

**REPORT ON THE OBSERVANCE
OF THE RIGHTS OF THE CHILD
IN THE RUSSIAN FEDERATION
2001**

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Director of the Project: D. Meshcheryakov

Chief Editor: T. Lokshina

Rendered into English by:
T. Lokshina and MBS Intellect Services Inc.
Translation and Interpretation Agency

With the assistance of I. Sergeeva

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**REPORT ON THE OBSERVANCE OF THE RIGHTS
OF THE CHILD IN RUSSIA IN 2001**

REPORT PREPARED BY RUSSIAN CIVIC ORGANIZATION
"RIGHT OF THE CHILD"

DRAFTER OF THE REPORT: HEAD OF RUSSIAN CIVIC
ORGANIZATION "RIGHT OF THE CHILD" B. ALTSHULLER

INTRODUCTION

Unfortunately, the situation of children has worsened in Russia during 2001. There are two major and equally important problems that lie at the root of the current crisis of family and childhood in modern Russia: poverty and lack of protection (“there’s nowhere to complain”). Important recommendations of the UN Committee on the Rights of the Child have not been implemented thus far. They include enactment of legislation on juvenile justice, creation of viable mechanisms for processing complaints and providing assistance to children in a difficult situation, termination of the process of placing orphans into boarding schools and development of civic initiatives to assist children. With regard to the problem of child neglect, orphanages, etc., the public system of childhood protection in the Russian Federation is still directed at fighting the consequences of the crisis, rather than at dealing with the root of the problem. Such major areas as preventive social work with families and maintaining the livelihood of a child’s biological parents still remain beyond the scope of government activities. Among the major activities conducted in 2001 by the Russian civic organization “Right of the Child” in partnership with other Russian non-profit and human rights organizations, has been the promotion of the reform process at federal and regional levels. The organization “Right of the Child” has also focused its efforts on placing orphans in foster-families, conducting rehabilitative and preventive work with families (accomplished in close cooperation with Kidsave International) and operating a children’s reception center.

STATISTICAL DATA

Based on data provided in the 2001 Government Report “On the Situation of Children in the Russian Federation:”¹

The number of under-age youth and children (below 18 years of age) in the Russian Federation in early 2001 was 32.8 million (in early 2000 — 33.9 million people, 1999 — 34.9 million people, 1998 — 35.9 million people, 1997 — 36.7 million people).

A few quotes from the Annual Government Report are given below:

In 2000, the number of orphans and children left without parental custody reached 662.6 thousand people, a yearly increase of 24.4 thousand or 3.8%. 72.8% of them (482.5 thousand) have been placed under guardianship or were adopted, with the remaining 180 thousand children being brought up in various kinds of child-care institutions.

¹ Further referred to as GR-2001. Issued by the Ministry of Labor and Social Development of the Russian Federation. Annual Government Report “On the Situation of Children in the Russian Federation in 2001” (Moscow, 2002).

Compared to the previous year, the number of orphans in such institutions has increased by 5.3 thousand people ... Parental neglect and homeless children still remain the most disturbing characteristics of modern Russian society...² In 2000, 248 thousand parents were issued administrative sanctions for gross neglect of their parental responsibilities of raising and educating their children (in 1999, there had been 237.8 thousand such cases)...³ In 2000, law enforcement agencies conducted local and federal searches for 39 thousand children and youth, which exceeds the 1999 level by 8.6%. 27.2 thousand of them left their homes and 10.1 thousand were absent without official permission from the public institutions. In 2000, the number of minors detained by law enforcement agencies for various offences and crimes reached 1175.3 thousand, a decline of 2.8 % compared to 1999 (1209.3 thousand)...⁴

There is no accurate estimate of the exact number of children left without parental supervision, since most of them technically have parents, a home and are even assigned to a school. Different estimates put the number of children who actually live in the street today between one and four million persons. The problem is so serious that in January 2002 the President of Russia had to publicly demand that the Cabinet of Ministers develop urgent measures to solve this problem (see below for greater detail).

ON THE ACTIVITIES OF RUSSIAN CIVIC ORGANIZATION “RIGHT OF THE CHILD” AND OTHER CIVIC ORGANIZATIONS IN PROMOTING NECESSARY REFORMS

CONFERENCE “CIVIL SOCIETY FOR THE CHILDREN OF RUSSIA”

The All-Russian Conference of non-governmental organizations working for the benefit of children, “Civil Society for the Children of Russia,” was held at the Convention Hall of the Presidential Administration on March 16–17, 2001. The Conference brought together over 1 000 delegates from all over the country. The final document adopted by the Conference reads as follows:

We, participants of the conference “Civil Society for the Children of Russia,” express our deep concern that the number of children in Russia has declined by 4.4 million over the last five years, and the overall health of the younger generation is constantly deteriorating. Hundreds of thousands of Russian children are deprived of parental love

² GR-2001, pp. 68–69.

³ Ibid.

⁴ Ibid.

and care, and are often abused. A great number of them end up in public institutions. Almost 30 thousand children are being kept in boarding schools for handicapped children, with 40% of them certified as “incapable of learning.”

As a result of the current often formal diagnostic procedures, used to determine mental capability of a child, thousands of Russian children, instead of undergoing necessary social rehabilitation, end up isolated from society without any opportunities for normal development. There are currently over 20 thousand juvenile delinquents in prison. We are convinced that further continuation of these negative trends will put in jeopardy the very future of Russia.

We believe that one of the major positive trends of the past decade was the development and growth of a new public force in Russia, which is represented by non-governmental organizations. We are convinced that intensive development of civil society in Russia has brought about necessary preconditions for an effective social partnership between governmental structures and public initiatives, with active participation of socially responsible Russian businessmen. The time has come for the development of a framework for cooperation between government, public and business organizations, based on the principles of social partnership and interactive social policies. This would allow the tremendous potential of the nascent civic society in Russia to be best developed.⁵

The Conference drafted specific measures aimed at implementing the recommendations of the UN Committee on the Rights of the Child in the Russian Federation. The recommendations of the UN Committee include the right of every child to live and grow in the warmth of a loving family (“family support,” “prevention of placement into an institutionalized orphanage,” “development of family-care options for children left without parental custody”), reform of the juvenile justice system in Russia, and the introduction of institutes and mechanisms of public control over the implementation of children’s rights at the federal, regional and local level, as for example, children’s rights ombudsmen, public inspectors, etc.

PUBLIC CONTROL

In July of 2001, the organization “Right of the Child” received an official reply from the Ministry of Internal Affairs of the Russian Federation to the much publicized and very strong statement “Put an End to Torture and Lawlessness” made in May of 2001 by human rights activists about human rights

⁵ Final document of the Conference “Civil Society for the Children of Russia” *Zaschity Menya* (2001, #2).

violations in the Chechen Republic. A copy of the statement had been forwarded to the Ministry of Internal Affairs.

In his reply, dated June 27, 2001, deputy head of the Department for Regional and Public Relations of the Ministry of Internal Affairs, A. Kasimkin, wrote the following:

The State Duma Committee on the Affairs of Civic Associations and Religious Organizations of the Federal Assembly of the Russian Federation, with direct assistance from representatives of the Ministry of Internal Affairs of the Russian Federation, have just finalized the draft of Federal Law "On Public Control over the Implementation of Human Rights at Detention Facilities and on Providing Assistance to Civic Organizations in their Activities." The draft has been sent for legal review to the Cabinet of Ministers of the Russian Federation. In our opinion, once enacted, this law will greatly contribute to the resolution of the problems raised in your statement.

