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**REPORT ON OBSERVANCE OF HUMAN RIGHTS
OF CHILDREN, FAMILIES AND MIGRANTS
(EUROPEAN SOCIAL CHARTER, ARTICLES 7, 8, 16, 17, 19, 27)**

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Article 7. The right of children and youth for protection

With a view to ensuring effective implementation of children and youth right for protection the Parties assume the following obligations:

1. To determine the minimum age for employment at 15 years old, except for certain type of easy works, which does not cause harm to the health, morals or education;

Labour Code of the Russian Federation determines peculiarities of labour regulation for workers under 18 years of age, specifying it in a special Chapter (Chapter 42). The Chapter determines guaranties and concessions which must be provided for working youth.

Russian Federation has ratified International Labour Organization (ILO) Convention № 138 “On the Minimum Age of Employment” (Geneva, June 26, 1973),¹ according to which every ILO member recognizing Convention in force, shall commit oneself to the national policy assuring effective abolishment of child labour and gradual rising of minimum employment age up to the level of the most complete physical and mental maturation of youth (Article 1). As specified in Article 3 of ILO Convention № 138 - the employment age shall not be below the age of compulsory school graduate for all children and in any circumstances it shall not be below 15 years of age.

Article 63 of Labour Code of the Russian Federation determines employment age limit, covering all employers - legal and natural persons an refer to all worker groups including home-based worker and employment by a natural person of personal servants and assistance in housekeeping and etc. This Article provides for several rules concerning the age. General rule specify that concluding an employment agreement is allowed only with persons of 16 yeas and above. Exception from the rule is provided for foreign residents. As specified in par. 4 of Article 13 of Federal Law № 115-FZ dd. July 25, 2002 “On the Legal

¹ Ratified by the Decree of the Supreme Soviet of the USSR as of March 5, 1979, No. 8955-IX.

Status of Foreign Citizens in the Russian Federation”, a foreign resident has the right for labour activity in case he/she is 18 years and above and obtained a work permit (except for certain cases, specified in that item).

Persons obtained general education² or students undergoing general education course and reached the age of fifteen years have the right to enter into employment agreement for easy labour which does not cause harm to their health. There is no particular list of easy jobs, but that problem is resolved by means of “SanPiN 2.4.6.2553-09. Sanitation-and-epidemiological requirements for safe labour conditions for workers under 18 years old. Sanitation-and-epidemiological rules and standards” approved by resolution № 58 of RF Chief Public Medical Officer dd. September 30, 2009.³ That document determines the necessary Sanitation-and-epidemiological requirements for safe labour conditions for workers at the age from 14 till 18 years of age and conditions of apprentice training (work practice) of students of general and professional education to insure safe and harmless conditions of such trainings, avoidance of injurious effects on a teen-ager growth, development and health. Teenagers’ workplaces shall be set in such way that the level of harmful or hazard work-factors (chemical, physical, biological), if any, shall not exceed the level specified by sanitary-hygienic standards, determined by sanitary legislation and the present sanitary standards (par 4.2.). In case of any harmful physical factors exceeding the sanitary-hygienic standards and which cannot be brought to the requirements of hygienic standards it is necessary to provide limitation of the time of contact with such factors by teenagers of 16 - 18 years old (protection by time-factor).

Intensity of teenagers work shall exclude enhancement of neuropsychic stress (intellectual, sensory, emotional and monotonous). Consequently, the following shall be excluded for teenagers: working conditions and activities

² Under the General education refers to the type of education that is sent at personal development and acquisition process of new educational programs knowledge, skills and competence formation, necessary for human life in society, conscious choice of profession and professional education (item 11 article 2 FL as of December 29, 2012 No. 273-FL "On education in the Russian Federation").

³ The Russian newspaper. 2009. November 18, 2009, No. 217.

requiring high intellectual load; working conditions and activities requiring high sensory load; working conditions and activities requiring high load on visual analyzer; working conditions with considerable emotional load, caused by enhanced responsibility for works functional quality (task) or risk of personal or other people life or safety; highly monotonous working conditions and activities. Machinery, equipment, instruments, controls, furniture on the workplace shall meet the ergonomic requirements taking into account teenagers physical growth and development (SanPiN 2.4.6.2553-09, Section 4).

There are also “Hygienic criterion of acceptable conditions and kind of works for apprentice training and works for teenagers. Sanitary regulations and standards. SanPiN 2.4.6.664-97” approved by RF Chief Public Medical Officer Order No. 5 dd. April 4, 1997,⁴ specifying principles of determining safe activity for teenagers: accordance to age-related and functional capability; absence of adverse impact on growth, development and health; exclusion of increased risk of injury to themselves or others; taking into consideration hypersensitivity of teenagers to the effect of environment factors (item 2.1.). Thus, both documents emphasis the safety of teenagers employment.

Labour Code also provides for possibility to conclude employment contract with teenagers still undergoing general education course and of 14 years and older, but concerning a number of conditions (RF Labour Code Article 63, par. 3). Firstly, such teenagers shall be employed only when they are free from their education time. Secondly, an employment contract shall include only easy labour, not causing detrimental effect on teenager health and not interfering with general education program. Thirdly, a compulsory condition of employment contract with teenagers of 14 - 15 years old is a consent of one of the parents (guardian) and guardianship and custodianship agency.

⁴ Official documents in education. 2001. No. 33.

Another important rule limiting the teenagers employment is stipulated in RF Labour Code Article 265: it is forbidden to employ teenagers under 18 years old for the works with harmful and/or hazardous conditions, underground works, as well as works which are potentially hazardous for health and morality (gambling business, works in night clubs and cabaret, production, transportation and trade of alcoholic drinks, tobacco products, narcotics and other toxics, and materials of erotic content). In 2003 Russian Federation ratified ILO Convention № 182 “On prohibition and urgent measures on liquidation of the worst forms of child labour” (Geneva, June 17, 1999),⁵ according to which the child labour is forbidden at works of the character and conditions which are potentially harmful and/or hazardous for health, safety or morality of a child (Article 3, subpar. «d»). Requirements provided in par. 1 Art. 265 of RF Labour Code is directed to implementation of this international obligation taken by our Country.

The issue on that the list of types of work, the implementation of which may harm the health and moral development of minors, should be open was repeatedly raised in the legal literature.⁶ And in fact, it is impossible to envisage initially all and every kind of work potentially hazardous for under-aged, e.g. work in advertising business can cause harm to moral development and health.⁷

Concluding employment contract with teenagers under 14 years old is forbidden except for the following cases:

1) participation in creation (display) of cinematography, theater and concert activity, circus - under conditions that such work is not harmful to the health and morality of underage (RF Labour Code Article 63, par. 4);

2) in case of sportsmen - in preparation for sporting events and participating in sporting competitions and participation in sports competitions in certain kinds of sports (RF Labour Code Article 348.8, par. 5);

⁵ Ratified by the Federal Law on February 8, 2003, No. 23-FL.

⁶ See: Javorchuk N.N. Legal safeguards provided to the young people, and their role in regulating of relations in the sphere of labor // Russian Annual of labor law. 2006. No. 2. P. 341 |

⁷ Comment to the Labor Code of the Russian Federation. - 5th edition, revised and enlarged edition / actionee U.P. Orlovsky. M., 2009. Page 896

Concluding of employment contract with teenagers under 14 years old is allowed only upon consent of one of the parents (guardian) and guardianship and custodianship agency, specifying maximum admissible daily working hours and other work conditions. This rule corresponds to the requirements of ILO Convention № 138, Article 8 “On minimum employment age”. Furthermore, due to the par. 5 Art. 348.8 of RF Labour Code such parental and guardianship consent necessary for concluding an employment agreement with a sportsman is issued only after preliminary medical examination. Employment contract for teenagers under 14 years old is signed by a parent (guardian) on behalf of the teenager.

Thus, effective protection of rights provided by par. 1 Art. 7 of Charter is implemented by participation in solving the issue on the right for employment contract conclusion with underage not only of parents but also Public authorities independent of employers, which are authorized (and responsible for) to represent legal interests of underage under ward or patronage in respect to third parties.

2. To determine 18 years old as minimal age for employment to certain kinds of works considered hazardous and harmful for health;

Annex. This condition does not prevent the parties to provide the level of national regulation on the condition under which the employees who have not attained the minimum age, can perform the work required for their training, provided that such work is carried out in accordance with the requirements prescribed by the authorized body, as well as necessary measures to ensure the protection of the health and safety of young workers are taken.

As stipulated by RF Labour Code Article 265 it is forbidden to employ persons under age of 18 for works under harmful or hazardous conditions and underground works. The list of works for which employment of people under age of 18 is forbidden is approved in accordance with RF State Regulations, taking into account recommendations of Russian Trilateral Commission for the

Regulation of Social and Labour Relations. This rule correlates with requirements of ILO Convention № 182 “On prohibition and urgent measures on elimination of the worst forms of child labour” in respect of that hazardous works are specified by national legislation or authorized agencies after consultations with respective organizations of employment and workers.

At the moment, the specific list of such works is included in RF Governmental Resolution № 163 of February 25, 2000 (as amended in July 20, 2011) “On approval of List of hard works and works under harmful and hazardous conditions for which employment of teenagers under 18 years old is forbidden”⁸. This list is formed by specifying kinds of work or activities (works involving manual lifting and moving of loads exceeding maximum specified values; mining operations, subway, tunnel and other underground specialized constructions; geological exploration and topographic-geodesic work; ferrous and nonferrous metallurgy; power and heat-energy production and transmission; peat digging and processing; well drilling, oil and gas extraction; crude oil refining, processing of petrochemicals, gas, shale, coal and main trunk line servicing; petrochemical industry and chemical production; microbiological production; production of medical supplies/drugs, vitamins, medical, bacterial and biological products and materials; mechanical engineering and metalwork; shipbuilding and ship-repairing; production and repairing of flying machines, engines and equipment; electrical engineering; radio and electronic engineering production; production of radio equipment and equipment for wireline network; production of construction materials; production of ceramics; production of whiteware; production of glass-works; construction, mounting and repair and construction work; loggings operation; woodworking industry; cellulose and paper production, hydrolytic, sulfate-spirit and wood chemical industry; sugarcane harvesting and processing; textile industry; hald and reed-making production; consumer goods industry; food industry; print production; transportation; communications; agriculture; production of artistic articles and jewelry, musical instrument;

⁸ Legislation Bulletin of the Russian Federation. 2000. No. 10. Art. 1131.

cinema production and production of gramophone discs; housing and utilities sector and amenity services and etc.) and particular professions (or kinds of work within certain spheres of economic activity) - 2179 positions total. Thus, not only ILO Convention № 182 requirements are taken into account, but also ILO Recommendations № 190 “On prohibition and urgent measures on elimination of the worst forms of child labour” (1999), which specify the following works as hazardous: works under ground, under water, at height, within confined space, works with dangerous machinery, equipment or instruments, works involving manual lifting and moving heavy loads, works under hazardous conditions when teenagers run the risk of exposure with harmful substances or processes or temperatures, noise and/or vibration level harmful to their health.

Employment of teenagers under 18 years old for works listed is prohibited in all organizations and companies in all economical spheres, of any legal status and form of title.

Prohibition for employment of teenagers under 18 years old for hazardous works is not absolute. Same as provided in par. 2 of Art. 7 of the Charter the Russian legislation admits the possibility of teenagers employment for hazardous works, specified in the List. Upon apprentice training (work practice), students of general educational institutions and secondary vocational education, of 16 years old and above, may perform the works, included in the List, but not longer than four hours a day under conditions of strict adherence to sanitary standards and norms of safety engineering. Permission for on-the-job training works does not include certain works (such as working at height, climbing and explosion hazard works, underground and under water works).⁹

Graduates of educational institutes having passed at least three years of professional training for works specified in the List, but not reached the age of

⁹ Item 3 Decrees of the Russian Federation Government as of the 25th of February 2000, No. 163.

18, could be admitted to such works on certified working place¹⁰ under conditions of strict adherence to sanitary standards and norms of safety engineering. The employer has the right to permit employment of teenagers under 18 at work included in the List under conditions of assured safety, confirmed by certification procedure (special estimation of working conditions), after positive conclusion of RF Sanitary and Epidemiological Service and State expertise of working conditions valid in appropriate subject of the Russian Federation. Standards determined by RF Government Regulation corresponds to the requirements of par. 3 Art. 3 of ILO Convention № 138 “On minimum employment age”.

Furthermore, par. 15 of Regulations For Practical Training of Students of Secondary Vocational Education Institutions, approved by RF Ministry of Education and Science № 291 of April 18, 2013¹¹ bound companies and organizations to provide safe conditions for the students apprenticeship in concordance with safety engineering and sanitary requirements. On the other hand, as provided by SanPiN 2.4.6.2553-09 par. 5.2 “Sanitation-and-epidemiological requirements for safe labour conditions for workers under 18 years old. Sanitation-and-epidemiological regulations and standards” (approved by resolution № 58 of RF Chief Public Medical Officer of September 30, 2009) students’ apprenticeship conditions for certain professions, included in the List of hard works and works under hazardous conditions, prohibited for employment of teenagers under 18 years old, approved by Decree of the RF Government No.163, dated February 25, 2000, and according to substantiated technological reasons and work process particularities cannot meet the specified sanitation-and-epidemiological requirements, requirements for apprenticeship course shall be set by sanitation-and-epidemiological requirements worked out in educational institutions of Initial Vocational Education. Only students who had successfully

¹⁰ From January 1, 2014, instead of the certification of jobs there was introduced a special assessment of working conditions (Federal law as of December 28, 2013 No. 426-FL "On special assessment of working conditions).

