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IN THE COMMITTEE ON THE RIGHTS OF THE CHILD

ALTERNATIVE REPORT

ON THE HUMAN RIGHTS SITUATION WITH CHILDREN IN RUSSIA

FOR 95TH SESSION OF THE CRC

15 December 2023

Introduction

This report is submitted to the UN Committee on the Rights of the Child by Memorial Human Rights Defence Centre and Independent Human Rights Project “Political Prisoners Support. Memorial” for the review of Russia in its 95th session. This report raises the issues under the Convention on the Rights of the Child (hereinafter - Convention) and focuses on child trafficking and forced labor (I), right to family life of children of prisoners serving sentences far from home (II), human rights issues related to children in prison (III), denial of children's access to education on religious grounds (IV) and political persecution of children and their parents (V). At the end of this report, we provide recommendations to the Russian government on how to comply with their obligations under the Convention (VI).

Authors of the report

Memorial Human Rights Defence Centre (Memorial)¹ is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (Memorial HRC) (dissolved on 29 December 2021) to continue the work of the latter NGO. It was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups such as migrants.

Independent Human Rights Project “Political Prisoners Support. Memorial”² was part of Memorial HRC as “Support for political reasons and other victims of politically motivated repressions” programme up until 5 April 2022. After Memorial HRC's dissolution, the Programme's team started operating as an independent human rights project named “Political Prisoners Support. Memorial”, which collects, studies and systematizes information about illegal criminal prosecutions for political reasons, and also provides assistance to victims of such persecution.

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¹ See website: <https://memorialcenter.org/>

² See website: <https://memopzk.org/>

I. Child Trafficking and Forced Labor

1. The human trafficking situation in Russia has reached a critical level, with a stark and alarming degradation over the past five years. In 2023, Russia rose to the eighth position on the Global Slavery Index, a staggering shift from its 2018 ranking of 64. Strikingly, almost 2 million people currently endure conditions of slavery in the country.³
2. Human trafficking is an inherently discriminatory phenomenon. It predominantly affects women, children, and illegal migrants. The Russian Prosecutor General has affirmed that these social groups, children in particular, are the typical victims of trafficking in the country.⁴
3. For instance, the European Court of Human Rights (hereinafter - ECtHR) recently communicated a case involving a group of migrant workers recruited from Kazakhstan and Uzbekistan who were subjected to exploitation within grocery shops located in Moscow's Golyanovo district.⁵ The perpetrators deliberately targeted vulnerable women, some of which were minors, subjecting them to severe ill-treatment that involved physical and sexual violence, psychological abuse, and inhumane living and working conditions. Some victims gave birth while in captivity, only to have their newborns forcibly taken from them. Some of these children remain missing, while others were discovered in deplorable states, having endured severe exploitation and abuse.
4. In Russia, basic measures to address and combat human trafficking are plainly absent, fostering an environment that allows this problem to persist and escalate. First, Russian criminal legislation is not in line with international law. The Russian Criminal Code does not stipulate that a victim can be forced not only physically, but also by other means such as threats, abuse or debt bondage. Furthermore, it does not state that a consent given under coercion is invalid. That is contrary to international requirements outlined in Articles 3 (a) and (b) and 5 (1) of the Palermo Protocol ratified by the Russian Federation. Consequently, the law enforcement fails to address trafficking cases and perpetrators evade responsibility.
5. Second, the above grievance is coupled with insufficient regulatory measures for prevention of trafficking. Russia never adopted a framework law on prevention of human trafficking that would consolidate all necessary measures and policies. Neither did the authorities introduce a relevant national action plan. Coordination among responsible authorities in the area is absent, as well as adequate research and data

³ The Global Slavery Index 2023, URL: <https://www.walkfree.org/global-slavery-index/>

4 “Krasnov spoke about the situation with human trafficking in the Russian Federation”, *Izvestiya*, 29 October 2021, URL: <https://www.izvestiya.com/news/2021/10/29/krasnov-speak-about-the-situation-with-human-trafficking-in-the-russian-federation/>

[<https://iz.ru/1242821/2021-10-29/krasnov-rasskazal-o-situacii-s-torgovlei-liudmi-na-territorii-rf>].