Paradoxically, Opinion of the Cabinet on the long-awaited Law "On Public Control over the Implementation of Human Rights at Detention Facilities and on Providing Assistance to Civic Organizations in their Activities," signed by the Deputy Prime Minister, V. Khristenko, and sent to the State Duma in August 2001 turned out to be strongly negative (as well as lacking depth from the legal point of view). It illustrated once again the immense complexity of the tasks facing human rights activists and justified the legitimacy of the question raised in the title of this section. The future of the aforementioned Law "On Public Control over the Implementation of Human Rights at Detention Facilities and on Providing Assistance to Civic Organizations in their Activities" and the need for public control over the implementation of human rights in detention institutions, including the need for special *ad hoc* public inspections of juvenile facilities (this idea of human rights activists was supported by the UN Committee on Human Rights in its resolution on Russia)⁶ were widely discussed at the November 2001 Civil Forum. Speaking at the Civil Forum, the RF President expressed his support for the idea of public control. The Civil Forum made it possible to largely overcome the opposition of the Cabinet of Ministers. Nevertheless, during the five months that have passed since the forum to this day, there has been no significant progress with regard to Law "On Public Control over the Implementation of Human Rights at Detention Facilities and on Providing Assistance to Civic Organizations in their Activities." It has been "tabled" with the State Duma Committee on the Affairs of Civic Associations and Religious Organizations. Apparently, promotion of this bill and other such draft laws on public control will depend entirely on the "lobbying" activities of human rights

⁶ Article 39 of the UN Document CRC/C/15/ADD (October 1999).

organizations. (Also, see “Attachments” — Letter addressed to the members of the State Duma on June 19, 2001.)

**PARTICIPATION IN THE 2001 EUROPEAN ECONOMIC SUMMIT:
SUPPORT FOR SOCIALLY IMPORTANT SMALL BUSINESSES**

Head of the organization “Right of the Child,” B. Altshuler, was invited to attend the 2001 European Economic Summit “Europe: Building on Diversity,” held under the auspices of the World Economic Forum in Salzburg on July 1–3, 2001. The Summit was attended by representatives of important European and Russian businesses and political leaders, including presidents of 15 countries of Eastern Europe, candidates for membership in the European Union. The head of the “Right of the Child” represented Russian non-profit and non-political sector at the event.

The following program, later published in Russia, was circulated among the participants of the Summit. This document was given directly to the Prime Minister of the Russian Federation, Michael Kasyanov, after he delivered his presentation at the Summit on July 3, 2001 (See Attachments — “How Shall We Build up a Civil Society?”). It draws the attention of Russian authorities to the following:

- 1) *There is a strong need for legislation introducing parliamentary and civic mechanisms of control over the activities of armed and non-armed representatives of the executive bodies.*
- 2) *There is also a strong need for legislation, which would provide tax relief for socially important small individual and family businesses.*
- 3) *There is a need to provide tax incentives for charitable activities.*

**PROGRAM REPORT OF RUSSIAN CIVIC ORGANIZATION
“RIGHT OF THE CHILD”**

In October 2001, the organization “Right of the Child” was invited by the Deputy Minister of Education, E. Chepurnykh, to attend the Conference “Teenagers and Youth in the Changing Society: Problems of Behavioral Deviations.” The “Right of the Child” organization delivered a report at the Conference.⁷ The contents of the report went well beyond the scope of orphans, neglected and abused children (all those who go through a severe life crisis) to cover such issues as school, spare time, mass media, etc. (i. e., those issues which are relevant for all children of this country). It stated:

⁷ Major provisions of this report were later incorporated into the recommendations submitted to the Civic Forum. The report was published by the magazine *Zaschity Menya* (2001, #4).

The teacher, not some official from an educational administrative body, is the key element in the educational process. The teacher must be socially protected. The teacher's standard of living is a litmus test for any society. The teacher that has degraded to the level of a beggar is in fact deprived of the opportunity to do what s/he has been trained to do — to teach life. A teacher does not only impart knowledge, but essentially builds the future, which will one day become the present of our children and grandchildren. It all sounds commonplace, but it is also quite obvious that in the future society will pay dearly for the patched socks of today's teachers and their hungry children...

Below we give the report's concluding remarks:

The recommended preventive measures for behavioral deviations should include the following.

1) The status of custody and guardianship should be raised to be in conformity with the draft law prepared by the Ministry of Education. A special federal program is required to recreate and maintain a caring family environment for each child.

2) A network of easily assessable anonymous consulting centers should be established to provide advice on the issues of family planning and sex education.

3) The system of free school meals should be extended to cover all children.

4) Each educational institution should have specialists (psychologists, social workers, and school ombudsmen for children's rights), who would not report directly to the educational authorities. We suggest that this provision be introduced as an amendment to Federal Law "On Education."

5) The prestige of a schoolteacher profession should be elevated to its proper level. This can be achieved by providing special job-related benefits and exemptions, regular promotion of positive educational experience in mass media, as well as an introduction of a nation-wide seniority pay system for teachers.

6) A system of preliminary vocational training should be developed, which would provide guaranteed employment of graduates. On-the-job training of young specialists should be encouraged and stimulated.

7) Special attention should be paid to personality development, organization of leisure, various educational classes, development of the network of free sports facilities, stadiums, swimming pools, etc.

8) We call on the members of the State Duma to set up a special commission to study British legislation in the area of control of ethics and quality of mass media broadcasting.

9) Implementation of the recommendations of the UN Committee on the Rights of the Child concerning the

introduction of juvenile justice, government and civil control over the implementation of children's rights, and encouragement of civic initiatives should be given a high priority."

**THE CIVIL FORUM AND THE SUBSEQUENT ATTEMPTS
TO PROMOTE THE REFORMS AIMED AT SOLVING
THE PROBLEMS OF CHILDREN IN RUSSIA**

The major positive gains of the November 2001 Civil Forum were reaped by those non-governmental organizations that had already been actively involved in putting pressure on the authorities and which used the forum as an unique opportunity to strengthen their influence. A vivid example of such positive gains was demonstrated by NAN ("No to Alcoholism and Drug Abuse!") Foundation, which organized a successful promotion of its legislative proposal on juvenile justice. It was largely due to the Civil Forum that it became possible to overcome the destructive opposition of the RF Cabinet. As a result, on February 15, 2002, the State Duma took a historic decision by approving in the first reading the amendments to Federal Law "On the Judicial System in the Russian Federation" that introduces juvenile courts.

The detailed proposals presented by the organization "Right of the Child" at the Civil Forum to the leaders of the executive branch and representatives of various ministries and departments had been first put forth in the following letter addressed to the RF President V. Putin (it is worth noting that a very positive reply signed by the head of the Chief Legal Department of the Presidential Administration was received in return):

Dear Mr. President!

The Civil Forum, which is starting its work tomorrow, can give a real impetus to the development of civic society in this country. Planning to participate actively in the round-table discussion within the Civil Forum on "Main Priorities of the Childhood Issues," the organization "Right of the Child" prepared a set of proposals specifically designed to overcome the current crisis of childhood and family in Russia and to oversee the implementation of children's rights. We are looking forward to a fruitful discussion at the Civil Forum and hope that it will result in the establishment of expert councils and working groups on various issues, which would bring together representatives of the government and civic organizations.

The purpose of this brief letter is to draw your attention to the necessity of carrying out two radical legal reforms, aimed at creating an atmosphere of greater trust between Russian society and the authorities. Neither of the two suggested reforms can be accomplished without your

approval and participation as President of the Russian Federation. These necessary reforms are described below:

1) Enactment of legislation on public control and amendments to the Constitution of the Russian Federation, introducing a framework for conducting parliamentary investigations (including the activities of secret services) and parliamentary inspections (including the mechanism of appointing public inspectors for children and other institutions). We appeal to you to initiate the necessary legislative procedures.