¹¹ The Russian newspaper. No. 136. June 26, 2013.

passed medical examination as prescribed by RF legislation, shall be admitted for such apprenticeship course.

Thus, legislation allows exception to the rules, provided by RF Labour Code Article 265 in case of substantiated technological reasons and work process particularities cannot meet the specified sanitation-and-epidemiological requirements, but only after authorized medical examination as prescribed by RF legislation and under sanitation-and-epidemiological requirements worked out in educational institutions of Initial Vocational Education.

Only qualified persons of 20 years old and above and having clean bill of health has the right to be employed for works with toxic chemicals related to chemical weapons.¹²

A supplementary protection measure for underage workers is prohibition for works of lifting and moving loads exceeding the specified limits. The Resolution of RF Ministry of Labour № 7, dated April 7, 1999 provides “Standards of maximum permissible load to be lifted and moved manually for teenagers under 18 years old”.¹³ On the other hand, the Law provides exceptions from the rule: at the time when a teenager under 18 years old is getting prepared or participates in sport events, lifting and moving loads exceeding the specified limits is admissible in case it is necessary for such events and such load is not prohibited according to the medical report (RF Labour Code, article 348.8, par. 4).

3. To specify, that teenagers still undergoing compulsory education course shall not be employed for works hindering their education in full scope;

New Federal Law № 273-FZ, dated December 29, 2012 “On Education in the Russian Federation” (hereinafter Education Law) strengthen the guaranties of

¹² Article 2 of FL as of the 7th of November 2000 No. 136-FL "On social protection of citizens engaged in work with chemical weapons" // Legislation Bulletin of the Russian Federation. .2000. No. 46 Art. 4538.

¹³ Bulletin of normative acts of Federal Executive authorities. 1999. No. 29.

realization of constitutional rights for education. Constitution of the Russian Federation stipulates that basic general education is compulsory (Article 43, par. 4). National policy and regulatory environment in the sphere of education are based on principles of educational priority and ensuring the right of any person for obtaining education (Education Law, Art. 3, par. 1, subpar. 1 and 2). The requirement on compulsory secondary education for a particular student according to par. 5 Art. 66 of the current Law on Education is applicable until the age of 18 years of the student (previously under the Law of the Russian Federation of July 10, 1992 № 3266-1 "On education", now lapsed, the requirement on mandatory basic education remains in force until the age of 15 years).

Charter requirement stipulated in article 7, par. 3 which had been transformed to the RF Labour Code Article 63, part 3, stipulates that one of the provisions of concluding an employment contract with teenagers under 14 years old shall be a condition ensuring the work is executed during free from education time and shall not interfere the education program. This requirement is applicable to every underage teenagers taking compulsory education, not only to workers of 14 years old and above. Taking into account that the compulsory secondary education requirements are applicable to particular student up to 18 years old (Education Law, article 66, par. 5),

the employer, signing an employment contract with a teenager who has reached the age of 14, shall be obliged to arrange his/her work in such way that it does not interfere with the education process, that is to assure implementation of requirements of employment and labour laws, providing guaranties and compensations associated with education (RF Labour Code Article 26). Work and rest of a teenager shall be organized in such way that it does not hinder attendance of educational institution as well as fulfillment of home-work.

A number of RF Labour Code provisions assure possibilities to take education for an underage teenagers.

First, as stipulated by Article 268 it is forbidden to send a teenager under 18 years old to business trips, overtime work, night works, work during weekends and holidays (except for creative workers of mass media, cinematography, TV and film crew, theaters, theatrical and concert organizations, circus and other persons taking part in creation (display) shows, as specified in the List of works, professions, functions of such workers, approved by RF State Regulations, taking into account recommendations of Russian Trilateral Commission for the Regulation of Social and Labour Relations).¹⁴ A special rule is also set up for sportsmen: sending a sportsman under 18 years old to a business trip, assignment of overtime work, night works, work during weekends and holidays is allowed in cases and in order provided by Labour legislation and other laws and regulations, containing standards of Labour law, collective contracts, agreements, local normative provisions, employment contracts (RF Labour Code, Article 348.8).

Limiting excess work and work related with travel outside of the settlement, where the educational institution is situated, promotes the development opportunities of the educational program for the purpose of compulsory education by excluding absences for reasons connected with the performance by the underage workers of his/her work functions, but also allows to save susceptibility to the educational process.

As for teenagers under 14 years old involved in creative works of mass media, cinematography, TV and film crew, theaters, theatrical and concert organizations, circus as well as sportsmen, there are special regulations: permission for such works, issued by guardianship and custodianship agency, specify maximum admissible daily working hours and other work conditions.

¹⁴ The RF Government decree as of the 28th of April 2007, No. 252 "On approval of the list of professions and positions of creative media, cinematography, television and video groups, theaters, theatrical and concert organizations, circuses and other parties involved in the creation and (or) execution (exhibition) of works, particularly labor activity which is established by the Labor code of the Russian Federation" // "Legislation Bulletin of the Russian Federation. 2007. No. 19. Art. 2356.

For non-compliance with provisions of RF Labour Code Article 268 the employers may become subject to administrative penalty under RF Code of Administrative Offenses, Article 5.27- for violation of Labour and Safety Engineering legislation.

Secondly, there is a prohibition set up for the off-hour work by underage (RF Labour Code Article 282, par. 5) which also contributes to saving the time free of work for continuing the education and obtaining compulsory general education.

Thirdly, teenagers under 18 years of age are not allowed to be employed for work under rotation system (RF Labour Code, Article 298), because such kind of work organization requires leaving the place of permanent residence by worker and impossibility of daily return to this place. Moreover, the work under rotation system assumes more intensive work regime compared with common regimes and less comfortable conditions of rest. All this is preventing attendance of general education institution and participation of the underage in educational process, and subsequently, the prohibition of employment of underage for work under rotation system serves, above all, to implement provisions of par. 3, Art. 7 of the Charter.

As for the position on prohibition the work during holidays, specified in Handbook of legal practice of the European Committee of Social Rights, it is necessary to admit that Russian legislation only partially follows that provision, setting the rule on the period of the annual leave of the underage worker (31 calendar days) and the possibility to choose the time of going on leave (RF Labour Code, Article 167). Such standard allows children taking compulsory education to use summer vacation, but limits the possibility of using the part of vacations during an academic year by three days (31 calendar days of total vacation period minus 28 calendar days of vacation guaranteed within summer vacation period).

4. To limit working day hours for underage workers under 18 years of

age according to requirements of their development in particular regarding their professorial training;

Russian labour legislation specifies shortened weekly and daily working hours for all underage workers, differentiating it depending on age and educational scheme of the underage worker.

According to the Art. 92 of RF Labour Code no more than 24 hours a week for workers under 16 years old shall be specified and no more than 35 hours a week for the workers at the age of 16 - 18 years old. Working hours of education organizations, performing educational activity, at the age under 18 years old, working during the academic year at the time free from studying, cannot exceed half of the specified standards, that is 12 hours for the workers under 16 and 17.5 hours for the workers from 16 to 18 years old.

The Law provides not only limitation of the weekly working hours for underage workers, but also the limitation of the daily working hours. As it is stipulated in Art. 94 of RF Labour Code the period of daily working hours (shift) cannot exceed 5 hours for the workers from 15 to 16 years old, 7 hours for the workers from 16 to 18 years old, and as for the students of general education and secondary vocational education courses, combining work with study during an academic year, at the age from 14 up to 16 years old - daily working hours shall not exceed 2.5 hours and at the age from 16 up to 18 years - shall not exceed 4 hours. Those standards are binding and cannot be amended neither by the employment contract nor by parties agreement or initiated by any party. Exclusion provided by par. 3 of Art. 348.8 of RF Labour Code: daily working hours for sportsmen under 18 years old may be specified by collective agreements, contracts, local normative acts, but under condition of adherence to the maximum weekly working hours provided by the Code.

Thus, the Russian legislation takes into account the requirements of the par. 4 Art. 4 of the Charter, implementing it towards all underage workers (including those who are not a subject of compulsory education any longer), reducing weekly working hours by 16 and 5 hours (against standard 40 weekly working

hours), as well as for those underage who combine education with work, reducing their weekly working hours by half. The Law provisions limiting the hours of the working day (shift) are aimed to meet the needs of underage in professional training.

Students taking full-time course of bachelor, specialist or master degree have the right for non-paid vacation for taking interim attestation (RF Labour Code, Article 173, par. 2). Workers obtaining and having obtained public accreditation on educational programs of secondary vocational education under of evening classes and part-time education programs during 10 academic months before taking the public final attestation have the right to reduce weekly working hours by 7 hours. Vacation time taken under such terms is paid in the amount of 50% of average earnings at the main place of work, but not less than minimum monthly wage (RF Labour Code, Article 174). Workers obtaining and having obtained public accreditation on educational programs of secondary vocational education under of evening classes and part-time education programs have the right to reduce the working week by one day during an academic year or by respective working hours (by shortening daily working hours (shift) during a week). Vacation time taken under such terms is paid in the amount of 50% of average earnings at the main place of work, but not less than minimum monthly wage (RF Labour Code, Article 176).

5. To recognize the right of youth workers for quantum meruit and other respective benefits;

Quantum meruit for underage workers is guaranteed, first of all, by adopted principles of discrimination prohibition. ILO Convention № 111 “On discrimination in employment and occupation” (Geneva, June 25, 1958) is in force in Russian Federation.¹⁵

¹⁵ The Convention was ratified by the Decree of the Supreme Soviet of the USSR on the 31st of January 1961 // Vedomosti of the Supreme Soviet of the USSR. 1961. No. 44. Art. 448.

RF Labour Code provides prohibition of discrimination in employment (Article 3) as well as special regulations prohibiting any kind of discrimination when setting or amending conditions of work remuneration (par. 2 Art. 132). At that, in first case the Law specifies that no person can be deprived of labour rights and freedoms depending on age. Securing the rights of each worker for timely and full scale payment of *fair wages*, assuring adequate living standards of a person and his/her family, not lower than the minimum wage determined by the Law, is one of the main principles of labour relations legal regulation (RF Labour Code, Article 2). The worker's wage depends on qualification of such, work complexity, amount and quality of labour put and is not limited by the maximum amount (RF Labour Code, Article 132, par. 2). Payment conditions specified by RF Labour Code, Article 57, par. 2 are mandatory for every employment contract.

Special provisions in respect of the underage workers are provided by RF Labour Code, Article 271. The remuneration of timeworkers under 18 years is paid taking into account reduced working hours. The labour of workers under 18 years old allowed for contingent works is paid according to the standard rates for work by the piece. Compensation of employees under 18 years old enrolled in organizations engaged in educational activities, and working in their free of education time is paid in proportion to the time worked, or depending on the production. Thus, in contrast to adult workers who, despite established reduced working time (eg., due to harmful and dangerous working conditions) receive wages in full, the amount of wages of underage workers will depend on the duration of working time.

During the study period the students' amount of remuneration is regulated by RF Labour Code, Article 204: during the study period students receive scholarship, the amount of which is specified by the education contract and depends on mastering, but shall be not less than minimum monthly wage stipulated by the Federal Law. The scholarship is paid monthly by the employer as a financial support of a student. The amount of scholarship is a mandatory term

of education contract. The scholarship amount is specified taking into account the amount of wages paid in accordance with mastering profession and specialization. Additionally, the work performed by a student during the practical training is paid under the specified rates, which are established in this organization and paid to regular workers of appropriate specialization.

The Law does not differentiate the payment of young and adult workers. Thus, actually underage workers are paid less than adults because they are trusted with easy works (and respectively less-paid for), qualification of underage workers is lower than that of experienced adults with a good experience of work, and working hours of underage workers are reduced in comparison with common standards. There are no official data published by Federal State Statistics Service (Rosstat) on the amount of wages paid to underage workers.

6. To establish provision by which the time required by youth for technical training during a standard working day shall be considered as a part of the working day of such worker upon the consent of the employer;

Russian legislation does not provide specific guarantees for youth in case of passing special professional training during the working time. Nevertheless, Article 167 of RF Labour Code provides benefits and reimbursements common for all employees: 1) In case an employee is assigned by the employer for vocational training or additional professional education off-the-job, his/hir working position is held and average salary is reserved as well; 2) In case an employee is sent for vocational training or additional professional education off-the-job to the places different from the place of working and living, he/she is paid traveling allowance in the amount and in order as usually paid for an official business trips.

Moreover, the time of vocational training shall be accounted for and included in length of service, giving the right for annual paid leave (RF Labour Code, Article 121, par. 1).