⁵ F.M. and others v. Russia (communicated case), nos. 71671/16 and 40190/18, 8 November 2021, URL: [\[https://hudoc.echr.coe.int/#/{%22itemid%22:\[%22001-213182%22\]}\]](https://hudoc.echr.coe.int/#/{%22itemid%22:[%22001-213182%22]}).

collection. The law enforcement does not undergo specific trainings. Specialised NGOs not only are not engaged in governmental actions against human trafficking, but are stifled as “foreign agents”, sanctioned and even dissolved for their activities. For example, on 29 December 2021, Memorial Human Rights Centre was dissolved by the authorities as a foreign agent for its human rights activities.⁶

6. As a result of the above shortcomings, investigation of trafficking cases is essentially ineffective. Police do not attach importance to the means of control exercised by perpetrators over the victims, do not assess the validity of their consent and fail to take into account the victims’ perceptions of danger. Cases of trafficking or forced labor are often misqualified as other crimes, among others, involvement in prostitution or kidnapping. Consequently, from 2018 to mid-2022, an average of only 16 convictions for human trafficking and 2 for forced labour were recorded annually.⁷ During the same period, there were an average of 328 convictions for prostitution-related offenses, 398 for production and distribution of pornography, including 164 for child pornography.
7. Third, similarly to the above aspects, the Russian authorities do not provide any legislative and administrative framework in order to afford protection to trafficking victims, including children. Russia established no mechanisms for victims’ identification and assistance. They receive no specific material, legal or medical aid. Shelter services are unregulated and have been mostly provided by NGOs.
8. The passive stance adopted by Russian authorities not only contravenes a number of international legal standards pertaining to human trafficking in general, including the Covenant on Civil and Political Rights and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) — but also constitutes a breach of specific provisions of the Convention on the Rights of the Child. Notably, this inaction violates Articles 19, 32, 35, 36, and 37 of the Convention, which prescribe to protect children from all forms of violence,

⁶ “Russian court orders oldest civil rights group Memorial to shut”. BBC, 28 December 201, URL

[<https://www.bbc.com/news/world-europe-59808624>].

⁷ “Report on the number of convictions for all crimes listed in the RCC for the first half of 2022”, Judicial department at the Supreme Court of the Russian Federation, Form no. 10-a, URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-1-2022.xls>;

“Report on the number of convictions for all crimes listed in the RCC for 2021”, Judicial department at the Supreme Court of the Russian Federation, Form no. 10-a, URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2021.xls>;

“Report on the number of convictions for all crimes listed in the RCC for 2020”, Judicial department at the Supreme Court of the Russian Federation, Form no. 10-a, URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2020.xls>;

“Report on the number of convictions for all crimes listed in the RCC for 2019”, Judicial department at the Supreme Court of the Russian Federation, Form no. 10-a, URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2019.xls>;

“Report on the number of convictions for all crimes listed in the RCC for 2018”, Judicial department at the Supreme Court of the Russian Federation, Form no. 10-a, URL: <http://www.cdep.ru/userimages/10-a-svod-2018.xls>

abuse, exploitation, and deprivation of liberty, as well as the prevention of trafficking in children. Furthermore, it runs counter to Articles 9 § 1, 11 § 1, 16, 20, 34, 37, and 39 of the Convention.