2) Reform of the prosecutor's office. There can be no oversight without responsibility. The lack of adequate response on the side of the military prosecutor's office to the blatantly ferocious mop-up operation conducted in Chechnya on the eve of your visit to Genoa in July of this year, the slaughter of children by federal forces in the city of Argun on the eve of your resent meeting with the U. S. President, connivance of the prosecutor's office regional bodies at the violations of human rights across Russia (including lack of action on the crimes revealed by the Internal Security Department of the Ministry of the Internal Affairs), involvement of the prosecutor's office in business activities and providing "protection" to businesses (which has been further stimulated by the establishment of the special Fund for the Prosecutor's Office Development) — all of these facts objectively undermine the very foundations of the Russian state and make the Russian Federation (as well as its citizens) unpredictable in the eyes of the international community. The resulting atmosphere of mistrust towards the authorities hampers further development of civic society and entails negative economic consequences: Russian capital is trying to "flee" abroad, and the prospects of any serious foreign investment become very bleak. We call on you to pay special attention to the enhancement of control over the implementation of the rule of law by the prosecutor's office and to the establishment of its independence from those it is called upon to investigate and when necessary indict.

November 20, 2001

B. Altshuler,

Head of Russian Civic Organization "Right of the Child" of the Russian Center for Human Rights.

On January 29, 2002, soon after the RF President openly and sharply criticized the Cabinet of Ministers for failing to fight neglect of children and homelessness of children, a meeting of the Expert Council of the Ombudsman of the Russian Federation was held on the subject of "Immediate Measures for the Protection of Children's Rights and Childhood in the Russian Federation." The conclusions of the Expert Council, made in the form of a multi-page program document (see "Attachments" for its summary), cover practically all aspects of chil-

dren's rights protection in Russian and summarize the proposals of other civic organizations, presented at the November 2001 Civil Forum. Two days later, the President of NAN Foundation, V. Zykov, speaking at the meeting held on the problems of neglect by the Commission on the Children's Affairs of the RF Cabinet of Ministers (January 31, 2002), outlined the proposals of the Expert Council and handed the materials of its meeting over to the Deputy Prime Minister of the Russian Federation on Social Affairs, V. Matviyenko. This same program document was also presented on February 19, by the head of the organization "Right of the Child" (see "Attachments" — "On the Implementation of Children's Rights in Russian Federation") at the Conference "Civil Society and Government" (organized by the Moscow Helsinki Group and the Commission on Human Rights under the President of the Russian Federation) devoted to the results of the Civil Forum. The document was also given to the Deputy Minister of Labor, G. Karelova, who was charged with preparing the draft Executive order of the Cabinet of Ministers. However, executive Order #154 "On Additional Measures to Enhance the Prevention of Children's Homelessness and Neglect in 2002," approved by the RF Cabinet on March 13, practically ignored the proposals of the civic organizations, which had found full support of the Civil Forum and Expert Council of the Ombudsman of the Russian Federation. In particular, contrary to the preliminary agreement reached with V. Matviyenko, all representatives of civic organizations were taken off the list of members of the Intergovernmental Coordination Center for Fighting against Homelessness.

Another attempt to overcome bureaucratic hurdles hampering the much needed reform effort was made on March 7, 2002, at a meeting of President Putin with twelve women whose professional activities are directly related to children and childhood (the meeting was held in honor of International Women's Day). During that meeting, the Children's Rights Ombudsman for the Novgorod region, N. Lisitsina, handed the President the above mentioned program document "Conclusions of the Expert Council of the Ombudsman of the Russian Federation." During her presentation, she also dwelled upon the need to develop federal and regional offices of children's rights ombudsmen that could "lobby for the interests of children and exercise control over the implementation of their rights." One week later, the Deputy Speaker of the State Duma, L. Sliska, received N. Lisitsina. At the request of L. Sliska, in early April of 2002, N. Lisitsina sent to the State Duma a summary sheet of "urgent amendments" to be made to existing legislation deemed necessary to resolve the current problems of childhood. These amendments were prepared based on the recommendations and proposals of civic organizations (See "Attachments" — "Legislative Proposals on the Amendments to the Current Legislation,

Aimed at the Improvement of the Protection of Children in Russian Federation”). According to the information available to the organization “Right of the Child,” in response to the presidential order, proposals are now being worked out, to fill the gaps left by the Cabinet’s Executive Order of March 13, 2002. Given the unfortunate consequences of the presidential order on homeless children made in January, it is now obvious that this process requires constant and close attention on the part of civic organizations.

PRESIDENT PUTIN’S INITIATIVE AND CHILD NEGLECT

In response to the letters written by human rights organizations in early 2001, the President ordered the development of amendments that would remedy the negative impact of the 1999 Law “On the Principles of the Preventive System of Child Neglect and Juvenile Delinquency.” Unfortunately, that order has not been acted upon to date. An interdepartmental panel meeting held in early spring of 2001 revealed a strong reluctance on the part of two major agencies to do their share of the job. The Ministry of Internal Affairs is reluctant to take care of homeless children, and the Ministry of Labor is unwilling to give away even a fraction of its responsibilities (and the corresponding budgetary power). Once again, the question was “suspended,” since social workers are not able to cope with giving “emergency assistance,” which until 1999 had been the responsibility of the police. As a result, homeless children fell outside the scope of government, activities, but their number did not decrease at all. In January of 2002, the RF President spoke very bluntly on this issue. In all likelihood, it was due to this presidential statement that the Moscow Mayor Yu. Luzhkov called an emergency meeting of the Moscow government and ordered to “remove” homeless children from the streets. Since by law homeless children are the responsibility of the social protection agencies, this task was assigned to the head of the Committee on Social Protection of the Population of Moscow, I. Syrnikov. Other “emergency” tasks were also assigned to police and health services.

The “mop-up” operation in Moscow against homeless children was carried out according to the following pattern: police officers arrested a child in the street or at a train station and would immediately call an ambulance. The ambulance would then take the detained child (or rather the one who did not manage to escape) to one of Moscow’s hospitals. The children thus collected were kept hospitalized for 10 days under medical observation and then placed in orphanages or social protection centers of Moscow. Social workers together with police officers were given orders to locate the parents or guardians of the children and, if found, bring the children home. Thus, from the very beginning, the process of working with homeless children involved specialists (first aid doctors,

pediatricians, and, as it became known recently, workers from psycho-neurological clinics for adults and children). Many of the specialists' professional training did not include dealing with troubled children, which left many of them unprepared for the task. This was bound to have a negative impact on the quality and effectiveness of the operation. A paradoxical situation has emerged, as parallel to the above-mentioned deficiencies there is an ongoing and purposeful destruction of the system of working with street children that exists within the law enforcement bodies (juvenile detention center).

This problem was singled out as the major theme of the following letter sent by the organization "Right of the Child" to the President of the Russian Federation on March 6, 2002.

Dear Mr. President!

Let us briefly raise another hot issue — the situation of homeless children in Moscow.

Following your January order on the issue of homeless children, the Moscow government adopted the most incredible and ridiculous of all measures: the police are detaining children in the streets and calling ambulances which take the detainees to one of the three children's hospitals designated by Mayor Yu. Luzhkov. Once there, these street children start terrorizing ordinary patients and medical personnel (an incident of direct violence against a doctor was discussed by the Deputy Minister of Health at the meeting of the Governmental Commission on Children's Affairs on February 28). It is quite natural that after a while these children abandon the hospital and return to the streets. Some of the detained children are taken to the new reception center of the Committee for Social Protection of Moscow Population, located in the building which was taken away from the juvenile detention center by the decision of the Moscow Mayor in the summer of 2001. Before, the police managed to keep up to 300 children in this huge building and provide them with psychological and other rehabilitative assistance (children's art center, workshops, etc). Escape was out of the question. Now this same building houses only 35 children, escapes are the norm, there are never-ending repairs being made on the second floor, the art center has been closed, and order is maintained by strange people dressed as Cossacks. Although this change has been a total disaster, the Chairman of the Committee on Social Protection of the Population of Moscow presented these activities to Deputy Prime Minister V. Matveyenko at the aforementioned meeting of the Governmental Commission on the Children's Affairs as a big success story. He also mentioned the need for additional funding...

Dear Mr. President, in our previous letter, last year, we wrote you about the need to restore the social work sector

of the police agency, at least during the “emergency assistance” phase. We know that you have asked to develop amendments to the Law “On the Preventive System...” But in the meantime Moscow authorities are trying to look like they are fighting against children’s homelessness, but instead are destroying what used to successfully serve this purpose.