So the time of professional training, undertaken during working hours, is

considered as a part of working time in conformity with Charter, Article 7, par. 6.

7. To stipulate the right of workers under 18 years old for annual minimum four-week paid leave;

According to the Art. 267 of RF Labour Code the annual paid leave of the worker under 18 years old shall be 31 calendar days taken whenever convenient to them.

The Law sets several restrictions concerning vacations of workers under 18 years old, directed on prevention of situations when such vacations cannot be used by the underage worker adequately:

1) it is forbidden to refuse the worker under 18 years old to take annual paid leave (RF Labour Code, Article 124, par. 4);

2) the worker under 18 years old can not be recalled from leave (RF Labour Code, Article 125, par. 3);

3) monetary compensation for unused annual leave is not allowed for the workers under 18 years old (RF Labour Code, Article 126, par. 3).

Another privilege for underage workers is provided by RF Labour Code, Article 122: unlike other employees who have the right to use the leave for the first year of employment only after six months of continuous work for the same employer, an underage worker under his/her application for the paid leave must be granted taking such leave prior the expiration of six months of continuous work.

In case of illness or accident during the leave the paid annual leave shall be extended or moved to another period determined by the employer, with consideration of employee's wishes (Par. 1 Art. 124, RF Labour Code).

8. To provide that persons under 18 years old shall not be employed at night works with the exception of certain types of work provided for in national laws or regulations;

Note. It is established that a party may assume the obligation stated in this clause, provided that it acts in the spirit of this provision, reinforcing by the law, that the vast majority of persons under eighteen years old may not be allowed to work at night.

Under Russian legislation the night time is the time from 22 to 8 o'clock (Part 1 Article 96, Labour Code of the Russian Federation) that fully corresponds to Article 2 of ILO Convention No. 90 on the night work of youth employed in industry (revised 1948) and ILO Convention No. 79 "On Limitation of the Night Work of Children and Youth at Non-Industrial Works".

As a general rule persons under 18 years old are not admissible to night work (Part 5, Article 96, RF Labour Code). The exception is provided by youth involved in creation and (or) execution of art works, sportsmen. According to Part 3 Article 348.8 of RF Labour Code the assignment of night work of sportsmen under 18 years is admissible in cases and in order provided by labour legislation and other laws and regulations, containing standards of labour law, collective contracts, agreements, local normative provisions, employment contracts.

9. To provide that persons under 18 years old, fulfilling certain kinds of works stipulated by national laws or regulations, shall be subject to regular medical control;

According to the Russian law, all persons under 18 years old regardless of the job function shall be employed only after the preliminary compulsory medical examination and further, until the age of 18 years old, shall be annually subject to the compulsory medical examination (Article 69, 266 of RF Labour Code). Part 5 of Article 348.8 of RF Labour Code sets a special rule, according to which the tutorship and guardianship bodies' permission is necessary to enter into an employment contract with a sportsman under fourteen years old, which is issued on the basis of a preliminary medical examination.

All medical examinations (preliminary and periodic) shall be taken at the

employer's expense.

The goal of medical examination is to identify the opportunities of the underage to fulfill the work without infringement of the growth and development processes, health deterioration, and also to determine whether functional capabilities correspond to occupational requirements of certain activities. Medical health requirements and the volume of required examinations is determined in the order established by the Ministry of Health of the Russian Federation. Underage persons who did not attend the medical examination and do not have the medical assessment report, shall not be admitted to work.

Upon periodic examinations (or if there are any complaints on health deterioration) a medical report on possibility (or impossibility) to continue the work by the underage shall be submitted or recommendations on rational employment shall be given.

Medical and preventive treatment institution provide medical professional consultation on choosing profession, suitable for health and individual needs of underage with impaired health.

Underage with disabilities are subject to examination by medical-social expert commissions and can be employed according to their recommendations at the workplace complying with working conditions hygienic requirements for disabled people, taking into account the risk degree of injury and compliance with sanitary regulations.¹⁶

Medical examination procedure is provided by the Ministry of Health and Social Development of the Russian Federation order dated from April 12, 2011, No. 302 "On approval of lists of harmful and (or) dangerous production factors and work, execution of which demand compulsory preliminary and periodic medical examinations (surveys), and the Procedure for compulsory preliminary and periodic medical examinations (surveys) of employees engaged in heavy

¹⁶ SanPiN 2.4.6.2553-09 Sanitary-epidemiological requirements to the safety of the working conditions for workers under 18 years of age. Sanitary-epidemiological rules and regulations.

work and work in harmful and (or) dangerous working conditions"..."¹⁷

The employment of underage without preliminary medical examination is a cause to impose administrative sanctions on the employer according to the Article 5.27 of RF Administrative Liability Code.

10. To ensure special protection against physical and moral damages risks suffered by children and youth, and in particular against the risks their work is directly or indirectly connected with.

The effective prohibition of child labour is a basic principle declared by the ILO Declaration "On Fundamental Principles and Rights at Work, adopted at the 86th session of the International Labour Conference in Geneva on June 18, 1998."¹⁸

Article 38 of RF Constitution declares that childhood is under state protection. Russia ratified the ILO Convention No. 182 "On Prohibition and Immediate Measures on Liquidation of the Worst Forms of Child Labour" (1999).

According to the Article 6 of Convention No. 182 each ILO member state shall develop and carry out action programs of liquidation of the worst forms of child labour on a priority basis. Each member state shall take all measures necessary to ensure the effective implementation and enforcement of the provisions giving effect to this Convention, including the introduction and application of penal or, should the case be, other sanctions.

Both above-mentioned ILO Conventions are ratified in Russia and laws providing protection of children against the risks of physical and psychological harm are adopted.

¹⁷ The Russian newspaper. No. 243. October 28, 2011.

¹⁸ International labor organization: conventions, documents and materials: Resource Book. M., 2007. P.536-537.

In addition to RF Labour Code, which standards have been analyzed above, a number of other laws contain provisions aimed at protecting children from exploitation, providing protection against risks of physical or moral damage.

1. Federal law dated from July 24, 1998 No. 124-FL "On basic guarantees of the rights of the child in the Russian Federation"¹⁹ (hereinafter - the Law on the rights of the child) among other public policy objectives in the best interests of the children names the following: exercise of children's rights provided by the Constitution of the Russian Federation, discrimination preventing, strengthening of the basic guarantees of the rights and legitimate interests of children, as well as their rights restoration in cases of violations; protection of children from factors that adversely affect their physical, intellectual, mental, spiritual and moral development. The law provides for measures aimed at preventing the risks of physical and psychological harm to underage. In particular, Article 14 "Child protection against information, propaganda and agitation prejudicial to his health, moral and spiritual development" sets out the following requirements. State authorities of the Russian Federation take measures for child protection against information, propaganda and agitation prejudicial to health of such, moral and spiritual development, including against national, class, social intolerance, against alcoholic beverages and tobacco products advertising, against social, racial, national and religious inequality propaganda, against pornographic information, against the information promoting non-traditional sexual relations, and the distribution of printed materials, violent audio and video materials, promoting drug addiction, solvent abuse, antisocial behavior". In order to ensure child's life safety, health morality protection, protection against negative influence according to the procedure established by the executive federal agency authorized by the Government of the Russian Federation the social, psychological, pedagogical and health examination of table, computer and other games, toys and play constructions for children shall be carried out.

¹⁹ Legislation Bulletin of the Russian Federation. 1998. No. 31. Art. 3802.

In order to provide an objective systematic analytical information on children and families with children situation, and the tendencies of its changes to the state authorities of the Russian Federation, the Law on the rights of the child provides for an annual state report on children and families with children situation and the tendencies of its changes in the Russian Federation. State report on children and families with children situation in the Russian Federation is presented by the Government of the Russian Federation to the chambers of the Federal Assembly of the Russian Federation (Article 22). The RF Government decree dated from March 28, 2012, No. 248 approves the "Rules for the development of national report on children and families with children situation in the Russian Federation".²⁰ According to these Rules issues concerning the employment of underage, conditions and work and rest schedule of underage workers, as well as compliance with labour rights of underage and measures aimed for preventing the involvement of underage in the worst forms of child labour are highlighted in the report. With the participation of the executive authorities of subjects of the Russian Federation the Ministry of labor of Russia is appointed to be responsible for the preparation of this section of the report.

Federal law dated from April 5, 2013 No. 58-FL "On amending certain legislative acts of the Russian Federation in order to prevent child trafficking, their exploitation, child prostitution, as well as activities related to the production and circulation of materials or items with minors' pornographic images"²¹ introduces significant amendments to the Law on the rights of the child, in particular, Article 1 includes the definition of "trafficking"²² and "exploitation of children",²³ comparable with those explanations, presented by the Guide to the legal practice of the European Committee for social rights. The law is amended

²⁰ Legislation Bulletin of the Russian Federation. 2012. No. 14. Art. 1648.

²¹ Legislation Bulletin of the Russian Federation. 2013. No. 14. Art. 1666.

²² Child trafficking - the buying and selling of infant children and other transactions with respect to infant children, as well as committed in the pursuit of its operation the recruitment, transportation, transfer, harboring or receipt.

²³ Exploitation of children - the use of prostitution of infant children and other forms of sexual exploitation, slave labor (services) juvenile servitude of infant children, unlawful taking of a infant children organ and / or tissue, illegal adoption of infant children from selfish motives.

by adding a new article 14.2 "Measures against child trafficking and exploitation of children", according to which the state authorities of the Russian Federation, public authorities of subjects of the Russian Federation, local self-government authorities within the limits of their powers, adopt measures against child trafficking and exploitation of children, to provide pedagogical, psychological, medical and legal assistance to victims of trafficking and/or exploitation of children, their parents (or proxy parents). Public associations (organizations) and other non-profit organizations can assist the state authorities of the Russian Federation, public authorities of subjects of the Russian Federation, local self-government authorities in the implementation of measures against child trafficking and exploitation of children, in provision of the necessary pedagogical, psychological, medical and legal assistance to victims of trafficking and/or exploitation of children, their parents (or proxy parents). Criminal, civil, disciplinary liability is envisaged for commission of offenses related to trafficking and (or) exploitation of children. Legal persons (including foreign legal persons in cases stipulated by the legislation of the Russian Federation) are responsible for creating conditions for trafficking and / or exploitation of children, consisting in the provision of premises, vehicles or other material supplies, in creating the domestic conditions for trafficking and / or exploitation of children, in providing services that promote child trafficking and (or) exploitation of children, or in the financing of child trafficking and / or exploitation of children, as well as for the production, purchase, storage, transportation, distribution, public demonstration, advertising materials or objects with pornographic images of underage persons. Use of remedies to legal persons for offenses related to child trafficking and (or) exploitation of children, production and (or) circulation of materials or objects with pornographic images of underage persons, does not exempt a guilty natural person from liability for these offenses, as well as attracting of natural persons to criminal or other sanctions for offenses related to child trafficking and (or) exploitation of children, production and (or) circulation of materials or objects with pornographic images

of underage persons, does not exempt legal persons from liability for these offenses.

2. Federal law dated from December 29, 2010 № 436-FL "On the protection of children from information harmful to their health and development"²⁴ specifies requirements for information distribution among children, including requirements for the implementation of classification of information products, its examination, state supervision and control over observance of the legislation of the Russian Federation on the protection of children from information harmful to their health and (or) development.

Requirements for information products for children of different ages are established by the law. In particular, depiction or description inciting to anti-social activities (including vagrancy or begging), images or descriptions of sexual activities are prohibited. According to Art. 15 of the law it is not allowed to place announcement materials on the involvement of children to participate in creating information products, harmful to their health and (or) development in the information products for children, including information products distributed by means of information and telecommunication networks, including Internet, and the mobile radiotelephone communication network.

State control and supervision over observance of the Russian Federation legislation on the protection of children against information harmful to their health and (or) development is carried out by the Federal Service for Supervision of Communications, Information Technology and Mass Media. Public associations and other nonprofit organizations in accordance with their charters registered in the manner prescribed by Federal law, as well as citizens have the right to exercise public control. When exercising public control monitoring of information products circulation and children's access to information, including through the creation of "hot lines" is permitted (Article 21 of the law).

3. Federal law dated from December 23, 2010 No. 387-FL "On amendments to article 22.1 of the Federal law "On state registration of legal

²⁴ Legislation Bulletin of the Russian Federation. 2011. No. 1. Art. 48.

persons and individual entrepreneurs" and the Labour Code of the Russian Federation"²⁵ with the purpose to prevent infliction of harm to underage persons established a prohibition on work and individual entrepreneurial activity in the field of education, upbringing, development of underage, on organization of their leisure and recreation, health care, social protection and social services, in the field of youth sports, culture and art involving underage, for persons who have or had a criminal record, exposed or subjected to criminal prosecution (except for the persons, criminal prosecution in respect of which is terminated on rehabilitative grounds) for crimes against life and health, freedom, honor and dignity (except for illegal placement in a psychiatric hospital, slander and harassment), sexual immunity and sexual freedom of the individual, against the family and underage, public health and public morality, as well as against public safety (par. 4 Article. 22.1 of the Federal law dated from August 8, 2001 No. 129-FL "On state registration of legal entities and individual entrepreneurs",²⁶ Part 2 Article. 331, Article 351.1. of RF Labour Code).

