

Russian NGOs' Alternative Report

Comments to Russia's State Periodical Report "On Realization in Russian Federation of the Convention on the Rights of the Child in 1993-1997"

Dear Sirs/Madams, 23 October, 1998

According to the Article 45(a) of the Convention on the Rights of the Child we - a number of Russian non governmental organizations engaged in childhood problems - submit to the Committee on the Rights of the Child this Alternative Report - Comments to Russia's State Periodical Report "On Realization in Russian Federation of the Convention on the Rights of the Child in 1993-1997", which was presented to the Committee few months ago. To our opinion State Periodical Report does not reflect properly dramatic problems of childhood in Russia resulting in wide violation of rights of children proclaimed by the Convention on the Rights of the Child; and more importantly - Report does not tell at all about institutional factors as a main reason of the tragic situation.

In June 1998 "Right of Child" Program which unifies human rights groups of the Moscow Research Center for Human Rights and Independent Association of Child Psychiatrists and Psychologists approached to the Moscow Office of UNISEF with a request to consult on the rules and ways of preparation of the Alternative NGOs' Report to the Committee on the Rights of the Child. On 9 July 1998 Moscow UNISEF Office organized an informative Conference for Russian public organizations, engaged in childhood problems, where necessary materials were distributed and where among others spoke Professor Youri Kolosov, Russian expert and Vice-Chairperson of the Committee on the Rights of the Child, and Galina Karelova, Deputy Minister of Labour and Social Development of Russia (this Ministry was a leading Body responsible for the preparation of the State Periodical Report). At this Conference was announced the formation - under the umbrella of the "Right of Child" Program - of the Working Group of representatives of different NGOs wishing to participate in the preparation of the Alternative Report. Now submitted Alternative Report is the result of the work of this Working Group.

With best regards.

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To the Committee on the Rights of the Child Russian NGOs' Alternative Report

Comments to Russia's State Periodical Report "On Realization in Russian Federation of the Convention on the Rights of the Child in 1993-1997"

Comments to the Introductory Part of the Periodical Report

Russian many years social-economical crisis and absence of the effective Civil Society mechanisms of accountability of State officials in the Russian young democratic State resulted in particular in the mass scale violations of rights and in drastic deterioration in the conditions of life of many of 36.7 millions of Russian children. The Introductory Part of the Russia's State Periodical Report ("Report") points out many problems and difficulties. At the same time some statements of the Report need to be clarified and perhaps amended:

0-1) Report says: "During 1993-1997 the progress was achieved in developing of the legislation aimed at ensuring the rights and interests of children guaranteed by the Convention on the Rights of the Child". On the contrary: the basic laws "On Prevention of Children Homelessness, Neglect and Delinquency", "On Prevention of the Family Violence", "On Juvenile Justice" etc. were considered in the Committees of State Duma (Lower Chamber of Russian Parliament) for years without so far any visible hope to be adopted some day. **In the violation of demands of Articles 17 and 21 of Final Notes** there were no legislative moves to adopt the mechanisms of

implementation of Convention on the Rights of the Child and mechanisms to consider complaints of children about ill-treatment and cruelty. New Law "On the Basic Guarantees of Rights of Children in Russian Federation" which was adopted by the Parliament in July 1998 just declarative repeats some Articles of the Convention without establishing any mechanisms of their implementation in practice. (About these mechanisms - see Conclusion, Proposals #1,2,3,5,6,8,10).

Comments to Chapter I " General Measures of Realization of Convention"

I-1) To Item 12 of the Report. It is necessary to note that Russia did not ratify so far Hague 1980 and 1993 Conventions which creates certain legal problems in the international adoption of Russian orphans.

(2) Activity of the special State Committees, Commissions, Departments mentioned in the Report is strongly closed and ; there are no mechanisms to inform public about their work, its effectiveness and expediency. International or Russian Documents concerning rights of children are not published sufficiently wide; in particular 1992 Russian Periodical Report on the Realization of Convention and also Final Notes of the Committee on the Rights of the Child remained unknown to Russian public, even to specialists, for years.

