



Children's Rights: Children & Correction, Russian perspective

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Institution of Children's Rights Commissioner for the President of the Russian Federation:



- was established 1st September 2009. according to the President's decree.
- is a fundamental part of the state children's rights protection system, also regarding adolescent delinquents.
- is an independent state authority without reference to bureaucratic interests.



Addressed issues and authority:



- Maintenance of high quality of children's rights protection and assistance in restoration of the infringed rights;
- Coordinates and ensures cooperation between all the bodies of child protection system, including work with adolescent delinquents;

Addressed issues and authority (Continued):



- Advise to and Direction of the federal enforcement authorities, public authorities of federative subjects of the Russian Federation, local governments and of officials, when infringements of the children's rights occur.
- Exercises independent control over the activity of the state organizations, institutions and officials at federal, regional and local levels.

Regional children's rights commissioners in Russian Federation

- By September 10th, 2011 the commissioners for children's rights were in 74 regions (of 83 ones).
- Children's Rights Commissioner for the President of the Russian Federation is the chairman of the Association, which allows him to coordinate the work of the members, providing good, stable ground for the successful protection of the Children's Rights in Russia.



Children's Rights Commissioners give special priority to:



- the protection of rights of adolescent delinquents;
- the promotion of their rehabilitation and social reintegration;
- the prevention of repetition of adolescent offences;
- the improvement of the system of prevention of child abandonment and adolescent delinquency.

Rates of Adolescent Delinquency



- Since 2005 basic rates of adolescent delinquency (absolute and comparative figures) have been steadily declining in Russia
- An adolescent delinquency case rate has decreased 3 times and number of adolescent offenders has halved in the passed 5 years.
- Adolescent criminal activity rates (per 100 000 persons in age group of 14 through 17) receded 18 points (between 2009-2010).

Principles of humanist approach towards adolescent offenders:



Six penalties (out of 12 ones provided for in the Criminal Code of the Russian Federation) can be inflicted on adolescent inter alia

- fines;**
- deprivation of the right to engage in specified activities;**
- compulsory works;**
- corrective labour;**
- custody of law;**
- deprivation of liberty for a definite term.**

Terms of punishment



Punishment	Age	Years
Penitentiary sentence	14 – 15	term of up to 6 years; for felony (grave crime) – to a term of up to 10 years
	16 – 17	up to 10 years
	Adult	up to 20 years or to life imprisonment
Fine	<18	can be levied against an adolescent as well as against his parents or any other legal representative
Compulsory works	<18	from 40 to 160 hours, and shall consist in the performance of works within the powers of the minor, and shall be executed by him during the time free from his studies or job
	<15	may not exceed two hours a day
	between 15 and 16 years	compulsory works may not exceed three hours a day.

Deprivation of liberty shall not be inflicted on an adolescent convict:



- **aged below 15 years at the moment of the conduction of a crime with little or average gravity for the first time;**
- **aged from 16 to 17 years at the moment of the conduction of a crime with little gravity for the first time.**
- **age below the consent is considered as a mitigating factor under the Criminal Code of the Russian Federation.**

Rates in the beginning of the year

2011:



- **more than 250 000 minors were registered with the law enforcement bodies**
- **over 50 000 committed crimes being aged below 16,**
- **nearly 55 000 committed socially dangerous acts when they were under statutory age (36 500 of them were aged under 14 then).**

Bodies and settings within the system of prevention of child neglect and Adolescent delinquency:



- **Commissions on Minors' Affairs and Protection of Their Rights**
- **Police departments on minors'**
- **Adolescent temporary detention centers under law enforcement authority**

Separate educational approach



Type	Age	Quantity/Geography
Specialized open-type educational institutions	from 8 up to 18 years	established in 18 constituent entities of the Russian Federation. 33 of the established institutions are situated in Moscow
Specialized closed-type educational institutions	from 11 up to 18 years	At present more than 60 specialized closed-type educational institutions function in 48 constituent entities of the Russian Federation

Compulsory measures of educational influence



- warning;
- handing over to the surveillance of parents or persons acting in loco parentis, or any specialized state agency;
- imposing a duty on a delinquent to redress the damage caused;
- restriction of leisure and establishment of special requirements for the behavior of the minor:
 - ✓ a ban on visits to certain places;
 - ✓ a ban on the use of some forms of leisure inter alia those relating to the driving a motor vehicle;
 - ✓ a ban on the limitation of stay outside his home after a fixed hour of the day;
 - ✓ a ban on the departure for other localities without the permission of a specialized state authority;
 - ✓ demand to return to his educational establishment or to find employment with the aid of a specialized state body.

There is no provision concerning the Institution of the juvenile justice in the Russian legislation



Thus the adolescent justice methods of procedure are used in the court of the:

- Rostov,
- Irkutsk,
- Leningrad,
- Bryansk,
- Kamchatka,
- Vladimir,
- Ivanovo,
- Saratov,
- Orenburg,
- Volgograd

- Moscow,
- Moscow region
- St Petersburg,
- the Jewish Autonomous Province,
- the Perm Territory,
- Republics of Khakassia
- Karelia

Focus on Norway



- 13 minors are deprived if their parents in Norway at present!
- The Embassy of Russia in Norway requested for the Royal Norwegian Ministry of Foreign Affairs on each case of deprivation. But the official from the Ministry answered that they were entitled neither to comment nor to interfere in the child rights protection issues!!!!!!
- August 3, 2011 the problem of Russian women deprived of their children in Norway was discussed at the meeting with the Norwegian Ombudsman who expressed his readiness to handle the parents' complaints if these complaints had already been dismissed by the Norwegian judicial authorities.