II. Right to family life of children of prisoners serving sentences far from home

9. In Russia, some children have parents serving sentences in other regions that are far from their place of residence. The situation is often complicated by the lack of transport accessibility of these places, the high cost of the trip and its long and difficult nature. All these circumstances make it very difficult for children to visit their parents. That leads to a loss of connection and lack of communication between them.⁸
10. This situation mainly concerns children of parents convicted of several crimes listed in Part 4 of Article 73 of the Criminal Executive Code of the Russian Federation.⁹ Every year in Russia nearly 2000 persons are convicted of these crimes.¹⁰
11. On 7 March 2017, the ECtHR adopted the judgment on “*Polyakova and others v. Russia*” case where it recognized that Part 4 of Article 73 of the Criminal Executive Code contradicts Article 8 (right to private and family life) of the European Convention on Human Rights as it prevents the prisoners from communication with their families and children.¹¹
12. After the adoption of this judgment, Russian authorities made some reforms. For instance, authorities have introduced a legal possibility for certain categories of prisoners to apply for transfer to another correctional facility in order to be closer to their families and children. Although this positive change, several serious problems still exist.
13. Firstly, prisoners convicted of crimes listed in Part 4 of Article 73 of the Criminal Executive Code are still deprived of the right to transfer to the correctional facility closer to their families and children.
14. Secondly, the Federal Penitentiary Service still has the right not to grant prisoners’ requests for transfer as the law prescribes the right to apply for such a transfer but not the obligation of the authorities to provide it. The authorities are able to conclude that this transfer is “impossible” for various reasons.

⁸ “How convicts in colonies far from home lose contact with their families”, Takie Dela, 13 October 2020, URL: <https://takiedela.ru/news/2020/10/13/nakazanie-i-podderzhka/>

⁹ Article 73 of the Criminal Executive Code of the Russian Federation, URL: https://www.consultant.ru/document/cons_doc_LAW_12940/468cf0b6c22313ab3ce167d13d485a05ab9f4489/

¹⁰ “Punishment by distance”, Vedomosti 12 March 2020, URL: <https://www.vedomosti.ru/society/articles/2020/03/11/824926-pravo-na-semyu>

¹¹ ECtHR’s judgment, application no. 35845/11, “*Polyakova and others v. Russia*”, URL: <https://hudoc.echr.coe.int/eng?i=001-171774>

Thirdly, the prisoners are not allowed to influence the initial decision of the Federal Penitentiary Service on the choice of the place of detention for prisoners. This sometimes leads to the situations where even prisoners who have the legal right to serve the sentence near home are transferred far away from home and their children and subsequently they have to apply for a transfer.

15. Due to these problems many children in Russia are still deprived of the possibility to communicate with their convicted parents and thus, the authorities violate Article 16 and Article 37 (c) of the Convention.

III. Human rights issues related to children in prison

16. According to Russian law, arrested and convicted women are allowed to have children with them no older than 3 years.¹² Older children must be handed over to relatives, and in their absence, by decision of the guardianship authorities, they are placed in orphanages. However, this applies only to children who were born in places of deprivation of liberty: in pre-trial detention centers (before the verdict) and colonies (after the verdict). Children born outside of prison cannot be with their convicted and arrested mothers.
17. To give birth to children, women from a pre-trial detention center or colony are taken to a civil hospital, accompanied by four employees, in order to avoid escape. Federal Penitentiary Service employees are present during childbirth. They are required by law to exercise control and supervision, as well as to videotape with a wearable chest-mounted video recorder. A woman who gives birth without complications is returned to the pre-trial detention center or colony on the same day, and the baby remains in the hospital under the supervision of doctors.
18. In the pre-trial detention center, the health of children is monitored by a pediatrician from the staff of the medical units of the pre-trial detention center, or by someone invited from children's hospitals. If a child falls ill and requires hospitalization, he or she is taken to a civil hospital, while the mother remains in the pre-trial detention center cell. After the verdict is passed, the mother makes a decision: to give the born child to the father or other relatives, or to leave with the baby to a colony.
19. In the pre-trial detention center, the necessary baby food periodically runs out and there are not enough diapers. In such cases, relatives or activists help to bring it. Women constantly beg the administration for clothes, toys, creams and other necessities for their children. Children who suffer from intolerance to any type of food also find themselves in a difficult situation, since the diet is extremely monotonous

¹² The legal status of a woman with a child in a pre-trial detention center is determined by Article 30 of Federal Law No. 103 "On the detention of suspects and accused of committing crimes" of 15 July 1995, in correctional colonies - Article 100 of the Criminal Code.

there.