I-5) To Item 20. (1) Report mentions rather high budget allocations targeted for children; however we must not forget that major part of this money is by " apparatus" (see also Comment V-9-3 and VI-2). **(2)** The most dreadful decrease in the ways of expenditure of the budget allocations in Russia is total, fatal absence of the competitive mechanisms of distribution of money which like in the USSR are directed to different State Departments. This is one of main reasons of the great suppression in Russia of the independent work for children of the non governmental organizations. (See Conclusion, Proposal #5 aimed at healing this decrease).

C. Right for Life, Survival and Development.

III-7) To Items 40, 41. (1) Report does not figure out most suicide-dangerous age group above 15. In 1996 committed suicide 2756 children of the age 5-19, from them: 2358 of the age 15-19 ([1], page 52). In Russia there are not a one special crisis-rehabilitating hospitals for teenagers; " Centers of Psychological-Pedagogical Assistance" mentioned in the Report are incapable to provide necessary suicide-preventing help which demands involvement of a team of specialists and preventing of the secondary attempts of suicide. The necessity of creation of Special Centers is rather urgent because number of suicidal attempts among teenagers is high: e.g. in Moscow, according to statistics of the Ambulance, 1/3 of all its summons in connection with suicidal attempts are minors - 12000 per year. **(2)** Report does not show statistics of murdering children by their parents: about 2000 per/year [2]; number of murdering of children under 5 increased 2.3 times in 1992-1996 ([1], page 25). **(3)** Ignoring the title of this Subchapter authors of the Report do not write here about " Development" .

V-7) Rights of Inmates of Children Institutions. Report does not tell anything about rights of 153000 (in 1996) inmates of Russian Children Institutions. Meanwhile this is the realm of the most serious violations of rights of children guaranteed by the Convention. **Item 82 of the Report** just

says: " Procurator General Office exercise regular inspections of observance of rights of orphans ... According to results of these inspections Procuratura takes necessary measures" . And we here just quote from the Procurator General Report [4] presented to Administration of Russian President in the beginning of 1998: " Procurors reveal cruelty towards inmates... in internats of Republics Kareliya, Tuva, in Amurskaya, Kostromskaya, Leningradskaya, Tambovskaya, Chitinskaya oblasti, and in Moscow...During last 1.5 years procurors revealed 2174 violations of the Law in VK and in internat institutions... More than 300 official Representations were done, in particular - to the Ministry of Education... In Republics of Bashkortostan, Kareliya, in Primorski Krai, in Bryanskoi and Novosibirskoi oblasrti, in Moscow were brought an actions in connection with financial violations of the Law and because of the cruel treatment of children" [4]. Procurors fix beatings, sexual harassment etc. And we - non governmental organizations working with children must say that facts fixed and noticed by Procuratura are just a tip of iceberg of violations of rights of children in Russian children institutions which are actually small " closed societies" without any accountability of administration and personnel. It is totally understandable why 20 000 inmates (about 20% from general number of inmates in the institutions of the Ministry of Education) escaped from these Homes in 1996 (see [1], page 52). We present here one more quotation from the Report [4] which clarifies the main idea of this Alternative Report - ROOTS OF THE PROBLEMS OF CHILDHOOD IN RUSSIA ARE MOSTLY THE INSTITUTIONAL ONES: " Ministry of Education substitute concrete work aimed at control of institutions and observance of rights of children there by " paper-work", conferences, meetings, trips abroad and studies there. At the same time, referring to the lack of money for business trips over Russia, not a single Children Home was inspected by the Ministry in 1997. Ministry of Education is satisfied by the formal, basically rather complimentary, Reports from Russian regions. Ministry does not possess real information about a number of crimes against orphans and what was the responsibility" [4].

V-8) Post-institutional life and rehabilitation of inmates of Children institutions. Out of approximately 15000 of orphans who annually graduate from Russian children's homes: one of three becomes tramp, one of five commits a crime, and one of ten - i.e. **1500 - commit suicide** in the first year of life in the Big World. (Data from the Ministry of Labour and Social Development of Russian Federation published in the " Annual State Report on the Childhood in Russian Federation. 1993", page 51, and many times repeated afterwards - in particular at the Parliamentary Hearings). **Item 80 of the Report** mentions the Law " On Additional Guarantees of the Social Protection of Children-orphans and Children Left without the Guardianship of Parents" which really gave definite legislative guarantees of lodging and professional education for orphans graduated from the institution; in reality only in some regions including Moscow former inmates may receive the apartments to live in. Approximately 80% of social orphans do not have any right for their own apartment after graduating from Children Home because Law reserved their right to settle at their previous place of living; hence orphan after 18 is enforced to return to the apartment where his long ago deprived of parental rights parents are living and who are not ready at all to accept new lodger to live together. This

unacceptable life-situation in some cases results in suicides of former inmates of Russian Children Homes; or in most cases former inmate automatically begins to follow the way of living of his former parents - the way of hard drinking, crime etc. Former inmate of the institution is unprepared to the life out of the institution, in particular according to Procuratura there are many cases of murdering of former inmates aimed at seizure of their apartments ([5], page 9).