*Respectfully yours,
B. Altshuler, S. Pronina,
Russian Civic Organization “Right of the Child” of the
Russian Center for Human Rights.*

I. Syrnikov, V. Matviyenko, and V. Pronin, head of the Moscow police force, have all made statements to the effect that the problem of homeless children in Moscow was being successfully resolved. In his interview given to the *Moscovskaya Pravda*⁸ newspaper, I. Syrnikov said among other things that the city of Moscow has seven public shelters for 800 people and six private shelters for 227 people, which between them have 262 vacant places. Also, according to him, the capital is planning to open another nine shelters, for 1 100 people by the end of the year; the premises have already been selected and the only remaining task is to repair and equip these facilities. However, a simple on-site inspection conducted by representatives of human rights organizations showed that it is practically impossible to place a child in the Moscow shelters (one still gets the same old answer — no vacant places). Besides, I. Syrnikov failed to mention that a significant number of detained homeless children is taken to the psycho-neurological clinics #15 and #16, which are under the jurisdiction of his committee. For example, the “adult” psycho-neurological clinic “Filimonki” had 71 children as of March 15. The directors of these psycho-neurological institutions on the order of their superiors have to engage in activities that go well beyond the scope of their responsibilities. According to the most recent research conducted by the Ministry of the Internal Affairs, there are currently 33 thousand street children in Moscow (1999 — 28 thousand), 21% of them are Moscow residents (1999 — 7%). The major reasons given for choosing to live in the street are alcoholism, fights between parents, bad living conditions at home. The research data confirms the old conclusion: family crisis is indeed the primary root cause of the problem, which cannot be solved by “mop-up operations” or placing children into shelters. Only more and more children are being expelled from their families.⁹

As far as the situation in Moscow is concerned, the attention given by the RF President to the problem of homeless children has brought about the following results:

⁸ *Moscovskaya Pravda* (March 18, 2002).

⁹ *Izvestia* (April 15, 2002).

- The number of neglected children in the streets has not declined; the children just learned how to hide better from the police, which allows the latter to report successful results.
- The Committee on Social Protection of the population of Moscow has monopolized the issue and has received serious additional funding from the city's budget to "solve" the problem.
- There is a continuous drive to remove potential "competitors," — such as, police (on April 1, the staff of the Moscow Center for Troubled Youth and Minors was reduced by another 50 employees, which means that professionals are taken off work with troubled homeless children and civic organizations (a threat is looming over the Committee "For Civil Rights" which has been working successfully with homeless children for almost two years).

RIGHT TO PROTECTION, RIGHT TO FAMILY

1. DEVELOPMENT OF THE INSTITUTE OF REGIONAL CHILDREN'S RIGHTS OMBUDSMEN. CHECHNYA

The organization "Right of the Child" has been maintaining close contacts with children's rights ombudsmen from the Novgorod region (N. Lisitsyna), the Volgograd region (T. Alekseyeva) and other regions of Russia that have introduced such a position as part of a project of the Ministry of Labor with support from UNICEF.

The adoption of Moscow Law "On Children's Rights Ombudsman in the City of Moscow" in autumn of 2001 became an important landmark and was the first such law enacted in Russia.¹⁰ In January of 2002, the Moscow City Duma appointed to this position A. Golovnya, children's rights activist and head of the civic organization "Helping to Decide on Destiny." He is now occupied with hiring his staff and formulating the structure and concept of his work.

In June of 2001, the organization "Right of the Child" was approached by O. Gaba, who revealed his intention to become Children's Rights Ombudsman for the Chechen Republic. He also maintained that he secured preliminary support from the head of the republic's administration, Akhmat-Khadzhi Kadyrov, and asked for the copies of the appropriate draft laws and regulations. On July 14, 2001, the head of the administration of the Chechen Republic by Executive

¹⁰ *Zaschity Menya* (2001, #4).

Order #101 approved Regional Statute “On the Children’s Rights Ombudsman in the Chechen Republic.”¹¹ The organization “Right of the Child” maintains close contacts with O. Gaba, providing him whatever assistance possible. A mutual understanding has been reached on the most controversial issue — i. e., arbitrary actions of the military towards the local non-combatant population, “mop-up operations,” etc. O. Gaba has been accomplishing an immense amount of work, which undoubtedly contributes to the stabilization of the general situation in the republic. Nevertheless, while the illegal actions of the military continue and the military situation in Chechnya remains unchanged, “nothing else seems to be of any importance there.”

2. REGIONAL ACTIVITIES¹²

Given the abovementioned difficulties related to the promotion of reforms at federal level, similar activities at regional level take on special importance. This task has been put on the agenda of a number of human rights and civic organizations, including the Moscow Helsinki Group, NAN Foundation and others. Throughout 2001, the organization “Right of the Child” organized eight seminars and conferences in the following six regions of the Russian Federation: Novgorod, Moscow, Nizhnii Novgorod, Volgograd, Smolensk and Krasnodar. These meetings had the common unifying theme of the “Right to Protection, Right to Family.” They aimed at establishing civic organization that would protect children’s rights, promote reforms needed to have orphans placed into foster families (de-institutionalization), step up preventive measures within families and create mechanisms for processing children’s appeals.

In cooperation with Kidsave International, the “Right of the Child” is conducting a long-term project in the Smolensk region to develop a system of placing orphans with foster families. On November 12–13, 2001, the Conference “Child’s Right to a Family: Problems and Perspectives. Russian Regional Experience” was held in the city of Smolensk, with the assistance of the regional administration and the Smolensk Regional Committee on Education (see “Attachments” — Final Document of the Conference “Child’s Right to a Family: Problems and Perspectives. Russian Regional Experience”). Speakers at the Conference included representatives of the Ministry of Education, Ombudsman of the Smolensk region, heads of a number of regional governmental and parliamentary committees, and experts on foster care and family affairs from Moscow, Novgorod, Samara and Karelia.

¹¹ Ibid.

¹² A. Politkovskaya, “The Russian Constitution Doesn’t Cover Chechen Children.” *Novaya Gazeta* (April 11, 2002).

ATTACHEMENTS

Attachment 1

Letter addressed to the members of the State Duma on June 19, 2001

Honorable Members of the State Duma!

We call on you to expedite adoption of legislation on parliamentary and public (civic) control over the activities of law enforcement bodies, secret services, and the military and on implementation of the rights of children and adults.

At the Parliamentary Hearings of June 4, 2001, on the issue of tracing missing people in the Chechen Republic (servicemen of the federal forces, civilians and others), Special Presidential Envoy for Human Rights in Chechnya, V. Kalamonov, and other speakers stressed that missing persons are the result of uncontrolled actions of the federal representative forces. They also stated that it is IMPOSSIBLE TO VERIFY the lists of people kept in prisons and filtration camps, that it is EXTREMELY DIFFICULT to estimate the real number of servicemen kept by militants, and that it CANNOT BE KNOWN what happened with the money allocated for tracing missing persons. In the meantime, there are draft laws that could ensure the necessary level of transparency and make possible all those things that are considered "difficult" or "impossible." However, they have been kept under consideration by the State Duma for a long time. These bills include the following:

1) Draft Federal Law "On Public Control over the Implementation of the Rights of Persons Kept in Detention Facilities..." Under this law, public inspectors, recommended by regional civic organizations and approved by the Ombudsman of the Russian Federation, would obtain the exclusive right to carry out ad hoc inspections whenever they deem it necessary, without obtaining any authorization. No agency or official would be able to block such visits and inspections.

2) Draft Federal Law "On Amending Article 103 of the Constitution of the Russian Federation" (on parliamentary inquiry), was approved by the State Duma in the first reading in 1999. It is about time the deputies stop sheepishly complaining about their inability to 'verify' and 'check' and finally OBTAIN CONTROL POWERS FOR THEMSELVES, in much the same way as it is done in all democratic counties. In particular, the question of establishing parliamentary control over the Federal Security Service, similar to the control exercised by the U. S. Congress over the CIA and FBI, must be resolved as soon as possible.