4. RF Code of Administrative offenses (hereinafter - RF Administrative offenses Code) provides that employers and their officials shall bear administrative responsibility for violation of labour legislation and labour protection (including involvement with work of underage in violation of restrictions and prohibitions). Such violations shall entail the imposition of an administrative fine on officials in the amount from one thousand to five thousand rubles; on the persons engaged in entrepreneurial activities without forming a legal person - from one thousand to five thousand rubles or an administrative suspension of activity for up to ninety days; on legal persons - from thirty thousand to fifty thousand rubles or administrative suspension of activity for up to ninety days. Violation of labour legislation and labour protection by an official, previously subjected to administrative punishment for a similar administrative

²⁵ Legislation Bulletin of the Russian Federation. 2010. No. 52 (part 1). Art. 7002.

²⁶ Legislation Bulletin of the Russian Federation. 2001. No. 33. Art. 3431.

offense shall result in disqualification for a period from one year up to three years (Article 5.27).

Two new articles aimed for preventing exploitation of underage are included in Chapter 6 of the RF Administrative Code by the Federal law dated from April 5, 2013 No. 58-FL "On amending certain legislative acts of the Russian Federation in order to prevent child trafficking, exploitation, child prostitution, as well as activities related to the production and circulation of materials or objects with pornographic images of underage".

Article 6.19 RF Administrative Code provides for the punishment for creation by legal persons conditions for trafficking and (or) exploitation of children. Creation by a legal person for conditions for trafficking and / or exploitation of children, consisting in the provision of premises, vehicles or other material supplies, in creating the domestic conditions for trafficking and / or exploitation of children, in providing services that promote child trafficking and (or) exploitation of children, or in the financing of child trafficking and / or exploitation of children, entails the imposition of an administrative fine on legal persons in the amount from one million to five million rubles or administrative suspension of activity for up to ninety days.

Article 6.20. For manufacturing, purchase, storage, transportation, distribution, public demonstration or advertising of materials or objects with pornographic images of underage by legal persons the RF Administrative Code provides for the imposition on legal persons of an administrative penalty in the amount from one million to five million rubles with confiscation of materials or objects with pornographic images of underage and equipment used for manufacture of such materials or objects, or administrative suspension of activity for a period up to ninety days with confiscation of materials or objects with pornographic images of underage and equipment used for the manufacture of such materials or objects.

5. By the instrumentality of the criminal legislation Russia carries on tough policy against sexual and other exploitation of children. RF Criminal Code

provides for enhanced responsibility for crimes against underage, including such as human trafficking (Article 127.1), use of slave labour (Article 127.2), crimes against sexual immunity and sexual freedom of the individual (Chapter 18), involvement in prostitution (Article 240), obtainment of sexual services of underage (Article 240.1), organization of prostitution (Article 241), illegal manufacture and trafficking of pornographic materials and objects (Article 242), production and trafficking of materials or objects with pornographic images of underage (Article 242.1), using an underage for the production of pornographic materials or objects (Article 242.2), mercenary activities (Article 359).

As it is noted in the State report on the children and families with children situation, in the Russian Federation in 2012,²⁷ along with the legislative provision of non-admission of the worst forms of child labour there is an activity carried out which is aimed at eliminating the causes of the exploitation of children in various forms. First of all it is a solution of matters of prevention of family problems and juvenile offenses, protection of their rights and legitimate interests.

The competent authority in the sphere of social protection of children in the Russian Federation is the Ministry of Labour and Social Protection, namely the Department of Demographic Policy and Social Protection of the Population. Its mandate, in particular, includes provision of cooperation between the Russian Federation Children's Fund (UNICEF), ILO regarding the liquidation of the worst forms of child labour (par. 6.42 of the Regulations of Department of Demographic Policy and Population Social Protection under RF Ministry of Labor and Social Protection, approved by order of the Ministry of Labour of Russia dated from October 17, 2012, No. 323).²⁸

In 2009 the Russian Federation established a specialized body whose purpose is to protect the rights and interests of the child and help in the

²⁷ The website of Ministry of Labor and Social Security of Russia
http://www.rosmintrud.ru/docs/mintrud/protection/69/doklad_dlya_pravitelystva.doc

²⁸ The website of Ministry of Labor and Social Security of Russia - <http://www.rosmintrud.ru/docs.mintrud/protection.10>

restoration of the violated rights of children, the Representative of the President of the Russian Federation on the rights of the child.²⁹

Coordinating Council on the implementation of the National action strategy in favour of children was created under the President of the Russian Federation.³⁰

The State Labour Inspectorate is a public body exercising federal state supervision over the observance of labor legislation. In the annual reports of the Federal Labour Inspectorate based on the results of audits the section "Peculiarities of regulation of workers under 18 years old" is especially highlighted. Analysis of Federal Labour Inspectorate supervisory activities results shows that employers do not respect all guarantees of labor rights of employees under eighteen years old, established by Russian labour legislation for international legal acts implementation. In particular, in 2011 according to the results of statutory compliance audit on workers under eighteen old, 3.4 thousand cases of violations of labour legislation were found out, such as the provision of annual leave for less than 31 calendar days, employment of underage in overtime work, employment of workers under eighteen years old in work with harmful and (or) dangerous working conditions. Also 1860 labor legislation violations were detected, related to work safety, including admission to work of persons who did not attend preliminary medical examination. In order to eliminate the revealed labour legislation violations in respect of employees under eighteen years old, the Federal Labour Inspectorate officials issued 1,022 binding orders (in 2010 - 1,622), 731 persons guilty of labour legislation violations (officials, legal persons and individuals engaged in entrepreneurial activities without forming a legal person) were subjected to administrative liability in the form of a fine amounting to 1 million 936 thousand rubles (in 2010 - 1,144 persons and 3 million 136

²⁹ The decree of the President of the Russian Federation as of September 1, 2009 No. 986 "On assignee under the President of the Russian Federation on the rights of the child" // Legislation Bulletin of the Russian Federation. 2009. No.36. Art. 4312.

³⁰ The presidential decree as of September 10, 2012 No. 1274 "On the Coordinating Council under the President of the Russian Federation on the implementation of the National strategy for action on children in 2012 - 2017" // "Legislation Bulletin of the Russian Federation. 2012. No. 38. Art. 5067.

thousand rubles respectively), and also in 2011, according to the inspection results 46 materials were sent to the prosecution authorities.³¹

In 2012, the State Labour Inspectorate conducted 2,717 inspections in the subjects of the Russian Federation for the purposes of supervision and control over labour legislation observance in respect of employees under 18 years old. 2,479 violations of labour legislation were revealed during these inspections. In addition, during the reporting period, of the Federal Labour Inspectorate officials considered 43 complaints and other appeals of workers under 18 years old, 34 of which were found to be substantiated. The State Labour Inspectorate officials issued 1,101 binding instructions in order to eliminate the revealed labour legislation violations in respect of employees under 18 years old. 553 officials and legal persons, and persons engaged in entrepreneurial activities without forming a legal person responsible for the violations of labour legislation have been subjected to administrative liability in the form of a fine amounting to 1 million 247 thousand rubles. Based on the inspection results 9 cases were sent to the prosecution authorities.³²

Also based on the inspection results meetings with managers, specialists and active trade unionists were held, where the State Labour inspectors gave explanations on the prohibition of the use of child's labour in work with harmful and (or) dangerous working conditions, and work, which can harm their health and moral development.

ILO Convention № 182 requires that States developed and carried out action programs of liquidation of the worst forms of child labour on a priority basis. These programs are developed and carried out after consultations with appropriate governmental departments and organizations of employment and workers, taking into account, if necessary, opinions of other concerned groups (Art 6).

³¹ Website of RF Ministry of Labour - <http://www.rostrud.EN/.centre/upload/docs/201203/23130118ux.docx>

³² The website of Ministry of Labor and Social Security of Russia http://www.rosmintrud.ru/docs/mintrud/protection/69/doklad_dlya_pravitelystva.doc

Programs aimed at the protection of children are adopted in the Russian Federation. A national plan of action in favor of children was adopted in 1995 for the period until 2000. Within the bounds of the next stage of socio-economic development of the country the development and adoption of the new document was vital. The National strategy of action in favor of children was approved by the Decree of the President of the Russian Federation № 761 of 1 June 2012 for the period of 2012 - 2017 (hereinafter - the National strategy).³³ The National strategy was developed taking into account the Strategy of the Council of Europe on the protection of the rights of the child for the period of 2012 - 2015, which includes the following main objectives: facilitation of the occurrence of friendly services and systems for child; liquidation of all forms of abuse of children; guaranteeing the rights of children in situations where children are especially vulnerable. The National strategy was developed for the period until 2017 and was ensured the achievement of existing international standards of the child's rights, the formation of a unified approach of the state authorities of the Russian Federation, of the local bodies, of the civil society and of citizens to the definition of goals, objectives, activities and priority measures in the solving of the most actual problems of childhood.

The main objective of the National strategy is to determine the main directions and tasks of the state policy in the interests of children and the key mechanisms of the implementation, based on generally accepted principles and standards of international law.

As it is stated in the National strategy, providing of the problem-free and secure childhood became one of the principal national priorities of Russia during the last decade. Russian Federation President's messages the Federal Assembly of the Russian Federation set tasks for the development of the modern and efficient state policy of the childhood. Childhood problems and their solutions are reflected in the Concept of long-term socio-economic development of the Russian Federation for the period until 2020 (approved by the Decree of RF Government

³³ Legislation Bulletin of the Russian Federation. 2012. No. 23. Art. 2994.

dated November 17, 2008 № 1662-R),³⁴ of the concept of demographic policy of the Russian Federation for the period until 2025 (approved by the Decree of the President of the Russian Federation of 9 October, 2007 № 1351).³⁵

The instrument of the practical solutions for many issues in the field of childhood became the implementation of the priority national project "Health" and "Education" and federal target programs. The number of important legislative acts were adopted aimed to preventing the most serious threats to the rights of children. The new state and public institutions were founded: the position of Commissioner for the President of the Russian Federation on the rights of the child was established, the Institute of the Commissioner for the rights of the child was founded in some subjects of the Russian Federation, the Fund for the support of children in difficult reality situations was established. The volume of social financing from the Federal budget and budgets of the subjects of the Russian Federation increased, new measures of social support for families with children were adopted. The wide-ranging public informational campaign on actions against child abuse was held for the first time in Russia, multi-channel telephone helpline was introduced into practice.

As it is noted by the National strategy, in the result of adopted measures, there were positive trends of increasing childbirth and reducing child mortality, improving of the socio-economic situation of the families with children, increasing the availability of education and health care for children, increasing number of children without parental custody which were placed to the families.

However, there are still some problems, in particular, according to the information by the Office of the Procurator General of the Russian Federation, the number of identified violations of children's rights does not decrease. In 2011, more than 93 thousand children were victims of crimes. The development of high technologies, the country's openness to the world community led to the exposure of children from illegal content in informational telecommunications of network

³⁴ Legislation Bulletin of the Russian Federation. 2008. No. 47. Art. 5489.

³⁵ Legislation Bulletin of the Russian Federation. 2007. No. 42. Art. 5009.

“Internet”, there were problems aggravated which were associated with the trafficking of children, child pornography and prostitution. According to the MIA of Russian, the number of sites containing child pornographic material has increased by almost a third and the number of the Internet-materials has increased in 25 times. The significant number of sites devoted to suicide, is available to underage at any time.

The National strategy admitted insufficient effectiveness of existing mechanisms for providing and protection of the rights and interests of children, failure to comply with international standards in the field of the rights of the child.

Protection of the rights of every child was declared as one of the key principles of the National strategy. A system providing responsiveness to the violation of the rights of every child without discrimination of any kind, including diagnosis of the situation, planning and adoption of necessary package of measures to ensure compliance with children's rights and restoration of violated rights; legal education; provision of rehabilitation care for every child who is a victim of abuse or criminal attacks shall be formed in the Russian Federation.

The implementation of the National strategy shall be carried out in the following principal directions: family policy preservation of the childhood; accessibility of the quality education and upbringing, cultural development and information security of children; health, friendly relations to the children and healthy lifestyle; equal opportunities for children in need of special care by the state; creation of the system of protection and securing the rights and interests of children and child-friendly justice; the children shall be participants in the implementation of the National strategy.

Family policy of the preservation of childhood sets the primary problem to provide safe and comfortable family environment for all children, where the rights of the child are observed and any forms of the child abuse are excluded , ensuring the prevention of family problems, based on its early detection, adequate individualized assistance to families which are in difficult life situation, provided

on an inter-agency basis, on the priority of the child-rearing in his own family. One of the priority measures declared is optimization of powers of state bodies for the protection of children's rights, the regulatory consolidation of the order of inter-agency cooperation to prevent family problems, social orphanage, protection of rights and legal interests of children.