J. Course Treatment and Absence of Care; Physical and Psychological Rehabilitation and Social Reintegration.

V-12) To Items 88-91, 137. Street children. According to data by the Ministry of Interior and by many other sources number of street children in the present day Russia is 1-4 millions, which being compared with the 1993 figure - 250 thousands - permits to speak about catastrophe (see e.g. [6]). The indefiniteness of the figure is understandable since the very notion of street child is not easy to formalize: most of street children have families and homes and even are in the Lists of the schools where they do not look in for months. But actually street with its criminal world, drugs etc. became their home. More definite figure is a number of children officially expelled from schools to the Law "On Education" (see below Comment to Items 106-108 where we present figures from the Procurator General Report [7]). Report [7] also says that 6.09.1993 President's of Russia Decree #1338 called was , Federal Law of approximately the same title was considered by State Duma during more than 3 years. We add that this Law is still there and there is no light in the end of this tunnel. Being strongly desocialized street children need special help, rehabilitation and education (" network of special professional schools for children with deviation behaviour satisfies real needs only to 7%", [1], page 53); and of course nothing can help to solve the problem without creation of the " rehabilitation space" including the preventing work with parents of street children. The problem is a challenge which demands effective cooperation between KDNs, OOPs, OPPNs, CVINPs, shelters and public organizations - cooperation which to day is absolutely impossible to realize because of the departmental diversity of responsibility for the child. AGAIN WE INSIST THAT THE ROOTS OF THE PROBLEM AND ALSO ITS REMEDIES ARE THE INSTITUTIONAL ONES.

B. Health Care and Health Services.

VI-6) To Items 93-98. This Subchapter of the Report does not tell at all about psychiatric health assistance. At the same time diverse official sources affirm that only 14% of teenagers may be considered as totally psychiatric healthy to the age of graduating from school; psychiatric pathology is the main reason of young men's dropping-out from the call to military service. At present State health care system is capable to provide necessary psychiatric assistance only to 10% of those children and teenagers who need it; training of personnel and organization of the psychiatric assistance to children do not meet modern demands.

CONCLUSION: OUR PROPOSALS.

We tried to disclose in this Alternative Report the organizational roots of the drastic violations of rights of children in Russia. In Conclusion we sum up an institutional novelties which to our mind are capable to improve the

situation rather quickly and in many cases may result in the immediate defense of the child against most terrible harassment in the institution or in the family. **Thus we ask Committee on the Rights of the Child to insist on the realization of the following first-hand measures aimed at implementation in the Russian Federation of the Principles of Convention on the Rights of the Child:**

#1. Establishing of the position of the Federal Commissioner of Russian Federation on the Rights of the Children (Children Ombudsman); Nomination of the Regional Children Ombudsmen. Without creation (in accordance with last 10-15 years experience of more than 30 countries) of the special coordinating and children's rights supervising **Children Ombudsman Service** Russia will never implement the Convention. We witness that "Right of Child"'s elaborated Proposals on Children Rights Federal Commissioner and on the appropriate Public Inspection (published e.g. in [6]) met with great resistance in the Administration of Russian President and in some Departments during last 12 months. At the same time we must note the following positive evaluation: on 17 March 1998 Governor of Novgorodskaya oblast' appointed with his Decree **FIRST IN RUSSIA Regional Ombudsman for Children**; this was done in frames of the experiment organized by the Ministry of Labour and Social Development in cooperation with UNISEF. After that in few months in frames of the same experiment positions of the Ombudsman for Children were established in 4 other Russian regions and towns (Volgogradskaya and Kaluzhskaya regions, Ekaterinburg and most recently - in Sankt-Petersburg). Of course much must be done to clarify the ways of Ombudsmen's work, to elaborate proper regulations; the source of great concern is again the definite refusal of the Department of the Administration of Russian President to approve the spread of this experiment to other Russian regions and to the Federal level.