3) Draft Law "On Civic Control over the Military" has been removed from the State Duma parliamentary agenda.

This bill needs to be urgently reviewed. Once enacted, it would provide necessary protection to Russian servicemen, ensure transparency of the defense budget, and show society what is happening in the power structures and how the taxpayers' money is being spent.

Individual State Duma members and appropriate committees of the State Duma have been repeatedly sent legislative proposals on establishing a system of public and parliamentary control over the implementation of children's rights in child care facilities.

Honorable Members of the State Duma!

Parliamentary and public (civil) control over the activities of the executive bodies is a cornerstone of any democracy. The creation of the necessary regime of transparency and responsibility is the basis of a stable society and government. We call upon you to consider and approve the aforementioned and similar bills as soon as possible and using a streamlined procedure.

*B. Altshuler,
member of the Moscow Helsinki Group, board member
of the Russian Center for Human Rights, head of
Russian Civic Organization "Right of the Child"*

*I. Kuklina,
Union of Soldier Mothers Committees of Russia*

*V. Melnikova,
Chairwoman of the board of the Russian Research
Center for Human Rights*

*N. Taubina,
Executive Director of the Russian Center for Human Rights*

Attachment 2

World Economic Forum,

2001 European Economic Summit (Salzburg, July 1–3, 2001)

Opinion of Human Rights Activists on the Topic "Russia – a Difficult Road to Europe."

The features that set Russia apart from the European Union are irresponsibility, uncontrolled bureaucracy, degrading poverty of people at large and the nascent character of civic society. These serious societal ills have brought about a demographic crisis (the number of children has decreased over the last five years by more than four million), the incredible ruthlessness of the joint venture (called the "Chechen War"), which allows its participants to make "big money on big blood," and an unpredictability of Russia, posing a danger for its own population, neighboring countries, and others.

There is a well-known remedy for these ills, but it has not been applied to Russia yet. Needed bills have been

waiting their turn in the State Duma for quite some time. It is necessary to accomplish the following:

1) To adopt laws which would establish parliamentary and civic control over the armed and non-armed representatives of the executive power

On September 22, 1999, the State Duma of the second convocation adopted in the first reading Federal Law "On Amending Article 103 of the Constitution of the Russian Federation" (on parliamentary inquiry). Once enacted, the law will give Russian Parliament the right to set up inquiry commissions, which would for example look into the activities of the Federal Security Service (similar to what the U. S. Congress is doing in relation to the CIA and FBI). Nevertheless, nothing has been done on this important issue since September of 1999. Given the procedural impediment, it can be safely assumed that there is only one person in Russia who could solve this issue if he wanted to — President Vladimir Putin. We believe that Russia should bring oversight powers of the legislative bodies in line with world standards. This issue could become a topic for discussion at the upcoming meeting of the Big Eight in Genoa.

It is necessary to urgently adopt the bill "On Public Control over the Implementation of the Rights of Persons Kept in Detention Facilities..." (initiated by V. Borshchev, member of the Moscow Helsinki Group, and sponsored recently by a number of other parliamentarians, including A. Aslakhanov) on public control over military structures of the state (removed from the legislative agenda of the State Duma of third convocation), and the bill "On Public Control over the Implementation of Children's Rights in Child Care Facilities" deserve greater attention from the Duma.

A common approach to these issues in the international arena could be implemented through the adoption of a World Charter of Transparency (or in the context of the current summit — Transparency Charter of the European Union).

2) It is vital to adopt the legislation which would provide taxation relief for socially important small individual and family businesses. There are about 800 thousand small businesses in Russia. In comparison, Poland has 5 million and the United States — 28 million small businesses. Small business is being literally exterminated in Russia by bureaucrats. A number of much needed bills were introduced recently in the Budgetary Committee of the State Duma by Deputy Ivan Grachev, Chairman of the All-Russian Movement for "Entrepreneurship Development." Unfortunately, the new bills on debureaucratization of the economy introduced to the State Duma by the Russian Cabinet (which in itself is very encouraging) totally disregard the social importance of small businesses...

A common approach to these problems could be elaborated in the development of an international strategy in fighting poverty, based on encouraging socially relevant forms of small and very small businesses.

3) It is necessary to implement incentive taxation policy with regard to charitable activities, including charities aimed at building a civic society, and adopt the law on public order, which would provide for the allocation of funds from federal, regional and local budgets to support non-governmental organizations and other socially-relevant entities.

Speaking on June 12, 2001, on the occasion of the Independence Day of Russia, President Putin emphasized the importance of developing a civic society and introducing public control over executive bodies. It might be extremely useful if the participants to the Big Eight Summit in Genoa asked the President of Russia to undertake specific measures in this direction.

*B. Altshuler,
Russian Civic Organization "Right of the Child" of the
Russian Center for Human Rights, participant of the
2001 European Economic Summit*

Attachment 3

On the Implementation of Children's Rights in the Russian Federation

Report presented at the Conference "Civil Society and Power," Moscow, February 19, 2002, by B. Altshuler, Russian Civic Organization "Right of the Child"

Sponsors of the Conference: Human Rights Commission under the President of the Russian Federation, Moscow Helsinki Group, and Federation for Peace and Accord.

The number of children in the Russian Federation declines every year by approximately one million. The main cause of this catastrophic situation is the almost universal disregard for the rights of children and families with children. The case in point is not only violence and similar negative things, but also violation of social and economic rights. These rights can be infringed upon not only through ACTION, but also through inadmissible INACTION on the part of government authorities, leading to a situation when a child or families in need have nowhere to go for assistance. This is the root cause of hundreds of thousands of orphans and millions of homeless and neglected children. The recent public statement by the RF President on this issue deserves full support. However, it is worth recalling the following words of the first Russian President, spoken in his annual state of the nation address to the Federal Assembly of the Russian Federation on February 17, 1998: "We have come face to face with such ills as drug abuse and ju-

venile delinquency. Shall we reconcile ourselves to the fact that the long-forgotten word "homeless child" has returned to everyday speech? Numerous programs do not bear expected results. Either the programs are ill-conceived or the officials in charge are good for nothing..." The fact that four years later the second President of Russia has had to single out the same tragic problems only confirms the conclusion made by Boris Yeltsin — "either the programs are ill-conceived or the officials in charge are good for nothing." Whether the situation will change for the better in the future or everything will remain "as usual" depends to a certain extent on you and us.

On January 29, a meeting of the Expert Council of the Human Rights Ombudsman of the Russian Federation was held on the subject of "Immediate Measures for the Protection of the Rights of Children and Childhood in the Russian Federation." The conclusions of the Expert Council were put into a 12-page document, which covers practically all aspects of the protection of children's rights in Russia. It was developed based on recommendations provided by the following Expert Council members: A. Babushkin (Committee for Civil Rights), O. Zykov (NAN Foundation!" Foundation), A. Severny (Association of Children's Psychiatrists and Psychologists) and the author of the present report. It also incorporated the results of a preliminary discussion held by the Coordination Council of non-governmental organizations working for the benefit of children, called "Civil Society for the Children of Russia" (chaired by E. Panfilova). The Conclusions of the Expert Council summarize the recommendations of various civic organizations, submitted at the November 2001 Civil Forum. Speaking at the meeting of the Commission on Children's Affairs of the RF Government held on January 31, 2002, on the issue of homeless children, O. Zykov outlined the proposals of the Expert Council. A copy of the Conclusions was given to the Deputy Prime Minister of the Russian Federation on Social Affairs, V. Matviyenko.