20. In the colony, children live in a separate building, a “children’s home,” and mothers can come to communicate with them during designated periods of time free from work. Upon reaching three years of age, children must leave the colony. Keeping a child close to the mother, in principle, can be considered rather a positive phenomenon, but it would be much better to apply Article 82 of the Criminal Code more often - on the deferment of punishment for the mother until the child reaches 14 years of age. However, this article is rarely used, even for not serious non-violent crimes.
21. In accordance with Russian legislation, minors aged 14 to 18 years who are arrested for committing crimes are kept in pre-trial detention centers in special cells, upon reaching 18 years of age, they are transferred to general cells.¹³ In the pre-trial detention center, “conditions of increased comfort” are created for minors. They are allowed to walk for two hours instead of one hour, and even play sports during walks, unlike other prisoners, and additional nutritional standards have been established for them. They take a 15-minute shower twice a week instead of once like adults under arrest. Minors can receive secondary education with the help of a visiting teacher or remotely, but this does not happen in every institution.
22. However, the leisure time of minors in pre-trial detention centers is poorly organized. The pre-trial detention center employees working in the educational department do not have the appropriate professional skills. As punishment for bad behavior, minors are often placed in a punishment cell for 7 days (an adult is placed for 15). Punishment cells are tiny cells in the basement where the person being punished is alone. The person does not have a bed during the daytime, since it is fastened to the wall, as well as does not have access to books and simply has nothing to do. Therefore, the person communicates through walls with other prisoners occupying neighboring punishment cells, learns about criminal rules and procedures. When such a person returns to the “children’s building,” they want to introduce these orders, because it seems interesting and romantic.
23. In 2020, a good practice of the Moscow Federal Penitentiary Service was inviting an employee to work with foreign citizens: this person knew 9 foreign languages. He also began working with underage boys, teaching them foreign languages, and managed to overcome the dangerous atmosphere in pre-trial detention center-5. However, in subsequent years, the system took a course towards absolute isolation and opacity, foreign languages began to be suspected as languages of undesirable countries, which led to the fact that this employee was forced to resign.

¹³ In a pre-trial detention center, the legal status of minors arrested for committing crimes is determined by Article 31 of Federal Law No. 103 “On the detention of suspects and accused of committing crimes” of 15 July 1995, and in a correctional colony - Chapter 17 of the Penal Code of the Russian Federation.

24. Thus, we are not able to accurately assess the impact of incarceration on a child, but it may be harmful to the child's health in certain cases. Moreover, the presence of minors in pre-trial detention centers and colonies often leads to the acquisition of negative experiences, embitterment, the establishment of criminal connections, conviction of the injustice of adults, and often to the commission of new crimes soon after release.
25. Therefore, despite the existence of additional guarantees, the conditions of detention of children in pre-trial detention centers or colonies do not comply with the requirements of Article 37 (b) of the Convention, and in some cases lead to violation of other children's rights, including the right to health under Article 24 of the Convention.

IV. Denial of children's access to education on religious grounds

26. According to Article 28 of the Russian Constitution, everyone has a right to freedom of religion, including the right to profess, individually or together with others, any religion, as well as freely choose, have and disseminate religious and other beliefs and to act in accordance with them. However, we have recorded cases where the authorities failed to ensure this right for children.
27. For example, in 2023, school administrations in several villages of the Kabardino-Balkarian Republic banned girls who wear hijabs from attending the classes.¹⁴ The administrations refer to the internal rules on uniforms of the schools and the secular nature of the educational institutions. However, such rules are applied selectively and do not apply, for example, to the wearing of Orthodox crosses by children.
28. Parents reported that they had had similar problems for years, forcing them to homeschool their children who wear hijabs. The Spiritual Administration of Muslims of Kabardino-Balkaria held negotiations with the authorities of the republic, as a result of which it was decided not to prevent girls wearing hijabs from attending school.¹⁵ However, this did not improve the situation.
29. In September 2023, in Zalukokoazhe village of the Zolsky district, the parent of the girl who was not allowed to attend classes at school due to wearing the hijab, filed complaints to the local prosecutor's office and to the Ministry of National Affairs and Public Projects. On 11 October 2023, the Zolsky district prosecutor's office responded and stated that no rights were violated. It referred to the Article 38 of the Federal Law

