

RUSSIAN FEDERATION

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 16th session, 2013

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Global Initiative to
**End All Corporal Punishment
of Children**

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in the Russian Federation, despite the Government’s acceptance of recommendations made during the UPR in 2009 to develop its legislation with regard to human rights and the repeated recommendations on corporal punishment by the Committee on the Rights of the Child.

We hope the Working Group will note with concern the legality of corporal punishment in the Russian Federation. We hope states will raise the issue during the review in 2013 and recommend to the Russian Federation that legislation is enacted to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.

1 The initial review of the Russian Federation by the Human Rights Council (2009)

1.1 The Russian Federation was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 4). The issue of corporal punishment of children was included in the compilation of UN information.¹ No recommendations were made specifically concerning corporal punishment, but the following recommendations were made and were accepted by the Government:²

“Continue its efforts in ensuring the respect and promotion of human rights principles despite all existing challenges and obstacles (Palestine);

“Continue to refine its domestic legislation in the field of human rights and freedoms (Zimbabwe);

“Continue with its current positive efforts for furtherance of the human rights protection (Democratic People’s Republic of Korea);

“Develop and carry out the whole range of measures for the practical implementation of provisions of the Convention on the Rights of the Child and its two Optional Protocols (Belarus);

“Pursue its action plans to protect the rights of the child and of the family (Saudi Arabia)”

1.2 Prohibiting corporal punishment of children in all settings, including the home, is an obligation on states under the Convention on the Rights of the Child and other human rights treaties, though it is one frequently ignored or evaded by governments. Since the review in 2009 – and even though the state is signed up to the Council of Europe’s campaign against corporal punishment of children – there appear to have been no moves towards prohibiting corporal punishment in the Russian Federation. Today, as in 2009, it is unlawful in the penal system and in schools but it is lawful in the home and in alternative care settings.

2 Legality of corporal punishment in the Russian Federation

2.1 In the **home**, article 65 of the Family Code (1995) states (unofficial translation): “... In exercising their parental rights, parents have no right to harm the physical and mental health of children, their moral development. Ways of raising children should exclude dismissive, cruel, degrading treatment, abuse or exploitation of children.” However, this and other provisions against violence and abuse in the Act on basic guarantees of children’s rights in the Russian Federation (1998), the Criminal Code (1996), the Administrative Offences Code (2001), the Law on Custody and Guardianship (2008) and the Constitution (1993) are not interpreted as prohibiting all corporal punishment in childrearing.

2.2 Corporal punishment is considered unlawful in **schools**, but we have no details of applicable law.

2.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime: there is no provision for corporal punishment in criminal law. It is considered unlawful as a disciplinary measure in penal institutions, but there appears to be no explicit prohibition.

2.4 Corporal punishment is lawful in **alternative care settings**.

¹ 22 December 2008, A/HRC/WG.6/4/RUS/2, Compilation of UN information, para. 22

² 3 March 2009, A/HRC/11/19, Report of the Working Group, paras. 85(15), 85(17), 85(19), 85(33) and 85(39)

3 Recommendations by human rights treaty monitoring bodies

3.1 In 1999, in its concluding observations on the state party's second report, the **Committee on the Rights of the Child** recommended that the Russian Federation take steps to end the use of corporal punishment in institutions for children.³ Following examination of the third report in 2005, the Committee recommended law reform to explicitly prohibit all forms of corporal punishment in the family and in alternative care contexts and to ensure implementation of prohibition in the family, schools and other institutions.⁴

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October 2012

³ 10 November 1999, CRC/C/15/Add.110, Concluding observations on second report, paras. 28, 29 and 30

⁴ 23 November 2005, CRC/C/RUS/CO/3, Concluding observations on third report, paras. 7, 36, 37, 46 and 47