#2. Intrusion Public Inspection and Public Observers. Two traditionally existing types of inspection of Children institutions - (1) by the superior departmental body and (2) by the Prosecutor Office Supervision ("Prokurorski Nadzor") - proved to be insufficient to defend a child from ill-treatment in schools, orphanages, internats etc. The only effective remedy may be the nomination of a number of independent PUBLIC INSPECTORS who are given special right to intrude (enter without preliminary warning) the institutions, who are given right to contact children confidentially, right to look through documents etc. PUBLIC OBSERVERS on the other hand are not unexpected but they are given right to be present e.g. at the presently closed sittings of PMPKs authorized to diagnose children's mental disability. According to the "Right of Child" Proposals (copying practice of many democratic countries) Public Inspectors and Public observers - Members of the **Public Control Boards on the Rights of the Child** - being recommended by the Human Rights NGOs are finally given their exceptional control powers by the Members of the Federal or Regional Parliaments. Functioning of this Public Control system does not demand any budget allocations. (Cf. Comments V-7; VI-1,5; VIII-13,14,16).

#3. Adoption of the Law "On Juvenile Justice". This repeated recommendation of the Committee we suppose may be targeted not only to the Government but to the Parliament itself. The intervention of Inter-Parliamentary Assembly, of European Parliament etc. may prove to be

helpful to speed up the adoption of this extremely urgent Law. (Cf. Comments 0-1; VIII-6,7,10).

#4. Adoption of the Law "On Prevention of the Family Violence". Again intervention of Inter-Parliamentary Assembly and of Parliaments of other countries may prove to be helpful to speed up the passing of the Law in State Duma. (Cf. e.g. Comments III-7; V-1; VIII-24,25).

#5. Establishing of the Federal Council on Childhood and Regional Councils on Childhood authorized to coordinate the child-care and child-rehabilitation work of different State bodies, Departments and non-governmental organizations. Council on Childhood must be authorized to distribute Budget specialized Programs' allocations (e.g. of the Presidential one called "Children of Russia" etc.) on equal grounds to the governmental and non-governmental organizations using a standard tools of the Projects-Competition Foundations and Grants-system. (Cf. Comments 0-2,3; I-5; V-12; VI-2,3,4; VIII-22).

#6. Transforming of the local KDNs to the Commissions on Protection of the Rights of Minors. The Law must constitute the essential broadening of their (at present evidently insufficient) powers to protect the child whose rights are violated, to coordinate child-rehabilitation work of different Departments etc. (Cf. Comment VIII-20).

#7. Creation in all 89 Region of Russia specialized Centers of Child Adoption and Specialized Family Care Centers aimed at providing for the child different forms of integration into Family. (Cf. Comments V-5,6,9,10).

#8. Issue by Regional Governors, by Majors of Moscow and of other Russian towns a Decrees on placing in schools, at the streets and yards of the special POSTERS indicating contact addresses and telephones where the child may complaint and turn to for assistance. Hanging over of such posters is a routine in many countries, but not at all in Russia. (Cf. e.g. Comments V-1; VIII-16,26).

#9. Adoption by the Ministry of Labour and Social Development of the Regulations "On the Rehabilitation-Educational Policy" elaborated by the Public-Charity "Center of Curative Pedagogic" and aimed at partial redistribution of budget allocations supposed for the disabled child care in favour of the policyholders - parents of disabled child who decided to leave him at home instead of handing over to State institution. This Policy would be a tool permitting to fulfill effective rehabilitation of a disabled child living in the family and in this way such a simple reform will put an end to the most dreadful violations of rights of disabled children in modern Russia. (Cf. Comments III-2; VI-1,2,3,4,5).

#10. Torture Prevention: (a) Adoption of the Law "On the Public Control of Securing of the Rights of Prisoners..."; Draft of the Law was prepared by Human Rights NGOs and top expert-lawyers in frames of the Committee "On Affairs of Public Organizations..." of State Duma and was officially submitted to State Duma in September 1998. **(2) Immediately cancel the Ministry of Interior Internal Instructions on the index of "Discloseness" ("Raskryvaemost") as a main (often even planned beforehand at the unbelievable level 70-90%) Showing Off Parameter of the effectiveness of the work of Police.** This Index "economically" stimulates policemen and investigators to hush up real crimes or to obtain false avowals of guilt using tortures, in particular - tortures of minors who are psychologically less protected than adults. (Cf. Comments III-9; VIII-14).