National strategy plans modernization of the state statistical supervision in the sphere of family protection, maternity and childhood, as well as formation of a monitoring system and statistical service for evaluating the effectiveness of family and social policy in the sphere of maternity and childhood.

The National strategy includes a number of measures aimed at formation of the safe and comfortable family environment for children, and in particular:

- The development and adoption of program promoting family values, priority of responsible parenthood, protected childhood, intolerance to all forms of violence and corporal punishment in respect of children through mass media, education system, social protection, health and culture.
- Development and regulatory consolidation of the standards for providing of specialized preventive services for the prevention of child abuse, overcoming family problems and social orphanage, rehabilitation assistance to children (and their families) who have suffered from child abuse.
- Ensuring of the introduction and distribution of modern technologies of prevention and rehabilitation activities with family and children.
- Development of measures on implementing the Recommendations of the Committee of Ministers of the Council of Europe about policy in support of the positive parenthood.
- Increasing the availability of services for families with children by active development and support of profile noncommercial organizations sector.

- The continuation of the wide-ranging public informational campaign on actions against child abuse.
- Forming of the effective mechanisms for early detection of abuse and violence against the child, social disadvantage of families with children and helping them with the participation of education, healthcare and social services institutions, including consolidation of inter-agency cooperation procedure on protection of children's rights.
- Forming the comprehensive system of training and professional development of specialists who work with children and for children's interests.
- Organization of distribution and implementation of the advanced experience in prevention of child abuse and rehabilitation of sufferers.

Thus, the basic provisions of the program are also aimed at the protection of children from the risks of physical and moral damage, the liquidation of child abuse, violence and exploitation of children.

Comprehensive analysis of the problem of street child labour were carried out in 2000-2001 in Russia as a part of the International program of the liquidation of child labour (IPEC) in Moscow, St. Petersburg and Leningrad region and relevant reports were prepared.³⁶ The main target of the study was a quantitative and qualitative assessment of the problem of street child labour, its causes, typical kinds and forms of child labour, risks for health, physical, moral and intellectual growth development of children. The summary of report were recommendations for solving the problem of street children labour.

³⁶ In-depth analysis of the situation of working street kids in Moscow - the ILO website http://www.ilo.org/public/russian/region/eurpro/moscow/areas/ipec/mos_report_ru.pdf;
 Analysis of the situation of working street kids in St. Petersburg - the ILO website http://www.ilo.org/public/russian/region/eurpro/moscow/areas/ipec/spb_report_ru.pdf;
 In-depth analysis of the situation of working street kids in the Leningrad district - the ILO website http://www.ilo.org/public/russian/region/eurpro/moscow/areas/ipec/lenobl_report_ru.pdf.

Article 8. The right of working woman for maternity protection

With the view to ensuring effective implementation of the right of employed women for protection of maternity, the Parties assume the following obligations:

1. Provide a paid leave for working women before and after childbirth with total duration of at least fourteen weeks or in the form of paid leave or by payment of the appropriate social security benefits or from public funds;

According to the Part 2 Art. 7 of Russian Federation Constitution ... provide state support for the family, maternity, fatherhood and childhood... , establishment of Governmental pensions, benefits and other social security guarantees.

According to the Part 1 Art. 38 of RF Constitution the maternity, childhood and the family are under the state protection.

A. Maternity leave

The right for the maternity leave was established in the Labour Code of RF.

In accordance with the Art. 255 of RF Labour Code working women are granted with maternity leave for 70 (in case of multiple pregnancy - 84) calendar days before childbirth and 70 (in the case of difficult labor - 86, upon birth of two or more children - 110) calendar days after childbirth with the payment of benefits under the state social insurance in the amount established by federal laws.

Maternity leave shall be guaranteed to all women, regardless of the size organization, legal form and other characteristics. Certain categories of women are entitled for the maternity leave of longer duration.

Thus, women who are constantly living (working) in the zone of residence with the right to resettle³⁷ shall be granted with a prenatal leave for 90 calendar days with conduct of recreational activities outside of the territory of contamination (par. 6 of Article 18 of the RF Law “On social protection of citizens exposed to radiation in the result of Chernobyl disaster”³⁸).

The maternity leave is estimated summarily and is granted regardless of the number of days actually taken by the woman before the childbirth (Part 2 Art. 255 of RF Labour Code).

Providing maternity leave is carried out upon presenting two documents by a woman:

- 1) an application for granting of maternity leave, written by a woman in any form;
- 2) temporary disability certificate.

A woman has the right to use the maternity leave incompletely, but depending on her desire - only partially.

According to Art. 257 of RF Labour Code the employees adopted a child should be granted a leave for the period from the date of adoption and before the expiration of 70 continuous days from the date of birth of the adopted child, and in case of adoption of two or more children - 110 continuous days from the day of their birth³⁹.

In the case of adoption of a child (children) by both spouses such leave is provided to one of the spouses at their discretion⁴⁰.

³⁷ Area of residence with the right to resettlement is part of the territory of the Russian Federation outside the exclusion zone and zone of alienation with the density of soil contamination with cesium-137 from 5 to 15 CI/sq. km (item 10 of the Law "On social protection of citizens exposed to radiation after the Chernobyl NPP" as of May 15, 1991 No. 1244-1). The right to resettlement in Russia have nearly 700 residents of the settlements of the Bryansk, Kaluga, Orel, Tula and Belgorod regions.

³⁸ The RF law "On social protection of citizens exposed to radiation after the Chernobyl NPP" as of May 15, 1991 No. 1244-1// “Journal of the CIS and the armed forces of the RSFSR, 1991, No. 21, article 699.

³⁹ Part 1 of article 257 of Labour Code of the Russian Federation

⁴⁰ Part 3 of article 257 of Labour Code of the Russian Federation

Women who adopted a child can be granted a maternity leave instead of the leave on adoption for the period from the date of adoption of the child and before the expiration of 70 calendar days, and in case of adoption of two or more children - 110 calendar days from the day of their birth⁴¹.

B. Maternity benefit

A woman is paid a maternity benefit during the period of the maternity leave.

The main issues of the child benefit payment shall be regulated by the Federal law "On state payments to citizens having children" from May 19, 1995 No. 81-FZ⁴², which establishes the types of maternity benefits, in particular, provides which categories of women have the right for maternity leave and the amount which is paid to various categories of women, as well as in the Federal law "On compulsory social insurance in case of temporary disability and in connection with maternity" from December 29, 2006 No. 255-FZ⁴³, governing the appointment and payment of maternity benefits and monthly payments for child care *to the insured persons*.

The order of the Health Ministry of the Russian Federation from December 23, 2009 No. 1012n "On approval of the Procedure and conditions for granting and payment of state benefits to citizens with children"⁴⁴ determines the order of benefits payment (where to apply for benefits, what are the necessary documents), and the Decree of RF Government from June 15, 2007 No. 375 "On approval of the Regulation on the procedure of benefits calculation in case of temporary disability, maternity, monthly payment for child care for citizens

⁴¹ Part 4 of article 257 of Labour Code of the Russian Federation

⁴² The Federal law "On state benefits for citizens with children" as of May 19, 1995 No. 81-FL // "Legislation Bulletin of the Russian Federation", May 22, 1995, No. 21, article 1929.

⁴³ The Federal law "On compulsory social insurance against temporary disability and in connection with motherhood" as of December 29, 2006 No. 255-FL// "Legislation Bulletin of the Russian Federation", January 01, 2007, No. 1 (1 part), Art. 18.

⁴⁴ Order of the health Ministry of the Russian Federation as of December 23, 2009 No. 1012n "On approval of the Procedure and conditions for granting and payment of state benefits to citizens with children"// "The Russian Newspaper", No. 15, January 27, 2010.

covered by compulsory social insurance in case of the temporary disability and maternity”⁴⁵ regulates the procedure for the calculation of average earnings for purposes of calculating benefits.

The maternity benefit is paid flat for the whole period of maternity leave, before the beginning of maternity leave at 100% of average earnings.

Maternity benefit is paid at the expense of the social insurance fund of the Russian Federation.

The right for maternity benefits have⁴⁶:

women *subject to compulsory social insurance in case of temporary disability and due to maternity*, including women from the civilian personnel of military units of the Russian Federation located on the territory of foreign States in cases provided by the international treaties of the Russian Federation,

and women, fired due to the liquidation of organizations, termination of activity by individuals as individual entrepreneurs, the termination of powers of private practice public notaries, and termination of the advocate status, as well as in connection with the termination of other individuals whose professional activity, in accordance with Federal laws, is subject to state registration and/or licensing during twelve months preceding the day of acceptance of the status of unemployed in accordance with established order;

women taking the course of full-time training in professional educational organizations, educational institutions of higher education, educational institutions of additional professional education and scientific organizations;

women passing military service under the contract, the service as rank and file and officers in the Ministry of internal Affairs, in State fire service, in

⁴⁵ Regulation of the RF Government as of June 15, 2007 No. 375 "On approval of the Regulations on the peculiarities of the procedure of calculation of benefits for temporary disability, maternity, monthly allowance for child care for citizens covered by compulsory social insurance against temporary disability and maternity"// "Legislation Bulletin of the Russian Federation", June 18, 2007, No. 25, article 3042.

⁴⁶ Article 6 of the Law "On state allowances to citizens having children" as of May 19, 1995 No. 81-FL.

institutions and bodies of penal system, in bodies for control over narcotic drugs and psychotropic substances turnover, in customs authorities;

categories of women established by this Article in case of adoption of the child (children).

Subject to compulsory social insurance in case of the temporary disability and due to maternity, are the persons listed in Article 2 of the Federal law No. 255-FZ. According to Art. 2 of this law, citizens of the Russian Federation, as well as permanently or temporarily residing in the territory of the Russian Federation, foreign citizens and stateless persons are subject compulsory social insurance in case of the temporary disability and due to maternity:

1) persons working under employment contracts, including leaders of organizations, which are the only participants (founders), members of organizations, owners of their property;

2) civil servants, municipal employees;

3) persons acting for the state positions of the Russian Federation, the state positions of the Russian Federation subjects, and municipal positions held on a permanent basis;

4) members of the production cooperative, personally involved in its activities;

5) members of the church;

6) persons sentenced to imprisonment and are involved in paid work.

Lawyers, entrepreneurs, members of the peasant (farm enterprise) farms, individuals that are not recognized as individual entrepreneurs (public notaries with private practice, other persons with private practice according to the procedure established by the legislation of the Russian Federation), members of the family (tribal) communities of indigenous peoples of the North are subject to the compulsory social insurance in case of the temporary disability and maternity if they voluntarily entered into a relationship of the compulsory social insurance in case of temporary disability and maternity and are paid for the insurance contributions (Part 3 Art. 2 of the Federal law No. 255-FZ).

Amount of the maternity benefit

Women subject to compulsory social insurance, shall be paid a flat amount of benefit which shall be 100% of average earnings for the whole period of maternity leave (Art. 11 of Federal law No. 255-FZ).

The calculation of average earnings for the calculation of maternity benefits and monthly payments for child care.

The maternity benefit, and a monthly payment for child care (as well as the temporary disablement payment) for persons subject to compulsory social insurance, shall be calculated on the basis of the average earnings of the insured person.

The average earnings include all types of payments and other benefits in favor of the insured person, which accrued insurance contributions (premiums) to the social insurance fund of the Russian Federation. The list of such payments and fees is established by the Federal law from July 24, 2009 No. 212-FZ "On insurance contributions to the Pension Fund of the Russian Federation, social insurance Fund of the Russian Federation, Federal Fund of obligatory medical insurance and territorial funds of obligatory medical insurance"⁴⁷. Payments and other remuneration under employment contracts and civil contracts, the subject of which is execution of works, rendering of services paid by the payers of insurance contributions to individuals shall be included (Part 2 Art. 7 of the Federal law No. 212-FZ). At the same time, unemployment benefits and other payments of obligatory social insurance, the majority part of compensation payments, such as for damage caused by injury or other impairment of health; by dismissal of employees, with the exception of compensation for unused leave; performing of the work duties by the natural person, including in connection with the move to work to another locality, and so on; the amounts of flat financial assistance provided by the payers of insurance contributions, etc. are not subject

⁴⁷ Federal law as of July 24, 2009 N 212-FL "On insurance contributions to the Pension Fund of the Russian Federation, social insurance Fund of the Russian Federation, Federal Fund of obligatory medical insurance".

to insurance contributions. The full list of such payments is set in Art. 9 of the Federal law No. 212-FZ.

The law limits the amount of the considered average earnings used for calculation of the benefits, the maximum amount (Part 3.1 Art. 14 of the Federal law “On insurance contributions”): the payments received during one year shall be considered in the amount not exceeding the sum of the limit base value for calculating insurance contributions.

The base for calculating insurance premiums for the payers of insurance contributions is the sum of the payments and other remunerations accrued by the payers of insurance contributions for the accounting period. For each individual this base shall be determined separately since the beginning of the billing period at the end of each calendar month by accumulation.

