



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

## **RUSSIAN FEDERATION – COUNTRY REPORT**

### **Summary of necessary legal reform to achieve full prohibition**

#### ***Settings where explicit prohibition is necessary***

home, ?schools, ?penal institutions, alternative care settings

#### ***Is there a legal defence for corporal punishment which must be repealed?***

No – There appears to be no defence of “reasonable chastisement” or similar in existing legislation but the near universal acceptance of corporal punishment in childrearing necessitates clarity in law that no level of corporal punishment is acceptable. Explicit prohibition should be enacted of all corporal punishment and other cruel or degrading forms of punishment, in the home and all other settings where adults have authority over children.

#### ***Other legislative measures necessary***

*Schools* – The law should explicitly prohibit corporal punishment in all education settings, public and private.

*Penal institutions* – Explicit prohibition should be enacted in relation to disciplinary measures in all institutions accommodating children in conflict with the law.

*Alternative care settings* – Explicit prohibition should be enacted in legislation applicable to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful 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.

Former President of the USSR, Mr Mihail Gorbachev, and Ombudsperson for Children (Izhevsk), Ms Olga Pishkova, have signed the Council of Europe campaign against corporal punishment of children but to our knowledge there have been no moves towards law reform on the issue.

### Schools

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

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not among the sentences available in the Criminal Code, the Administrative Offences Code, or the Criminal Procedure Code (2001).

Corporal punishment is considered unlawful as a **disciplinary measure** in penal institutions, but there appears to be no explicit prohibition.

### Alternative care

Corporal punishment is lawful in alternative care settings.

### Prevalence research

None identified in the last ten years.

## Recommendations by human rights treaty bodies

### *Committee on the Rights of the Child*

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

"The Committee regrets that some of the concerns it expressed and the recommendations it made (CRC/C/15/Add.110) after its consideration of the State party's second periodic report (CRC/C/65/Add.5) have not been sufficiently addressed, inter alia those concerning ... protection from torture and corporal punishment....

"The Committee is concerned that corporal punishment is not prohibited in the family and in alternative care settings. It is also concerned that corporal punishment of children remains socially

acceptable in the State party and it is still practised in families and in places where it has been formally prohibited, such as schools.

“The Committee urges the State party to:

- a) to explicitly prohibit by law all forms of corporal punishment in the family and in alternative care settings;
- b) to prevent and combat the practice of corporal punishment of children in the family, in schools and other institutions by effectively implementing legislation;
- c) to conduct awareness-raising and public education campaigns against corporal punishment and promote non-violent, participatory forms of discipline.

“The Committee is concerned at reports that a large number of children in institutions are subject to abuse by their educators. The Committee is also concerned that abused children who are exposed to violence within the family and in institutions do not always receive sufficient care and assistance and that not enough is being done with regard to prevention (and prevention interventions) and awareness arising in this area.

“The Committee recommends that the State Party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family and in institutions, including through:

- f) public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes, promoting positive, non-violent forms of discipline.”

#### *Committee on the Rights of the Child*

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

“The Committee is concerned at allegations of widespread practice of torture and ill-treatment, and conditions amounting to inhuman or degrading treatment, of children living in institutions in general and in places of detention or imprisonment in particular - including acts committed by law enforcement officials involving corporal punishment.

“The Committee recommends that the State party take appropriate measures to bring to an end and prevent these practices and to duly investigate allegations and punish perpetrators of such acts. The Committee also endorses the implementation of the recommendations made by the Committee against Torture and the Special Rapporteur on torture with regard to these concerns.

“Further, the Committee recommends that the State party monitor and bring to an end corporal punishment practices in institutions.”

### **Universal Periodic Review**

The Russian Federation was examined under the Universal Periodic Review process in 2009. No recommendations were made concerning corporal punishment of children.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children*  
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