, (3) System of public supervision over observance of rights of children, first of all in children's institutions. To resume the work of Ombudsman on the Rights of the Child in Chechen Republic. To develop a system of School Children's Rights Ombudsmen and of "School Peacemaking Services".
5. To pass the Federal Law regulating activity on guardianship and trusteeship.

6. With a view of active de-institutionalization of care of orphaned children:

- to introduce into the Family Code of the Russian Federation amendments: (1) permitting to strengthen bodies of guardianship and trusteeship by the authorized institutions, which duty is to fulfill complex work on family placement of children stayed without parental care, including search of potential adopters and assistance to them; (2) establishing the concepts of "patronage family" and "family upbringing group" – this will permit to rebuild the work of orphanages and shelters following the “family care” approach, and after all this is the only chance for de-institutionalization of thousands of older (more than 7-10 years old) inmates of Russian children’s institutions;
- to implement regional programs of Short-Stay family residing of inmates of institutions, their guest visits, family mentoring and other models, creating psychological attachment and stimulating reception of the child-orphan to permanent family care;
- to provide drawing up of "Plan of the family placement" for each child – inmate of boarding establishments;
- to realize corresponding social marketing campaigns, including advertising in mass-media and on the Internet of the derivative information from the State databank about children who have stayed without parental care.

7. To develop mechanisms of the personal (“capitation”) distribution of budgetary funds so that purpose of allocated funds was to render necessary service to concrete child (including his/her family placement), not maintenance of work of children’s establishments, as such.

8. To develop and implement the State Program on the Prevention of Suicides of Children.

9. To adopt the federal and regional laws promoting attraction to the social assistance to families and children of public initiatives, to elaborate channels of budgetary financial support of these initiatives on a competitive basis, to establish federal standards and rules of licensing of activity of public organizations on work with biological and substitute families.

10. To modernize the system of education with implementing of inclusion approach, which means, as signed by Russia “UNESCO Salamanca Statement and Framework for Action” (1994) declares, necessity of reception to schools and other establishments of mainstream education of *“all children, in spite of their physical, mental, social, emotional, language or other peculiarities”* and creation the conditions for development of their personality. To implement programs of corresponding training and retraining of teachers.

II. Health Care. Right of children with disabilities for rehabilitation and education.

11. To provide Federal financing of pediatrics and delivery-assistance in a size allowing to render medical services to any child, irrespective of the income of child’s parents and irrespective of place of child’s residence. The program of improvement of work of pediatric service in Russia must be implemented, the number of its personnel, which dramatically decreased during last decade, must be restored; this demands essential increase in the salaries of doctors.

12. As a remedy against the ignorance in sexual matters among adolescences, young people and adults, and for prevention of abortions and distribution of HIP/AIDS-infection - it is necessary to organize the network of available consulting Reproductive Health Protection Dispensaries, to work out and implement corresponding prophylaxis programs.

13. For early prevention of neonate disability and earliest as possible intervention to help the child – it is necessary to implement programs of screening assessment for newborn babies and young children including visual and hearing assessment and development screening.

14. To broaden the "*Federal List of rehabilitation actions, means of rehabilitation and the services given to the disabled person*", established by Decree of the Government of Russia on 21.10.2004, by measures on social rehabilitation, including psychological-pedagogical rehabilitation of disabled child, and by measures on education of children with disabilities, including pre-school education, school education.

It is necessary to develop and to include into the "Federal List..." the Minimal State Standards of quantities of "actions, means and services" for different types of rehabilitation and education in State or municipal establishments (including: individual corrective services, group corrective hours, group studies, accompanying in classroom, adaptation of educational programs, etc.) which expenses are covered from the budget. Without specifying unambiguously these Minimal State Standards the "Federal List..." will not fulfill its main destination of regulative basis for the guaranteed by the Law State obligation to support the rehabilitation and education of disabled children.

15. To restore the Articles of the Laws "On education" and "On social protection of disabled people in the Russian Federation", canceled by the 2004 Federal Law # 122-FL, which guaranteed State reimbursement of expenses on family education of disabled children and their education in non-governmental educational establishments.

16. To restore the Article 30 of the 1995 Law "On social protection of disabled people in the Russian Federation", canceled by the 2004 Federal Law # 122-FL, which established the benefit of free-of-charge trips in all types of the city or the suburb public transport, except taxi, for disabled children, their parents, guardians, trustees.

17. To create legal and practical base for implementation of training of children with disabilities, the disabled children with special educational needs in particular, in system of mainstream education (inclusive education), including the providing of psychological-pedagogical assistance at the early age, preschool and school education.

To speed up adoption of amendments and additions to the Federal Laws "On education" and "On social protection of disabled people in the Russian Federation" regulating the questions of bringing up and education of children with special needs in a system of mainstream general and special education. To take into account the proposals on these amendments offered by representatives of NGOs – members of the corresponding Working Group in State Duma.

18. To realize the right on education for mentally disabled children - inmates of internats of bodies of social protection, including following measures:

- To license and to accredit these institutions as special (corrective) educational establishments – the status demanded by the existing legislation in the field of education.
- To de-institutionalize essential part of these inmates, creating favorable conditions for their life in biological, foster, guardianship, trusteeship or patronage families; first of all this means to provide these children with possibility to receive preschool and general education in educational establishments at the place of living of these families.