The law establishes a limit value, the base for calculating insurance contributions, which is subject to annual indexation to the average wage in Russia. This means that after this value on a cumulative total from the beginning of the year is reached, the amounts of payments and other benefits exceeding the maximum base shall be not subject premiums accruals. The amount of the base limit value for calculation of insurance contributions is determined and established by the Government of the Russian Federation. For the recent years, it is:

- in 2010 - 415000 rubles;
- in 2011 - 463000 rubles;
- in 2012 - 512000 rubles;

Until the end of 2010, the average earning was calculated on the basis of wages for one year. In the end of 2010 the Federal law from December 08, 2010 N 343-FZ “On amending the Federal law “On compulsory social insurance in case of the temporary disability and maternity” brought a number of significant changes to the Federal law No. 255-FZ including changing of the procedure of calculation of average earnings.

In connection with the introduction of a new order of calculation of benefits from 1 January 2011 to 31 December 2012 there was established a *transitional period* when it was possible to choose one of two options of calculation the average earnings for calculation of maternity and childcare benefits - according to the standards of the Federal law No. 255-FZ valid before January 01, 2011 ("old rules"), or applicable at the time of occurrence of the insured event (the "new rules")⁴⁸. The choice of the old rules of calculation of average earnings is carried out by direct reference to it in the statement of purpose and the payment of benefit, and by default, the new rules of calculation are applied.

These variants differ by the order of calculation of average earnings, and the maximum amount of benefits.

According to the rules used for the calculation of benefits until the end of 2010 and at the option of the insured person - during the transition period the maternity childcare benefits are calculated based on the average earnings of the insured person, calculated for 12 calendar months of work at the same policyholder (the employer) previous to the month of occurrence of the insured event. In the event the insured has worked for less than 12 months at the last employer the calculation of the average earnings shall include only actual time of work at this employer (i.e., the payment period will be reduced).

The "old" rules for the calculation of average earnings were regulated by the Federal law No. 255-FZ "On compulsory social insurance in case of temporary disability and maternity" and by Regulation of the RF Government dated from June 15, 2007 No. 375 "On approval of the Regulations on the peculiarities of the procedure of calculation of benefits for temporary disability, maternity, monthly payment for child care for citizens covered by the compulsory social insurance in case of the temporary disability and maternity"⁴⁹.

⁴⁸ The Federal law as of December 08, 2010 N 343-FL "On amending the Federal law "On compulsory social insurance against temporary disability and maternity", part 2 article 3.

⁴⁹ Prior to the adoption of the Resolution of the RF Government as of March 01, 2011 No. 120 "On amendments to the Provision on the peculiarities of the procedure of calculation of benefits for temporary disability, maternity, monthly allowance for child care for citizens

In accordance with RF Government Decree No. 375 RF Government the accounting period (12 months) excludes the following periods: annual paid leave; temporary disability; maternity leave; leave due to childcare; standing period through the fault of the employer or by the reason independent on the employer and the employee; the period during which the employee did not participate in the strike, but in connection with this strike was not able to do his work; additional paid days off of childcare for children with disabilities; the period during which the employee was provided with rest days (days off) in connection with the overtime work and in other cases in accordance with the legislation of the Russian Federation; other periods when the employee is released from work with full or partial payment or without payment in accordance with the legislation of the Russian Federation (for example, the period of leave without payment). Excluding of these periods of settlement period means that upon calculating of the average earnings any of calendar days attributable to excluded periods or accrued during these periods amounts of money are not taken into account.

The maternity leave, calculated according to the "old rules", is limited to a maximum amount which is determined by the maximum average daily earnings, calculated for the payments. There are different approaches in regards to which limit base shall be calculated - 415 thousand rubles (without indexing) or indexed. Depending on the basis limit value for calculating of insurance contributions the maximum amount of benefits can vary significantly. When the maximum base is 415 thousand rubles the maximum amount of maternity benefit should be: for 140 days - 159 177,29 RUB; for 156 days - 177 368,88 RUB; for 194 days - 220 574,12 rubles; maternity benefit for a childcare - 138 25,67 rubles per month. While using the indexed basis the maximum amount of maternity benefits shall be: 196 386,3 RUB; for 156 days - 218 827,44 RUB; for 194 days - 272 131,56 rubles; maternity benefit for a childcare - 17 057,32 rubles per month.

covered by compulsory social insurance against temporary disability and in connection with motherhood"

According to the "new rules" the benefits on maternity and for childcare are calculated based on the average earnings of the insured person, calculated for the two calendar years preceding the year of occurrence of the insured event (vacation, maternity leave, leave for the childcare), including time of work at other employers (insurers). This period does not exclude any of the periods and all amounts received for the two years of payments which accrued insurance contributions to the RF Fund of Social Insurance shall be used for benefits calculation. However, if during two years preceding to the year of occurrence of the insured event a woman took the maternity leave, these years upon application of the woman can be replaced by preceding, provided that this will lead to the increase of the amount of benefits.

The calculation of benefits under the new rules is based on the same regulations - Federal law No. 255-FZ of the Government of the Russian Federation Resolution from June 15, 2007 No. 375, with amendments came into force in 2011.

The number of calendar days in the calculation period is fixed and is 730 days (including Part 3, Art. 14 of the Federal law No. 255-FZ).

The maternity benefit calculated under the new rules, depending on the duration of the vacation is subject to the following maximum dimensions: for 140 days - 168 383,60 RUB; for 156 days - 187627,44 RUB; for 194 days 233331,56 RUB. The maximum amount of maternity benefit for the childcare, calculated under the new rules, is 14 625,31 rubles per month.

Starting from January 01, 2013 the transition period was over, a single procedure for the calculation of average earnings for determining the payments of the maternity benefits came into force.

In case the insured person took a maternity leave and/or leave to care for a child during two calendar years immediately preceding the year of occurrence of these insured events or during one of these years, upon request of the insured person the appropriate calendar years (calendar year) may be replaced for calculating the average earnings of the previous calendar years (calendar year)

provided that this shall lead to an increase of payments (Part 1, Art. 14 of the Federal law No. 255-FZ).

If during this period the insured person had no income, and if the average earnings calculated for these periods, calculated for a full calendar month is less than the minimum wage established by federal law, the day of the insured event, the average earnings on the basis of which the estimated allowance is calculated shall be taken equal to the minimum wage set by the federal law on the day of the insured event. If at the time of occurrence of the insured event the insured person is working on a part-time job (incomplete working week, part-time working day), the average earnings on which the benefits are calculated shall in these cases be determined in proportion to the hours of work of the insured person (par. 1.1 Art. 14 of the Federal law No. 255-FZ).

The average earnings include all types of payments and other benefits in favor of the insured person, which accrued insurance contributions (premiums) to the social insurance fund of the Russian Federation. The list of such payments and fees is established by the Federal law from July 24, 2009 No. 212-FZ "On insurance contributions to the Pension Fund of the Russian Federation, social insurance Fund of the Russian Federation, Federal Fund of obligatory medical insurance and territorial funds of obligatory medical insurance"⁵⁰. Payments and other remuneration under employment contracts and civil contracts, the subject of which is execution of works, rendering of services paid by the payers of insurance contributions to individuals shall be included (Part 2 Art. 7 of the Federal law No. 212-FZ).

At the same time, unemployment benefits and other payments of obligatory social insurance, the major part of compensation payments, such as for damage caused by injury or other impairment of health; by dismissal of employees, with the exception of compensation for unused leave; performing of

⁵⁰ Federal law as of July 24, 2009 N 212-FL "On insurance contributions to the Pension Fund of the Russian Federation, social insurance Fund of the Russian Federation, Federal Fund of obligatory medical insurance".

the work duties by the natural person, including in connection with the move to work to another locality, and so on; the amounts of flat financial assistance provided by the payers of insurance contributions, etc. are not subject to insurance contributions. The full list of such payments is set in Art. 9 of the Federal law No. 212-FZ.

Average daily earnings for calculation of benefits for temporary incapacity for work is determined by dividing the amount of accrued earnings for two years at 730 (Part 3 Art. 14 of the Federal law No. 255-FZ).

The billing period shall exclude the following periods: temporary disability; maternity leave; leave for the childcare; additional paid days off for taking care of a disabled child; other periods of release of the employee from work with full or partial pay in accordance with the legislation of the Russian Federation, if during this period the insurance contributions were not paid. Excluding of certain periods of settlement period means that upon calculating of the average earnings any of calendar days attributable to excluded periods or accrued during these periods amounts of money are not taken into account (par. 3.1 Art.14 of Federal Law No. 255-FZ).

Breaks in work (periods when the citizens were not actually employed, and no one has paid insurance contributions for them), as well as periods of annual leave and leave without payment shall no not be excluded from the settlement period.

Average earnings on the basis thereof the maternity leave is calculated shall be taken into account for each calendar year in an amount not exceeding the set by the Federal Law "On Insurance Contributions to the Pension Fund of the Russian Federation, the Social Insurance Fund of the Russian Federation, Federal Compulsory Medical Insurance Fund" for the relevant calendar year the *limit value base for calculating premiums to the social Insurance Fund of the Russian Federation*. If the assignment and payment of benefits is carried out by several employers (insured), the average daily earnings on the basis thereof these allowances are calculated shall be taken into account for each calendar year in an

amount not exceeding the specified limit value upon calculation of these benefits *by each* of these insurers.

Average daily earnings for the calculation of maternity benefits may not exceed the amount determined by dividing by 730 the amount of the limit value base for calculating premiums paid to the FSS established for two calendar years preceding the year of the maternity leave.

The amount of maternity benefit is determined by multiplying the amount of the daily benefit for the number of calendar days per period of temporary disability, maternity leave.

The base for calculating insurance contributions for the payers of insurance contributions is the sum of the payments and other remunerations accrued by the payers of insurance contributions for the accounting period. This base shall be determined separately for each individual since the beginning of the billing period at the end of each calendar month by accumulation.

The amount of the *base limit value for calculation of insurance contributions* is determined and established by the Government of the Russian Federation. Taking into account the annual adjusted growth of average wages in Russia this amount for the recent years is:

- in 2010 - 415000 rubles;
- in 2011 - 463000 rubles;
- in 2012 - 512000 rubles;
- in 2013 - 568000 rubles;
- in 2014 - 612000 rubles.

Thus, in 2014, for example, the maximum average daily earnings for the calculation of maternity benefits may not exceed: $(512000 + 568000) : 730 = 1479,45$ rubles.

Accordingly, the maximum amount of maternity benefit in 2014 for 140 calendar days of maternity leave will be $1479,45 \times 140 = 207\,123$ rubles.

Thus, the benefit, limited such way, will be received the women, with exceeding wages for the year on amount:

- 512 000 rubles (approx. Euro 12800 at the rate of December 2012) in 2012, i.e. about 42 666 rubles (about Euro 1066 at the rate of December 2012) per month;

- 568 000 rubles (approx. Euro 12622 at the rate of December 2013) in 2013, i.e. about 47 333 rubles (about Euro 1051 at the rate of December 2013) per month;

For comparison, the average nominal monthly wage according to Russian Statistics Agency was:

- in 2013 - 29940 rubles;

- in 2012 - 26690 rubles;

Women receiving a salary in an amount less named amounts got benefit of 100% of average earnings.

The insured women with insurance experience less than six months are paid the maternity leave benefit at a rate not exceeding the minimum wage for a full calendar month established by Federal law. In areas and districts with wages district coefficients applied in the established order, the allowance is paid at a rate not exceeding the minimum wage taking into account these coefficients.

Statistics of the amount of the maternity benefit

According to the data of social insurance Fund of the Russian Federation⁵¹, there is a growth of expenditures on maternity benefits for the last years (2005-2011) and the growth of number of paid days for maternity leave. The number of paid days were: 144,3 - in 2009; 145,4 - in 2010; 156,5 - in 2011. Expenditures on maternity benefits were: 57.3 billion rubles in 2009; 67,3 billion rubles in 2010 and 75.6 billion rubles. in 2011.

⁵¹ Expenditures and number of paid days of benefits for pregnancy and childbirth 2005 - 2011. The website of the social insurance Fund of the Russian Federation.

<http://fss.EN/EN/statistics/47772.shtml>. Date of request is July 30, 2014.

2. to consider it unlawful for an employer to notify the woman on dismissal during the period from the time when she has notified the employer of her pregnancy until the end of her maternity leave or notice on her dismissal at such a time so the dismissal shall occur in this period;

The Labour code of the Russian Federation establishes guarantees upon termination of the employment contract in respect of pregnant women. The termination of an employment contract by the employer with pregnant women, unless liquidation of the organization or termination of activity by the individual entrepreneur acting as the employer (Part 1 Art. 261 of RF Labour Code). The dismissal of a pregnant woman is not allowed including in cases where she commits the wrongful actions, which in the General case can be the grounds for termination of employment contract on the initiative of the employer.

The way to protect the rights of a woman dismissed during pregnancy, is her reinstatement at work. The woman also has the right for compensation for moral damage in the monetary form, as well as for collecting the unearned income. This is ensured by the following regulations of the LC of RF.