#11. Adoption of the Amendment to Article 240 of the "Criminal Code" of Russian Federation which establish criminal responsibility even for visibly volunteer involvement of minor in the prostitution business. (Cf. Comment VIII-27).

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**ATTACHMENT to Russian NGOs' Alternative 1998 Report.
Comments to "Final Notes of the Committee on the Rights of the Child to
the Russia's 1992 Periodical Report "On Realization..."", which were
formulated at the 73-d Session of the Committee on 28 January 1993.**

New Russia's State Periodical Report "On Realization in Russian Federation of the Convention on the Rights of the Child in 1993-1997" does not include any special remarks to "Final Notes..." of the Committee on the Rights of the Child to Russia's previous 1992 Report. We consider this as an essential drawback of the 1998 State Report and present here our considerations on Russia's after 1993 reality in connection with Final Notes.

Comment to "B. Positive Aspects" of the Final Notes:

- a) So far Russia did not justify positive expectations of the Committee (Article 3 of the Final Notes) on the creation of special courts for minors (Juvenile justice).
- b) In accordance with the recommendations of the Committee (Article 3 of the Final Notes) essential authority and responsibility for the observance of the rights of the child were legislatively moved from the federal departments to local authorities; however because of the absence of any independent control this in many cases resulted not in the positive but actually in the negative impact (e.g. at present Federal Ministry of Labour and Social Developments is incapable to order to Department of Social Protection of Population of the Government of Moscow or of other regions to open Internats for Disabled Children for the independent inspection by Russian or foreign experts).
- c) Positive expectations of the Committee on the developing of training of social workers etc. (Item 3) were not justified as well during last 5 years; on the contrary social workers sub-faculties were reduced or even closed in some regional colleges and pedagogical institutes.

Comment to "D. Basic Questions of Concern" of the Final Notes:

- d) To the Article 8 of the Final Notes: Contrary to demands of the Articles 3 and 4 of the Convention children in Russia became victims - not of the economical reforms, but of the economical and legal chaos engendered by the absence of real reforms.
- e) To the Articles 9,11 of the Final Notes: Now in 1998 we totally share the 1993 concern of the Committee about the conditions of Russian disabled children, on the widening practice of placing them to internats.
- f) To the Article 14 of the Final Notes: Now - 5 years later everyday practice of Russia's courts and penitentiary institutions for minors drastically violates Article 37 of the Convention.
- g) To the Article 15 of the Final Notes: Now in 1998 we totally share the 1993 concern of the Committee about the growth of children delinquency, children vulnerability to sexual abuse, their catastrophically broadening liability to drugs and alcohol.

Comment to "E. Proposals and Recommendations" of the Final Notes:

- h) To the Article 17 of the Final Notes: (1) Special Governmental Commission aimed at Coordination of the Work on Implementation of the Convention in Russian Federation created earlier in accordance with the Proposals of the Committee was dismissed in May 1998 by the decision of then new and now former Government of Sergei Kirienko. According to the information from the Ministry of Labour and Social Development the

dismissed Commission will be restored soon. (2) Nothing is done to support the activities of local NGOs working to protect rights of children.

i) To the Article 19 of the Final Notes: Professional training of personnel of orphanages etc. is rather questionable when their salaries are below minimum surviving standards and hence many accidental and untrained people are hired to work in the children institutions.

j) To the Article 21 of the Final Notes: No procedures or mechanisms to consider child's complaint to the brute or cruel treatment were elaborated so far; even the simplest and most urgent measure - PLACING IN THE SCHOOLS, STREETS AND YARDS OF RUSSIAN TOWNS OF SPECIAL POSTERS INDICATING TELEPHONES AND ADDRESSES WHERE CHILD IN THE EXTREME SITUATION MAY COMPLAINT - was never realized anywhere in Russia.

k) To the Article 22 of the Final Notes: We already mentioned above that no real steps to create a Juvenile Justice were undertaken in Russia so far. At the same time the whole system of punishment of minor delinquents is directed mostly not to the rehabilitation but just to their isolation from the society.

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