The draft executive order of the RF Cabinet "On Additional Measures to Enhance the Prevention of Children's Homelessness and Neglect," which circulated among the participants of the meeting, coincides in many respects with the recommendations of the civic organizations. This includes making the Ministry of Internal Affairs responsible for resuming first aid provision to homeless children, "placing them into rehabilitation sections of juvenile detention centers" (Section 2.1 of the draft executive order), "developing an omnibus set of measures to assist families in need ..." (Section 2.2), "developing additional measures to strengthen families and enhance their social status and role in child rearing" (Section 2.5), etc. The Conclusions of the Expert

Council of the Ombudsman of the Russian Federation solidly support the government proposals and suggest specific measures to initiate rehabilitative and preventive work with troubled families and children. This work should be carried out primarily at the grass-roots level, providing "social order" in the broadest sense of the word.

Unfortunately, the draft executive order of the Russian Cabinet does not mention the need to involve the immense untapped potential of Russian civic society in the resolution of family and childhood problems. The draft even fails to single out the need for operational control over the implementation of this same executive order. It also fails to single out the need for the establishment of an independent control system (governmental, public, judicial, i. e., juvenile justice) over the rehabilitation processes, implementation of children's rights by law enforcement officers, institutions and families that force children out into the street, etc. Without such an independent oversight system, without active involvement of public initiatives the current campaign of fighting children's homelessness and neglect will obviously fail to produce expected long-term benefits. And the country will continue its steady fall into the abyss.

Our Proposals:

The proposals developed by civic organizations and endorsed by the Expert Council of the Ombudsman of the Russian Federation fall into two groups: (a) practical measures, and (b) legislative measures. It is worth noting that many of the proposed measures are aimed at implementing the UN Committee on the Rights of the Child recommendations in the Russian Federation (initially forwarded to the Russian Cabinet in 1993 and again in October of 1999). The recommendations essentially cover four basic areas: (1) adoption of legislation on juvenile justice; (2) establishment of viable mechanisms for considering children's appeals, and setting up an independent (public) control system over the implementation of children's rights; (3) implementation of a child's right to a family, by gradually reducing the number of children kept in child care institutions; (4) promotion of active involvement of the public in the resolution of children's problems. These same ideas were also reflected in the Final Document of the Conference "Civil Society for the Children of Russia," held in Moscow in March of 2001, and the recommendations developed by the Civil Forum (Moscow, November 2001).

A. Practical Measures

The top-priority measures proposed by civic organizations essentially amount to the following: (1) all regions and territories of the Russian Federation shall establish the position of Children's Rights Ombudsman, who would rely on the assistance of public inspectors; (2) so-

cial work with families at the grass-roots level and the process of placing orphans into foster families should be significantly improved primarily by re-training the social workers of different agencies and encouraging various public initiatives; (3) these relatively low-cost measures shall be funded from the "Children of Russia" Program and other special governmental programs.

1. Independent Control over the Implementation of the Rights of the Child; Transparency and Responsibility:

Adoption of Moscow Law "On Children's Rights Ombudsman," passed for the first time in Russian history by the Moscow legislature in 2001, was a very significant result of a pilot-project conducted by the Ministry of Labor and aimed to establish children's rights ombudsman institution in the Russian regions. The Moscow experience has to be expanded to other regions of the Russian Federation. It can be introduced initially by executive order of the head of regional administration and followed later by regional legislation.

We also hope that as a result of this process specific forms and methods of interaction between the Ombudsman and the public would be developed. For example, appointment of public representatives of the Ombudsman for various parts of the region or territory and appointment of public inspectors capable of visiting childcare institutions without prior notification could be instituted.

Mechanisms of independent control with active participation of civic society is needed both for the protection of children's rights and for the improvement of the work of government bodies responsible for resolving the childhood problems. Effectiveness of this work would largely depend on the level of their transparency and responsibility. There is a special need for the introduction of ad hoc inspections to ensure the implementation of children's rights in detention facilities, for example in the Chechen Republic, in juvenile detention centers, police stations, penal colonies, and in child care institutions of the social services and educational centers.

2. Preventive Measures for Homeless and Orphaned Children; Social Patronage; Placement of Orphans in Foster Families:

Greater involvement of local self-government bodies in social patronage of troubled families and children, as well as in finding families for foster children who are now kept in orphanages, requires participation of specialists in sufficient numbers, i. e., social workers specializing in problems of street children and troubled families. The easiest and most economical way of finding enough workers for this task is to re-train and make use of the available personnel of child care institutions in various departments and agencies and to involve specific civic or-

ganizations and public support groups. In particular, this would require the following:

Law enforcement bodies have to resume “emergency measure” preventive work with troubled children. They must fully resume the operation of the special child support sections at police stations and employ for that purposes more social workers and psychologists.

Social protection bodies have to re-orient their services to rehabilitative and preventive work with troubled families and extend their activities into the streets. They must also introduce new evaluation criteria and set up public support groups to identify troubled families and reveal cases of violation of children’s rights.

Education and healthcare administrative bodies have to assign school social workers the responsibility to identify children who don’t attend school, to conduct social patronage measures in troubled families of schoolchildren and to conduct educational programs for the parents. The social patronage work in troubled families has to be organized at kindergartens, child health centers, and similar institutions, as well as in the natural gathering places of children and their parents. These activities shall be conducted in close cooperation with custody and guardianship agencies, commissions on children’s affairs, social protection and law enforcement bodies.

Administrations of orphanages (child care homes, boarding schools, etc.) must set up task groups for placing their charges under custody (guardianship) into foster families and patronage families (in those regions which have adopted appropriate legislation), as well as to offer children for adoption according to current legislation. New efficiency criteria have to be adopted under which the child care institution would be evaluation by the number of children placed into foster or adoptive families. Some of the employees of childcare institutions would have to be put through special training programs. That will enable them to exercise needed control over the adoptive or foster families, as well as to conduct social patronage measures in troubled families living in the neighboring of the child care facility.

Heads of the regional administrations and self-government bodies must accomplish the following:

Social workers should be assigned to commissions on children’s affairs (partially, by re-assigning to them school social workers), add to the structure of self-government bodies an educator’s position, responsible for organizing spare time for children and youth, staging special cultural and sports events.

In accordance with Article 56 of the RF Family Code (right of the child to protection), the custody and guardianship agencies have to take responsibility for providing necessary protection to children, to contract various insti-

tutions and/or licensed public organizations located in a given territory to conduct rehabilitative and preventive activities as part of the assistance offered to troubled families and children.

Social patronage groups (social patrols) have to be formed to identify homeless and neglected children, with active participation of representatives of civic associations.

Special centers need to be established to collect, register, process, disseminate and provide information to appropriate agencies about children who abandoned their places of permanent residence, children who have gotten in trouble or a dangerous situation and about parents looking for their children or children looking for their relatives.

Regional and local councils overseeing the issues of childhood and family need to be set up, with the participation of civic society and government representatives; they can be chaired by the deputy administration head for social affairs of the relevant region or district and be composed of representatives of government agencies and non-governmental organizations appointed on a parity basis; the council would be responsible for coordinating the efforts of different agencies in the area of preventive and rehabilitative work with troubled families and children, for developing and managing special-purpose programs concerning childhood and family, as well as for allocating funding on a competitive basis and exercising control over the implementation of such programs.

Healthcare agencies need to be established at child health centers to give anonymous consultations on family planning, to continue expansion of family planning centers within healthcare facilities, and to strengthen their commitment to protect the rights of underage children.

3. Sources of Funding for the Above High-Priority Measures:

Federal executive bodies of the Russian Federation, responsible for the allocation of funds from the special federal programs aimed at protecting childhood in the Russian Federation, need to make available special funds for regional councils on the issues of childhood and family to allow them to staff the children's rights ombudsman office, to conduct grass-roots preventive and rehabilitative activities with families and children, and to place children left without parental custody into foster families.