¹⁴ "School against hijab", Caucasus Times, 18 October 2023, URL: https://caucasustimes.com/ru/shkola-protiv-hidzhaba/?fbclid=IwAR2ugFqkIBCcnXZ0jfULXDkiyU1SQKcxvtfoE9y_vBQjYdq8uKNsuCPSSj8

¹⁵ Statement of the Spiritual Administration of Muslims of Kabardino-Balkaria, 5 October 2023, URL: <https://www.kbrdum.ru/novosti/5045-uvazhaemye-bratya-i-sestry>

on Education prescribing that the educational institution in Russia is authorized to set requirements for student clothing. The Zolsky district prosecutor's office also noted that the order of the Ministry of Education of the Kabardino-Balkarian Republic № 22/709 states that the educational process is secular in nature and standard clothing requirements apply to all students, regardless of their religion. It concluded that “elimination of signs of religious difference, including the ban on wearing head coverings (hijabs), does not limit the right of believers to education and cannot be regarded as a violation of freedom of conscience and religion”. On 12 October 2023, the Ministry of National Affairs and Public Projects respond to the complaint of the parent by stating that the federal legislation of Russia “does not provide opportunities for the citizens to exercise their right to profess religion and act in accordance with their religion in state and municipal institutions carrying out general educational activities”.¹⁶

30. Therefore, a number of schoolgirls in Kabardino-Balkarian Republic are deprived from their right to education under Article 28 of the Convention on the ground of their religion.

V. Political persecution of children and their parents

31. Russian authorities persecute hundreds of people on political grounds. Children often become collateral victims of their parents' persecution. For example, widespread persecution of followers of Jehovah's Witnesses in Russia prevents families from independently determining in which religious tradition to raise their children, and creates an atmosphere of fear among children who are forced to hide their religious affiliation. In 2017, the Russian authorities recognized the Jehovah's Witnesses Administrative Center as an extremist organization. At least 800 adherents of this religion were criminally prosecuted,¹⁷ more than 150 people were sentenced to imprisonment (up to 8 years in some cases) and a similar punishment in the form of forced labor.
32. Moreover, there are cases where children witnessed brutal detentions and the use of force against their parents, which left children traumatized. In a case of imprisonment, children are left without a parent and in some cases - they are placed in orphanages. For example, a journalist and human rights defender who participated in an anti-war stream was detained in Ulan-Ude, after which a criminal case was opened against her under Article 318 of the Criminal Code for allegedly using force against a police officer. She was sentenced to 2 years and 10 months of imprisonment. She pleaded not guilty. After her detention, her 15-year-old adopted son with a disability was sent

¹⁶ Both documents are at the disposal of Memorial Human Rights Defence Centre.

¹⁷ “List of those persecuted on charges of belonging to Jehovah's Witnesses (updated), Independent Human Rights Project “Political Prisoners Support. Memorial”, URL: <https://memopzk.org/dossier/spisok-presleduemyh-po-obvineniyu-v-prinadlezhnosti-k-svidetelyam-iegovy-obnovlyaetsya/>

to an orphanage. Independent Human Rights Project “Political Prisoners Support. Memorial” recognized her as a political prisoner.¹⁸