In accordance with Part 1 of Art. 394 of the RF Labour Code, if the dismissal is found unlawful the employee must be reinstated at the former job by the authority examining the individual labor dispute. According to Part 9 of Art. 394 of RF Labour Code, in cases of dismissal without legal basis or in violation of the established order of dismissal, the Court may at the request of the employee make a decision on recovery of compensation for moral damage caused by the specified actions in favor of the employee. Amount of the compensation shall be determined by the Court.

Art. 374 of RF Labour Code obliges the employer to pay the employee the wages not received by the employee in all cases of unlawful deprivation of his

ability to work, in particular, if the income was not received in case of illegal dismissal of an employee.

In accordance with the established law practice, decisions on recognizing the dismissal of a pregnant women as illegal shall be submitted including cases when the employer was not aware of the pregnancy.

Par. 25 of the Resolution No. 1 of the Plenum by the Supreme Court dated from January 28, 2014 "On application of the legislation regulating work of women, persons with family responsibilities and underage" states that "Given that the dismissal of a pregnant woman by the employer is prohibited, the employer's lack of information about her pregnancy does not constitute grounds for denial of the claim for reinstatement at work.

A pregnant woman, contract of employment with whom was terminated at the initiative of the employer, is subject to reinstatement at work even in the event that at the time of examination of her claim for reinstatement at Court her pregnancy has not been preserved".

The guarantee preserved in Part 1 of Art. 261 of RF Labour Code is also applied to persons in respect of whom there is a special regulation, which include: women - head of organizations, athletes and coaches, women at civil and municipal state service and others. (Part 26 of the same Resolution).

In the event when a woman has signed a fixed-term contract which expires in the period of her pregnancy, the employer shall, upon her written application and the provision of a medical certificate confirming the status of pregnancy, to extend the employment contract until the pregnancy ends. A woman, the validity of the employment contract with whom was extended until the end of pregnancy, shall, upon the the employer's request, but not more frequently than once every three months, provide a medical certificate confirming the pregnancy status. If a woman actually continues to work after the end of pregnancy, the employer has the right to terminate the employment contract with her due to the expiration of its validity during a week from the day when the

employer got to know or should have got known about the fact of termination of pregnancy⁵².

However, if the fixed-term employment contract has been concluded at the time of execution of the duties of the absent employee and it is not possible with the written consent of a woman to transfer her till the end of pregnancy on another job available (as to the vacant position or a job corresponding with qualification of the woman or to a lower vacant position or a lower paid job), that a woman can do with regards to her state of health, the dismissal of a woman in connection with the expiration of the employment contract during her pregnancy is acceptable. In this case the employer must offer her all vacancies that meet these requirements and are available in the given area. The employer must offer job vacancies in other areas if it is stipulated by the collective agreement, other agreements, employment contracts⁵³.

On January 28, 2014 the Supreme Court of the RF has approved Resolution No.1 "On application of legislation governing work of women, persons with family responsibilities and underage"⁵⁴, the Par. 27 of which explains: "In case of a childbirth, the dismissal of a woman in connection with the end of the fixed-term contract is permitted on the day when maternity leave ends. In other cases a woman can be dismissed within a week from the day when the employer got knew or should have known about the fact of termination of the pregnancy".

This elucidation made by the Plenum of the Supreme Court have already been repeatedly used by the courts of general jurisdiction⁵⁵.

At the same time, its approval and adoption does not preclude the need for changes to the RF Labour Code. A draft of the Federal Law "On Amendments to

⁵² Part 2 of article 261 of Labour Code of the Russian Federation

⁵³ Part 3 of article 261 of Labour Code of the Russian Federation

⁵⁴ "Bulletin of the Supreme Court of the Russian Federation", No. 4, April, 2014.

⁵⁵ See The appellate Court's determination of the Jewish Autonomous region as of February 28, 2014 in case No. 33-98/2014; Decision of Kholmsk city court of the Sakhalin region as of May 21, 2014 in case No. 2-441/2014~M-316/2014; the Decision of the Industrial court district of Kursk as of April 22, 2014 in case No. 2-650/14-14. and other

the Labor Code of the Russian Federation» No. 200036-5 was submitted to the State Duma⁵⁶. The draft Law was submitted to the State Duma on the initiative of the Legislative Assembly of the Vologda Region on May 13, 2009. It provides for amendments to Part 2 of Art. 261 of RF Labour Code and presentation of it as follows: "In the event the fixed-term employment contract expires during the pregnancy of a women, the employer must, upon her written request and in provision of a medical confirming the status of pregnancy, to extend the employment contract until the end of pregnancy, and upon provision of a medical certificate of disability due to maternity leave - until the end of the maternity leave. A woman, the validity of the employment contract with whom was extended until the end of pregnancy, shall, upon the the employer's request, but not more frequently than once every three months, provide a medical certificate confirming the pregnancy status. If a woman actually continues to work after the end of pregnancy, the employer has the right to terminate the employment contract with her due to the expiration of its validity during a week from the day when the employer got to know or should have got known about the fact of termination of pregnancy.

Discussion of the Law in the first hearing was to be held on January 20, 2014, but it was decided to postpone the discussion (Minutes of the meeting of the Council of the State Duma No. 140), as a number of other issues regarding the draft Law required some additional study.

The Federal Labor and Employment Service issues annual Reports on the implementation and effectiveness of the Federal State supervision over the observance of the Labor Legislation and other normative Legal Acts containing standards of the Labor Law; the Reports which include information on the implementation of the Federal State supervision over compliance with the Labor

⁵⁶ Official website of the State Duma. Search for bills.
<http://www.duma.gov.EN/systems/law/?number=200036-5&sort=date>. Date of request is July 28, 2014.

Legislation on regulation of specific features of work of certain categories of employees, in particular, of work of women-workers⁵⁷.

According to the Reports in 2010 3.5 thousand inspections on the *regulation of the labor of women and persons with family responsibilities* were organized and held, during which more than 9.5 thousand offenses (an average of 2.7 violations identified during an inspection) were revealed. In 2011 3.5 thousand inspections on the regulation of the labor of women and persons with family responsibilities were held, during which more than 7.0 thousand offenses (an average of 1.1 violations identified during an inspection) were revealed. Among 1,340 inspections held in 2011, particularly carried out in respect of pregnant women, women with children under three years old, and on other persons with family responsibilities (such specific information was not gathered in 2010 alone) 2,419 violations against these categories were revealed.

Compared with previous years, the number of revealed violations of Legislation of women's work is constantly decreasing (in 2004 - 32.3 thousand violations; in 2005 - 29.6 thousand violations; in 2006 - 22.9 thousand violations; in 2007 - 20.1 thousand violations; in 2008 - 16.9 thousand violations; in 2010 - 9.5 thousand violations).

3. to ensure that women with infants are provided with work breaks for breastfeeding;

In accordance with Legislation of the Russian Federation, working women with children under the age of one and a half years, besides a break for rest and meal, are additionally provided with breaks for breastfeeding of the child (children) at least every three hours for at least 30 minutes each⁵⁸.

⁵⁷ Supervision and control over observance of labor legislation. The website of the Federal service for labor and employment. <http://www.rostrud.EN/activities/28/doklad/>. Date of request is July 29, 2014.

⁵⁸ Part 1 of article 258 of Labour Code of the Russian Federation

In case a working woman has two or more children under the age of one and a half years, the duration of breastfeeding breaks is set for at least one hour.

These kind of breaks should be provided by the employer for all working women who have children under the age of one and a half years, because the Law does not connect the provision of them the filing of an application by the woman.

In accordance with a special request of the woman, the breaks for breastfeeding of the the child (children) may be provided in a different order; they can be attached to the break for rest and food, or summarily transferred to the beginning or the end of the working day (shift) with its appropriate reduction.

Breaks for breastfeeding of the child (children) are included in time of work. Breaks are payable at the rate of average earnings, unless the Parties have agreed otherwise.

The Legislation imposes no restrictions on the use of breastfeeding breaks in case the woman works part-time.

4. to regulate the night work of pregnant women, women who have recently given birth, and breastfeeding mothers;

Russian Labor Legislation separately regulates the restrictions on night work for pregnant women and women with children under the age of three years.

Regarding the working pregnant women, the Legislation prohibits to send them on business trips, to work overtime, work at night, weekends and public holidays (Art. 259 Part 1 of RF Labour Code). This restriction is an imperative one.

Regarding the restrictions on night work for women who have recently given birth and breastfeeding mothers, they are subject to provisions which establish peculiarities for work of women with children under three years old.

In accordance with Part 2 of Art. 259 of the LC of RF, women with children under the age of three years may be sent on business trips, overtime

work, night work, work on weekends and public holidays only with their written consent, provided that it is not prohibited to them by Medical Report issued according to the procedure established by the Federal Laws and other normative Legal Acts of the Russian Federation. In this case, women with children under the age of three years should be instructed and informed in writing form of their rights to refuse sending on business trips, overtime work, work at night, work on weekends and public holidays (Part 2 Art. 256 of the LC of RF).

5. to prohibit employment of pregnant women, women who have recently given birth and breastfeeding mothers in underground works and in all other kinds of dangerous, harmful and hard works; to undertake appropriate measures to protect rights of women in relation to employment.

Art. 253 of the TC of RF establishes the limits of employment of women, regardless of their status of pregnancy and parenthood:

- in heavy works, works in harmful and (or) dangerous working conditions, as well as underground works, with the exception of non-physical kind of work or work on sanitation and consumer services;

- in work associated with manually lifting and moving of loads exceeding the maximum permissible standards.

Lists of productions, works and positions with harmful and (or) hazardous working conditions, in which the employment of women is limited and restricted, as well as the maximum permissible limits of heavy loads for women lifting and moving manually are approved by the Government of the RF with taking into account the views of the Russian Tripartite Commission for regulation of social and labor relations.

The Governmental Decree of RF dd. February 25, 2000, No. 162, approves the List of heavy work and work in hazardous or dangerous conditions for which the employment of women is prohibited. The List includes 456 types of works and occupations, and 38 industries, including the following:

- work connected with lifting and moving of heavy objects by hand, in case the maximum permissible norms of loads for women for lifting and moving manually are exceeded;
- *works under ground* in the mining industry and construction of underground structures, with exception of works performed by women in leadership positions and those who do not perform physical works⁵⁹; women employed in sanitary and domestic services; women who are receiving education and are admitted to training in the underground parts of the organization; women who have to go down from time to time in the underground parts of the organization to perform non-physical works;
- heavy and harmful works in certain sectors of activity (metalworks, mining, oil and gas, etc.).

The Legislation does not establish an absolute prohibition for women to work in these conditions: if the employer has created safe working environment he can make an independent decision on employment of women in works (professions, positions) included in the List. Working conditions are defined according to results of a special assessment of working conditions (previously - certification of workplaces) when approved by the State expertise of working conditions and services by the Sanitary Inspection of the Russian Federation.

Other requirements in the field of occupational safety established for women include the SanRaR (Sanitary Rules and Regulations) 2.2.0.555-96. 2.2. "Occupational Health. Hygienic requirements to working conditions of women.

⁵⁹ The list of positions of managers, specialists and other employees associated with underground works, where permitted, as an exception, the use of women's labor, listed in paragraph 2 of the notes to the List approved by the RF Government Decree as of February 25, 2000 No. 162. The list includes the senior employees in positions of Director, head, chief engineer of mines on coal mining, etc.; experts, for example, the chief surveyor, surveyor, chief geologist, chief hydro geologist, and so on; workers stationary gears with the automatic start and stop, and do not perform other work related to physical activity; workers undergoing training and is admitted to the internship in the underground parts of the organizations; employees of scientific and educational institutions, construction and design organizations; physician, medium and Junior medical staff, the barman and other workers engaged in sanitary and household maintenance.

Sanitary rules and regulations"⁶⁰ (hereinafter - the Sanitary Rules). These Rules define the requirements for employment conditions of women, requirements for facilities to serve the works of women, as well as requirements for the employment conditions of women during pregnancy.

Sanitary Rules are applied to all organizations and enterprises; they define mandatory requirements for production processes, equipment, basic working and other conditions of working women, in order to protect their health (Par. 1.1).

Section 4 of the Sanitary Rules establish the Requirements for the working conditions of women during pregnancy.

In particular, the technological processes and equipment intended for works of pregnant women should not be a source of higher level of physical, chemical, biological and physiological factors (Par. 4.1.1).

Allowable values of physical activities (see.: Table 5 in the Annex to the Report on Art. 8 of the Charter), restrictions on specific types of work performed in the course of physical works are set in regards of pregnant women (Pregnant women should not perform manufacturing operations associated with lifting of objects of labor above the level of shoulder girdle, lifting of objects of labor from the floor, prevalence of tensing muscles of legs and abdominal, with forced working posture (squatting, kneeling, stooping, supporting by abdomen and chest to equipment and objects of labor), with body bending for more than 15 degrees. Works on equipment using the foot pedal control, on conveyor with a forced rhythm of work, connected with a neuro-emotional stress should be excluded for pregnant women, as per Par. 4.1.2 of the Sanitary Rules).

The following specific limitations are established:

- Pregnant women are not allowed to perform works associated with effect of agents of infectious, parasitic and fungal diseases (Par. 4.1.5).