B. Legislative Measures

The legislative agenda shall include the following legislative proposals:

- to adopt legislation introducing long-awaited juvenile justice system in Russia;
- to establish the position of Federal Children's Rights Ombudsman and to continue the implementation of the Min-

istry of Labor pilot project to establish the position of Regional Children's Rights Ombudsman in all subjects of the Russian Federation;

- *to pass legislation on public and parliamentary control over the implementation of children's rights;*
- *to introduce amendments to the notorious 1999 Federal Law "On the Principles of the Preventive System for Neglected Children and Juvenile Delinquency," which would restore the vitally important preventive functions of the law enforcement bodies and establish a preventive system for homeless and neglected children that includes the participation of civic associations and non-commercial organizations;*
- *to adopt a legislative package laying the economic foundation for the development of civic initiatives, including children's rights;*
- *to approve the amendments developed by the Ministry of Education for the Family Code of the Russian Federation and Civil Procedure Code of the Russian Federation, which would provide the legal framework for the organization of grass-roots rehabilitative and preventive work with troubled children and families on the level of international standards, as well as facilitate the process of placing charges of child care institutions into foster families; our support for these legislative initiatives, however, is conditional on the inclusion of "licensed public organizations" into the list of organizations authorized by local self-government bodies to conduct activities in the area of childhood and family protection, as provided by the amendment to Article 121.2 of the RF Family Code; model administrative documents need to be developed addressing issues such as introducing changes into the charters of local self-government bodies, standardizing appropriate social services, developing minimum social guarantees and individual plans for children needing governmental protection and for families needing social patronage; the current RF Family Code requires serious improvement, because, for example, there is a whole chapter in the Code dealing with children left without parental custody but not a single word on the prevention of this calamity;*
- *to introduce legislative incentives for the development of primary vocational training, including on the job training;*
- *to develop a legislative package to support pregnant women, young families and families with more than two children;*
- *to introduce amendments to the legislation on medical insurance in order to allow all children regardless of their social status or the income of their families to have access to complete and timely medical care;*
- *to provide legislative framework for establishing personal rehabilitative and educational policies for handicapped*

children, which would allow thousands of handicapped children in Russia to stay with their families and save them the horrors of the so-called social protection of boarding schools. Such legislation would also enable these boarding schools to transform themselves into ambulatory medical and educational centers;

- *to provide legislative protection to children against aggressive mass media, using the positive experience of Germany and Great Britain;*
- *to reverse the situation of massive impoverishment of families with children by providing special incentives to socially relevant small businesses.*

February 12, 2002

Russian Civic Organization "Right of the Child"

Attachment 4

Legislative Proposals on the Amendments to Current Legislation Aimed at Improving the Protection of Children's Rights and Childhood in the Russian Federation

I. Introduction of the Justice System for Underage Children (Juvenile Justice)

Federal Law "On the Judicial System in the Russian Federation" has to be amended regarding the introduction of juvenile courts

II. Parliamentary and Public Control over the Implementation of Human Rights, Including the Rights of Underage Children in the Russian Federation

1) *Federal Law "On Amending Article 103 of the Constitution of the Russian Federation" (on parliamentary inquiry), which was passed by the State Duma in the first reading on September 22, 1999, has to be finally approved. Part 1 of Article 103 has to be amended with the following clause "i":*

"i) setting up commissions for parliamentary inquiries, the powers and responsibilities of which shall be subject to a separate federal law."

Also, Article 103 should be amended by Part 2 that should read as follows:

"2. Appearance before the commission, as stated by the Constitution of the Russian Federation, and providing it with requested documents is mandatory."

Also, the current Parts 2 and 3 of Article 103 should be considered Parts 3 and 4 correspondingly.

2) *Federal Law "On Amending Article 27 of Federal Law "On Civic Associations," approved by the State*

Duma in the third reading in 1999 and rejected by the Federation Council, has to be finally enacted.

Article 27 of Federal Law (#82-FZ) "On Civic Associations," passed on May 19, 1995, has to be amended.

The following new section has to be added as Part 3:

"3. The procedures for the implementation of public control over human and citizen's rights by civic associations may be introduced through federal statutes."

The current Part 3 shall be considered Part 4.

3) Federal Law (#11807-3) "On Public Control over the Implementation of Human Rights at Detention Facilities and on Providing Assistance to Civic Organizations in their Activities" has to be enacted. Steps have to be taken to develop a similar law on the implementation of underage children's rights in the Russian Federation.

Nota Bene:

A. The current crisis of family and childhood in the Russian Federation has been the result not only of the social and economic crisis, but also of unsatisfactory work on the part of executive bodies responsible for childhood affairs in Russia. It is hardly feasible to sufficiently improve the operation of executive bodies responsible for childhood affairs without introducing independent public and parliamentary control over their activities in the implementation of the minor's rights.

B. Lack of public access to the facilities where minors are kept results in serious violations of children's rights. Establishment through appropriate legislation of an ad hoc public inspection mechanism, independent from the executive authorities, could ensure the necessary level of transparency and responsibility on the part of administrative officials and employees working at child care facilities.

III. Preventive Measures for Social Orphanage, Child Neglect and Juvenile Delinquency

1) It is necessary to approve Federal Law "On Amendments to the Family Code of the Russian Federation and the Civil Procedure Code..." (with regard to care of orphans and children left without parental custody and oversight powers of local self-government bodies over children's custody and guardianship), developed by the Ministry of Education. It's also necessary to add licensed public organizations to the list of authorized agencies eligible to undertake some of the functions of custody and guardianship with regard to the protection of rights and interests of minors, as provided by the amendment to Article 121.2 of the Family Code.

Nota bene:

The goal of these amendments is to significantly raise the status of custody and guardianship activities, increase measures that prevent social orphanage and neglect of parental responsibilities, and find new families for the chil-

dren currently kept in orphanages. The amendments also introduce the notions of social patronage of families, of children in need of government protection, and of "authorized agency." The "authorized agency" would integrate workers from different departments and activists of civic organizations (the latter requires changes in the aforementioned amendment) in social and preventive work with families and children. Approval of these amendments would provide for full-scale implementation of Article 56 of the RF Family Code, which charges the custody and guardianship bodies (local self-government bodies according to Article 121.2 of the Family Code) with the responsibility of protecting the rights and legal interests of minors.

Model administrative documents should be prepared on introducing changes into the charters of local self-government bodies, on standardizing appropriate social services, and on developing minimum social guarantees and individual plans for children needing governmental protection and for families needing social patronage also have to be developed.

2) Amendments to Federal Law (#120-FZ) "On the Principles of the Preventive System of Child Neglect and Juvenile Delinquency," enacted on June 24, 1999.

A) Amendment to Article 4.1

"Article 4.1 after the words "law enforcement bodies" has to be amended with the following phrase "**corresponding civic associations and non-commercial organizations.**"

Nota bene:

According to Article 4.1 of the current law, the system for preventing homelessness and juvenile delinquency consists only of government agencies. There is a strong need to expand the system by bringing into it non-governmental and civic organizations.

B) Introduction of Article 13.1 (on specialized police facilities for minors in need of social rehabilitation)

The following provisions should be introduced:

Specialized police facilities for minors in need of social rehabilitation include police reception centers for homeless children who have not committed any legal offences.

Employees of the reception centers provide detained children with primary medical and psychological assistance. Reception centers also have professional psychologists, medical workers, social workers and teachers of staff.

Detention centers for minors can keep children in their custody for a period not exceeding one month. During this time, law enforcement officials establish the identities of the detainees, find out if they have been victims of or involved in any legal offence, give them protection and locate their parents (or other legal representatives). Eventually, the children must be turned over to their parents (or other legal

representatives) or to specialized facilities of the social protection service.

Detained minors should be kept in the detention centers separate from juvenile malefactors.

C) Amendment to Article 20

Article 20 should be amended after the line about juvenile detention centers by the following words “police detention centers for minors.”

D) Amendment to Article 22

Article 22 “ Juvenile Police Detention Centers” should be amended with the following sub-paragraph:

“2. The following minors are eligible to be placed into juvenile police detention centers: juvenile malefactors who have not reached legal age and are not administratively liable, if their identity has not been established, if they have no permanent residence, or do not reside in the territory where they have committed the offence.

E) Introduction of Article 22.1 (police detention centers)

The responsibilities of police detention centers for minors are similar to those given in Article 22 of this law on juvenile detention centers.