33. Sometimes minors themselves become political prisoners. For example, in February 2022, a 16-year-old teenager from Kansk was found guilty under articles on teaching terrorism (Article 205.3 of the Criminal Code), illegal production of explosives (Part 2 of Article 223.1 of the Criminal Code) and their storage (Part 2 of Article 222.1 of the Criminal Code) and sentenced him to five years in prison. He pleaded not guilty. Independent Human Rights Project “Political Prisoners Support. Memorial” recognized him as a political prisoner.¹⁹
34. Initially, he and two other minors were detained by Federal Security Service (hereinafter - FSB) officers in the summer of 2020 for placing stickers criticizing the state and in support of political prisoners on the building of the local FSB office. Further, a criminal case was opened against three of them under Article 205.4 of the Criminal Code (organization of a terrorist community) for the “explosion” of the FSB building “built” in the game Minecraft. Later, due to the absurdity of the charges and public attention, the case was dropped due to the lack of *corpus delicti* in the actions of the teenagers. Subsequently, the authorities initiated a criminal case against them under aforementioned articles. Two other minors were also found guilty of possession of weapons and explosive devices, but were cleared of terrorism charges due to their assistance in the investigation. They were sentenced to 4 years suspended imprisonment with 2 years probation and 3 years suspended imprisonment with 2 years probation respectively.
35. Thus, political persecution of parents in some cases leads to violations of a wide range of rights of their children, including the right to religion (Article 14 of the Convention), the right to family life (Article 16 of the Convention) and the right to health (Article 24 of the Convention). Political persecution of minors themselves brings even more violations of their rights, including the right to liberty (Article 37 (b) of the Convention).

VI. Recommendations

36. We kindly ask the Committee to recommend the Russian Federation:

- Russian authorities must bring the criminal legislation in line with international law, in particular, include means as a constituent element of human trafficking; establish irrelevance of trafficking victims’ consent.

¹⁸ Please find more information here: <https://memopzk.org/figurant/filonova-natalya-ivanovna/>

¹⁹ Please find more information here: <https://memopzk.org/figurant/uvarov-nikita-andreevich/>

- Russian authorities must adopt an anti-trafficking law and national action plan that would provide for, in particular, national coordination mechanisms, data gathering and specific training for state officials.
- Russian authorities must set up a framework for trafficking victims' identification, their material, medical, legal and shelter assistance.
- Russian authorities must provide data on the number of child victims of human trafficking.
- During the initial selection of a place of detention for all prisoners, the authorities must take into account the best interests of the child and select the nearest place of detention of the necessary type where there is a space available for the new prisoners. No exception should be given for the prisoners convicted of crimes listed in Part 4 of Article 73 of the Criminal Executive Code as their children also need to have contact with the parents.
- Russia should adopt a closed list of circumstances under which serving a sentence in one's home region is considered as impossible (for example, lack of places or colonies of the necessary types, or security risks for the prisoners). In this situation, the person should be transferred to the nearest region where he or she can be admitted to a correctional facility.
- Russian authorities should expand the application of Part 1 of Article 82 of the Criminal Code on deferment of serving sentences for pregnant women and mothers with children until the children reach 14 years of age, as well as extend this practice to the exceptions provided for in this article.
- Russia must eliminate the practice of childbirth in handcuffs and video recording of the birth process on wearable video recorders of escorting and supervising employees of the Federal Penitentiary Service of Russia.
- Russia should provide for arrested or convicted women the possibility of joint hospitalization with children in the hospital in case of illness of the latter.
- Russian authorities must provide healthy and varied nutrition for pregnant women, nursing mothers, as well as for children in detention, taking into account food preferences and diseases, as well as provide all young children with the baby food they need.
- Russian authorities must organize proper leisure, education and socialization of children in custody with the involvement of professional educators, teachers and psychologists specializing in working with children and adolescents.

- Russian authorities must guarantee access to education for children in all regions, regardless of their religion. In particular, the ban on girls wearing hijabs attending school should be lifted immediately.
- Russian authorities must end all political prosecution, including against children, and immediately release all political prisoners.