19. To carry out inter-departmental account of children with disabilities according to ages (early age – 0-3 years old; preschool age – 4-6 years; school age – 7-17 years) and categories. To include into the budgets of all levels the Special Line of the means directed at the education of disabled children.

III. Children-refugees, migrants and internally displaced children.

20. To single out in all districts and settlements children's hospital and polyclinics where children could receive the necessary medical service, irrespective of possessing of registration of residence or status - as it is required by the item 41 of Constitution of the Russian Federation. All children should have an opportunity to obtain the primary and secondary general education and special secondary education, irrespective of citizenship or registration of residence - as item 43 of Constitution requires.

21. To establish by the Federal act the necessity and procedure of reimbursement by transfers from the Federal budget of the expenses of the outlined in item 19 medical and educational services provided to children not possessing status or registration of residence.

22. The network of shelters for families of the migrants having children where they could spent the certain term up to the decision of a question with habitation or deportation from territory of the Russian Federation should be created – according to the item 40 of Constitution of the Russian Federation guaranteeing right for dwelling for everybody, first of all this guarantee must be observed in relation to minors.

IV. Administration of juvenile justice

23. Taking into account that reintegration of the child to the society is the main goal of justice for minors, there is great practical need in creation in every subject of Russian Federation of incorporated into the regional “system of prevention” specialized Juvenile Probation Body responsible for organization of complex and uninterrupted individual social-legal and social-psychological accompanying of minors, who came in conflict with the Law, and also of accused and condemned women with children below 7 years old.

24. To establish with the Law the necessity of social-legal accompanying and social-psychological rehabilitation of citizens sentenced to deprivation of freedom being minors and re-

leased from custody in the age above 18 and below 23. They need in these services not less than minors since they are essentially non-prepared for normal life. Now the Law establishes special benefits and necessity of social accompanying for former orphans of the age below 23 years old; there is great need in broadening this legislation to former minors-delinquents, 60% of whom are released from custody in the age above 18.

25. The radical “geographical” and administrative reform of huge fabric of Russian penitentiary system is demanded – beginning from colonies for women and children. The essence of the reform is to approach maximally the place of serving the term of deprivation of freedom to the place of living of the condemned ones, and to create financial mechanisms of responsibility of regional and local authorities for maintenance of prisoners (including those who serve the term in other subjects of Russian Federation) and for support of the released ones. The relatively small regional and municipal institutions of confinement of closed and half-closed type must be created for minors.

26. The small specialized establishments for accused and condemned women having children below 7 years old must be created without delay. The residing of women together with their children and possibility of visiting (or residing) of some close relatives must be provided in these establishments.

27. To raise the status of inspectors of Divisions on Affairs of Minors in law-enforcement bodies. To raise the organizational status of these divisions itself making them the specialized structures of the regional and city Departments of Internal Affairs.

V. To prevent tortures or other severe, brutal kinds of humiliating treatment

Here we basically repeat the Proposals by the Commission on Human Rights under President of Russia (May 2003):

28. As a remedy to overcome the monopoly of Offices of Public Prosecutor in bringing to responsibility the perpetrators of tortures and other humiliating actions it is necessary: (1) to found the specialized independent State Agency “*On questions of observance of legality and human rights in the law-enforcement agencies, special services, armed forces and in other power structures*”; (2) to bring into the Russian Criminal-Procedure Code additions and amendments, vesting this Agency with the right of realization of preliminary investigation and maintenance in the court of the state charge for the category of cases connected with crimes of employees of the law-enforcement agencies, special services, armed forces and other power structures. (In Proposals by the Commission on Human Rights under President of Russia there is said: “*To found within the Ministry of Justice of the Russian Federation The Control-Investigation Department...*” - of the same title and the same powers as it is described above. UN Committee against Torture: “*To consider question about creation of independent body authorized to inspect jails and to monitor any forms of violence*”. Amnesty International speaks about necessity of creation of “*independent agency authorized to bring to responsibility the perpetrators of tortures*”).

29. To introduce additions into the Criminal-Procedure Code providing establishment of positions of the Investigation Judges in the Courts and putting on them the judicial control over observation of Law and human rights during inquiry and preliminary investigation in places of inquiry and investigation, including military units of the Army.

30. To initiate extraordinary adoption of the Federal Law "*On public control over observance of human rights in places of the compulsory maintenance and about assistance of public associations*", which waits its turn in State Duma already for 6 years (although it was supported by President of Russia in September 2003). To start developing similar laws concerning the civil control over observance of human rights in the Armed forces, concerning observance of the rights of children in children's institutions of the Russian Federations, etc.

31. To speed up work and to expand experiment on a cancellation of "disclosing rate" parameter, as way of an estimation of an overall efficiency of law-enforcement agencies.

32. To separate completely procedure of registration of crimes from activity on their disclosing; to found system of duplication of registration of applications about crimes in law-enforcement agencies.

33. To found a post of the municipal duty lawyer in police stations and isolators of the temporary maintenance.

34. To establish an obligatory personal number counter for each employee of militia, investigator, etc.

35. To provide independent medical examination of the persons taken to the branches of militia and isolators of the temporary maintenance and leaving from there.

36. To assign to administration of places of custody, on commanders of military units, etc. and personally on workers of medical services a duty to direct to bodies of Office of Public Prosecutor and to Agency proposed in Item 28 above the information on all cases of inflicting harm to health, which presumably can have a violate ground.

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