Nota bene:

The amendments introducing specialized police facilities for minors in need of social rehabilitation (police detention centers for minors) are very much needed. Employees of the social protection services legally responsible for providing social and rehabilitative assistance to homeless minors that have not committed any legal offences do not possess the necessary training and qualifications for this task. It is difficult for them to trace the children, as mentioned above, and they are not able to ensure the safety of a child in the presence of a threat from street criminals.

Article 22.2 needs to be broadened because the group of juvenile malefactors is “missing” from the list of minors who, under the current law, can be detained and kept in custody at the juvenile detention centers. This lapse may result in a situation when law enforcement officials might have to ignore (i. e. leave in jeopardy) this given group of juvenile malefactors.

IV. Amendments related to the enhanced liability for sexual exploitation of children and child molestation must be introduced into the Criminal Code of the Russian Federation

V. The current legislation on medical insurance has to be amended in order to allow for all children, regardless of their social status or the income level of their families, to have access to complete and timely medical care

VI. Legislative work on the development of Federal Law “On Government Support for Families with Multiple Children” has to be accelerated

VII. Protection of the Interests of Handicapped Children

Adequate legislation introducing a system of educational and rehabilitative vouchers for the families of handicapped children has to be developed and enacted.

The funds allocated by the government for the development and education of handicapped children should not be distributed through long bureaucratic chains, but rather given directly to affected families. This money should be released in the form of vouchers, i. e., it would not be spent on anything but education and rehabilitation of handicapped child and would be made available through an authorized organization or a certified children's specialist. During the last several years, such an organizational and financial mechanism have been widely discussed under various names — rehabilitation and education policy, registered certificate, etc. Whatever the appropriate name is, everything boils down to a procedure under which the government's money allocated for a specific problem child should be "tied" to a family. It should be up to the parents of the child to decide which organization they will engage to provide the required services. In this way, the family would be saved tremendous strain and effort of getting access to allocated funds (as is the case now) and would be able to focus on sensible disbursement of the money. That would free the energy of a large segment of the population and ensure quick establishment of the infrastructure required to provide effective assistance to handicapped children. This will set into motion the built-in mechanisms of a civic society, i. e., responsible effort of the parents eager to take care of their child's future, assistance from professionals and engagement of other activists from the non-profit sector who are ready to establish appropriate service organizations. In this new competitive atmosphere, the government-sponsored rehabilitation system would get a necessary positive impetus for its development.

*Prepared by Russian Civic Organization
"Right of the Child", April 4, 2002*

Attachment 5

Final Document of the Conference "Child's Right to a Family: Problems and Perspectives. Russian Regional Experience" (Smolensk, November 12–13, 2001)

The Conference was organized by the administration of the Smolensk region, Committee on Education of the Smolensk region and Russian Civic Organization "Right of the Child" of the Russian Center for Human Rights.

Most of the regions of the Russian Federation are facing the same problems that need to be addressed in order to overcome the current family and demographic crisis. There is a need to accelerate the process of placing children from institutional care facilities into foster families, to improve measures for preventing social orphanage, neglect and juvenile offences, and in a broader sense, to create a viable system of protecting families, childhood and motherhood. The highest political leadership of this country is also paying close attention to these problems. Much has been done in recent years to reverse the aforementioned negative trends, both at federal level, within the framework of special federal programs accomplished by several ministries and agencies, and also in the form of various regional initiatives. The Smolensk region has adopted a number of statutes regulating the issues of protecting the rights and ensuring the legal interests of minors, including the rights of orphans and children left without parental custody. Much is being done to facilitate the process of placing these children in foster families. The preparation of much needed laws is underway. The omnibus regional program called "Children of the Smolensk Region," designed for the period of 2001–2003, encompasses a range of measures on rehabilitation, medical treatment and education for handicapped children, as well as various forms of family placement of orphans, with a special emphasis on making these arrangements permanent. The program also includes the development of various social services for families and children, organization of social patronage for "risk-group families," prevention of child neglect and juvenile offenses, provision of entertainment, vacation and sports opportunities for children and youth, and protection of motherhood. However, the complexity of the problems brought about by the social and economic crisis of the past decade creates new tasks which require new approaches, including support for families, motherhood and childhood, and implementation of every child's right to be brought up in a caring family environment. Much was said at this Conference about the need to accelerate these activities and bring them closer to the population, i. e., to the level of local self-government. In their presentations delivered at the Conference, the representatives of the Ministry of Education of the Russian Federation, educational and social protection authorities of the Smolensk region, guest-speakers from Moscow, Karelia, Novgorod, and Samara spoke about the need to set up necessary legislative framework. They also shared their experience related to organizing family placement of orphans, various methodologies of rehabilitative and preventive work with families, post-boarding school adaptation of chil-

dren, development of social partnership, etc. Based on the information and practical experience shared by the participants, the Conference identified the following strategic goals aimed at advancing the protection of families, motherhood and childhood in the Russian Federation.

The Conference endorses the legislative proposals of the Ministry of Education, including the amendments to the Family Code of the Russian Federation, aimed at enhancing the status of custody and guardianship activities. The Conference views these proposals as practical implementation of the Family Code provisions (Articles 56 and 121), which define the role of the custody and guardianship body in the protection of children's rights and the role of the municipal body as the principal custody and guardianship agency. The participants to the Conference believe that the custody and guardianship body should be an independent unit within the self-government body. This unit should be responsible for coordinating the efforts for the protection of the rights of children and childhood, family support, prevention of social orphanage, child neglect and juvenile offences, and for family placement of orphans and children left without parental custody, conducted by various institutions of different departmental affiliation, as well as non-governmental organizations. In this respect, there is an urgent need to develop model administrative documents on introducing changes into the charters of local self-government bodies, on standardizing appropriate social services, on developing minimum social guarantees and individual plans for children needing governmental protection and for families needing social patronage, etc.

Regional legislation related to family, motherhood and childhood support requires further improvement. Special emphasis should be placed on defining specific mechanisms for the implementation of statutory requirements. There is a practical necessity to definite the term "child in need of government protection."

A steady growth in the number of wards of child care institutions as well as in the number orphanages raises the importance of providing alternative arrangements for placing orphans and children left without parental custody into foster families. Family placement should be regarded as a priority for children left without parental custody, with adoption being viewed as the most reliable method. In those cases when adoption is not possible, foster family placement and patronage family format of bringing up orphans should be used, along with the traditional form of placing children under guardianship.

There is a need to create favorable conditions for active post-boarding school adaptation and integration in society of wards and graduates of child care institutions. Children coming of age in custodian, adoptive and patronage families

need to be helped to enter independent adult life. The Conference maintains that this problem cannot be resolved at the local level and that implementation of these rights should be backed by a separate line in the budget of each subject of the Russian Federation.

Following the recommendations of the UN Committee on the Rights of the Child, the Russian Federation is obliged to develop viable mechanisms of reviewing children's complaints about the violations of their rights and to set up a system of independent governmental and non-governmental control over the implementation of children's rights, with active participation of civic organizations. In order to fulfill these obligations, the Conference recommends that the territories of the Russian Federation should adopt regional statutes on social order and other forms of support for non-commercial organizations and establish the office of Children's Rights Ombudsman (or a special "children" section within the office of Regional Ombudsman). The Conference welcomes the establishment of the office of Children's Rights Ombudsman in six regions of the Russian Federation within the framework of the pilot project carried out by the Ministry of Labor and Social Development of the Russian Federation. The Conference also welcomes the adoption of Moscow Statute "On the Children's Rights Ombudsman in the City of Moscow" (passed on October 3, 2001). The Conference expresses its hope that this positive trend will continue.

*B. Altshuler,
Head of Russian Civic Organization
"Right of the Child"*

*R. Zakharenkova,
Deputy Head of the Smolensk Regional Administration
Y. Yeliseev,
Chair of the Committee on Education of
the Smolensk Region*

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