⁶⁰ SanPiN 2.2.0.555-96. 2.2 Occupational health. Hygienic requirements to the women working conditions Sanitary regulations and standards. Approved by the Resolution of the state Committee of sanitary of Russia as of October 28, 1996 No. 32. M, Information and publishing center of the Russian Ministry of health, 1997. "Ecological Bulletin of Russia", N 3, 2001.

- Pregnant women should not work in in the presence of infrared radiation. Temperature of the heated surfaces of equipment and fencing in working area must not exceed 35°C (Par. 4.1.6).

- Pregnant women are excluded from activities associated with wetting of clothes and shoes, from works in draft (Par. 4.1.7).

- Work in barometric pressure jump conditions is forbidden for women during pregnancy (flight personnel, stewardesses, altitude test chamber personnel, and others) (Par. 4.1.8).

According to Par. 4.1.4 of the Sanitary Rules, while estimating parameters of working environment in workplaces of the pregnant women, one should be guided by the Health indicators of optimal conditions of working environment (see.: Table 7 in Annex to the Report on Art. 8 of the Charter). In particular, they provide that workplaces of pregnant women should be free from presence of harmful chemicals; industrial aerosols, mainly of fibrogenic and mixed type of action; from vibration (general and local); from presence of ultrasound. The presence of infra-sound; constant electric and magnetic fields; ionizing radiation; atmospheric pressure; of biological agents (microorganisms, protein hormones and drugs, amino acids, vitamins and other natural components of the body) is allowed on the level of natural background. Permissible noise level is set at 50-60 dB A; the optimal parameters of non-ionizing radiation; indoor climate; illumination are also determined.

According to Par. 4.1.9 of the sanitary Rules, pregnant women are not allowed to work in premises with no windows and no indoor lamps, i.e. with no natural light.

Par. 4.1.10 also provides that since the establishment of pregnancy and during the breastfeeding period women are not allowed to perform all kind of works, professionally associated with the use of video display terminals and personal electronic computers.

At the same time, according to Par. 13.2 of the Sanitary-Epidemiological Rules and Regulations "The hygienic requirements for personal electronic

computers and organization of works. SanRaR 2.2.2/2.4.1340-03"⁶¹ (approved in 2003) since the establishment of pregnancy women should be transferred to works not connected to the use of a PCs, or the time of work with a PCs for them is limited (for not more than 3 hours per shift), provided that the hygiene requirements are followed, according to those established by SanRaR⁶².

Requirements for organization of the workplace of pregnant women established in the Sanitary Rules, include the equipment of stationary workplaces as for the possibility of labor operations in a free mode and position, allowing change of positions at will. Permanent works in sitting, standing, moving (walking) positions are excluded. The hygienic indicators of optimal conditions of working environment, which provide for exclusion of harmful factors or their presence on the natural background level, are also approved.

For assistance in organization of employment of pregnant women the Hygienic Recommendations for Rational Employment of Pregnant Women are approved⁶³. The Recommendations provide for establishment for pregnant women of differential norms of output, reduced on average to 40% of the permanent norms with an average pay at the previous job's level. As the works recommended for women during pregnancy, light assembly operations, sorting,

⁶¹ The resolution of the Chief state sanitary inspector of the RF as of June 03, 2003 No. 118 "On introduction in action of the sanitary-epidemiological rules and norms SanPiN 2.2.2/2.4.1340-03" (together with "SanPiN 2.2.2/2.4.1340-03. 2.2.2. Occupational health, manufacturing processes, raw materials, equipment, work tool. 2.4. Hygiene of children and adolescents. Hygienic requirements to the personal electronic computing machines and the organization of work. Sanitary-epidemiological rules and norms", appr. by Chief state sanitary doctor of the Russian Federation May 30, 2003). Registered in Ministry of justice of the Russian Federation June 10, 2003 No. 4673. "The Russian Federation", No. 120, June 21, 2003.

⁶² Differences in approach should be explained, as it seems that these Regulations were approved at different times - in 1996 and 2003. During this time much has changed in the characteristics of the PC including the parameters of high-frequency electromagnetic radiation and other influencing determine the impact of PC on health. Since 2003 they also changed significantly, but new acts on these issues were not taken.

⁶³ "Hygienic recommendations for rational employment of pregnant women", approved by the state Committee of sanitary of Russia on December 21, 1993 Ministry of health December 23, 1993. SPS "ConsultantPlus".

packaging operation with regards to the hygienic criteria of labor process, working environment and workplace organization, can be used.

A number of guarantees with respect to working conditions of pregnant women are established by the Labor Legislation.

In accordance with Art. 254 of the LC of RF, pregnant women in compliance with Medical Report and their own applications:

- the norms of output and standards of service should be reduced, or
- women should be transferred to other works, excluding the impact of unfavorable factors of production.

For the period of transfer to another job or reduction of the quotas of output or services, the average salary for pregnant women is preserved at the previous job's level⁶⁴.

If the employer does not have a proper job, to which a pregnant employee can be transferred, or it is not immediately possible to be chosen, then the woman is exempt from work till the other work can be provided. For the time of exemption from work, the average earnings for all missed work days are preserved for her on the expense of the employer⁶⁵.

In relation to *breastfeeding women* the individual guarantees are not established, but there is a special provision of guarantee in respect of working women with children under the age of one and a half years: in case of impossibility to carry out the previous works they should be transferred to other works, with wages payable for the work done, but to be not less than the average wage level for previous works; till the child reaches the age of one and a half years of age. The transfer is made after women's statement; provision of other documents, in particular Medical Report, is not required. The concept of "inability to perform the same work" is not specified in the Legislation. Par. 22 of the Resolution of the Plenum by the Supreme Court No. 1 dated from January 28,

⁶⁴ Part 1 of article 254 of Labour Code of the Russian Federation

⁶⁵ Part 2 of article 254 of Labour Code of the Russian Federation

2014 has determined that "a failure to perform the same work by a woman with a child under the age of one and a half years of age, should be understood as cases where such work is incompatible with breastfeeding and the proper care of the baby, as well as cases with a certain regime of work time, a traveling nature of work, the remote location of place of residence from the place of work, etc."

The employer is not obliged, as it is provided for pregnant women, to release a woman who has a child under the age of one and a half years from work while preserving her average pay, in case of failure to transfer her to another job. Instead, the woman has the right to use the leave to care for a child.

According to Part 7 of Art. 11 of the LC RF, the existing Labor Laws and other Acts containing norms of the Labor Law are applied on civil servants and municipal employees with specifications provided by the Federal Laws and other normative Legal Acts of the Russian Federation, Laws and other normative Legal Acts of the subjects of the Russian Federation on Civil Service and Municipal Service. The Federal Law № 79-FZ of 27.07.2004 "On State Civil Service of the Russian Federation"⁶⁶ does not establish specific features of regulations of guarantees provided to women in connection with pregnancy and childbirth. Thus, the civil servants are subject to the general norms of Labor Laws.

⁶⁶ "Legislation Bulletin of the Russian Federation", August 02, 2004, No. 31, article 3215.

Article 16. The right of a family for social, legal and economic protection

In order to ensure the necessary conditions for full development of family as the basic unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, tax benefits, provision of family housing, assistance to young families, and other appropriate measures.

Note: It is understood, that the protection afforded in this provision also covers the single-parent families.

Family in the National Legislation.

According to Part 2 Art. 7 of the Constitution of RF⁶⁷, the Russian Federation provide state support for the family, motherhood, fatherhood and childhood, people with disabilities and senior citizens, provide for development of the system of social services and establishment of Governmental pensions, benefits and other social security guarantees. Article 23 of the Constitution of RF proclaims the right of everyone to the family secret. In Art. 38 of the Constitution of RF it is stipulated that the motherhood and childhood, the family are under the state protection.

According to Par. G Part 1, Art. 72 of the Constitution of RF the coordination of health issues; protection of the family, motherhood, fatherhood and childhood; social protection, including the social security issues are under the joint jurisdiction of the Russian Federation and the subjects of the Russian Federation.

⁶⁷ The Constitution of the Russian Federation (adopted by popular vote December 12, 1993) (including the amendments made by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation as of December 30, 2008 No.6-FL, as of December 30, 2008 No.7-FL, as of February 05, 2014 No. 2-FL, as of July 21, 2014 No. 11-FL) // Official gazette of the Russian Federation, August 04, 2014, No. 31, article 4398.

Currently, the constitutional principle of state protection of the family, motherhood, fatherhood and childhood is being implemented in the Legislation of RF and its subjects, and not only in the Family Legislation but also in other areas of the Law: Health Protection, Social Security, Labor and Labor Protection, Civil, Housing and other Legislations, etc.

In accordance with Part 4 of Art. 15 of the Constitution of RF, the generally recognized principles and norms of the International Law and the International Treaties of the Russian Federation constitute an integral part of its Legal system. In such a way, important regulatory elements of the legal status of families are:

- International Covenant on Economic, Social and Cultural Rights, 1966⁶⁸;
- The Convention on the Rights of the Child, 1989⁶⁹;
- International Covenant on Civil and Political Rights, 1966⁷⁰;
- Commonwealth of Independent States Conventions on Human Rights and Fundamental Freedoms, 1995⁷¹.

According to Art. 1 of the Family Code of the Russian Federation, the family, motherhood, fatherhood and childhood in the Russian Federation are under the state protection.

The concept of "family" can be found in the text of several Articles of the Family Code of RF, for example in Art. 1, 22, 27, 31, 39, 42, 54.

A family in the Russian Federation is an object of the state family policy. The purpose of this policy is to provide all necessary conditions for implementation of family functions and for improvement of its life quality.

⁶⁸ The international Covenant on economic, social and cultural rights (New York, the 19th of December 1966) // Bulletin of the Supreme Court of the Russian Federation, No. 12, 1994.

⁶⁹ Convention on the Rights of the Child (New York, the 20th of November, 1989) // Compilation of international instruments USSR, issue XLVI, 1993.

⁷⁰ The international Covenant on civil and political rights (New York, the 16th of December 1966), ratified by the decree of the USSR Supreme Soviet on September 18, 1973, No. 4812-VIII // Bulletin of the Supreme Court of the Russian Federation, No. 12, 1994.

⁷¹ The Convention of the Commonwealth of Independent States on human rights and fundamental freedoms (Minsk, 26 May 1995) // Official gazette of the Russian Federation, CMarhc 29, 1999, N 13, article 1489.

The normative legal basis of the state policy in relation to a young family is the UN documents, which include direct and indirect provisions, concerning family, the Constitution of the Russian Federation⁷², the Family Code of the Russian Federation⁷³ and other documents on family issues, accepted at the federal level.

The main guidelines of the state policy in relation to a young family are determined by the main directions of the state family policy, approved by the Decree of the President of the Russian Federation of the 14th of May 1996 N 712 «On main directions of the state family policy»⁷⁴.

According to this Decree, the main directions of the state family policy are:

- providing the conditions to overcome negative trends and to stabilize the circumstances of the Russian families, to reduce poverty and to improve assistance for disabled family members;
- providing favorable conditions for workers with children to reconcile work and family responsibilities;
- principal improvement of family health protection;
- improvement of family assistance in child-rearing.

According to p. 2 of the Main direction of the state family policy, approved by the Decree of the President of the Russian Federation of the 14th of May 1996 N 712, the state family policy is a component of the social policy of the Russian Federation and is a consistent system of principles, assessments and measures of organizational, economic, scientific, informational,

⁷² The Constitution of the Russian Federation (adopted by popular vote December 12, 1993) (including the amendments made by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation as of December 30, 2008 No.6-FL, as of December 30, 2008 No.7-FL, as of February 05, 2014 No. 2-FL, as of July 21, 2014 No. 11-FL) // Official gazette of the Russian Federation, August 04, 2014, No. 31, article 4398.

⁷³ Domestic Relations Code of the Russian Federation dated December 29, 1995 No. 223-FL (amended at 05.05.2014) // Official gazette of the Russian Federation, January 01, 1996, No.1, article 16.

⁷⁴ The presidential decree of May 14, 1996, No. 712 (as amended on 05.10.2002) "On main directions of the state family policy" // Official gazette of the Russian Federation, May 20, 1996, No. 21, article 2460.

propagandistic and personnel character, aiming the improvement of conditions and quality of family life.

Based on this Decree a young family shall gradually become one of the most active social subjects of process of implementation of the state family policy measures.

The principle of the differentiated approach for different types of young families suggests the specific of their types: two-parent and one-parent families; prosperous, successful, crisis and marginal families; families of military men and agents of other security forces; families with young children; large families; student families with children; families with disabled children, etc.

The strengthening of family institution, the revival and keeping of spiritual and moral traditions of the family relations are the main objectives of the demographic policy of the Russian Federation (section 3 The concepts of the demographic policy of the Russian Federation for the period till 2025, approved by the Decree of the President of the Russian Federation of the 9th of October 2007 N 1351⁷⁵).

More than 150 laws and regulations on the protection of maternity and childhood are issued and in force in Russia.

The Conception of the state family policy for the period till 2025 (**public project**) is developed according to the Constitution of the Russian Federation, generally recognized principles and norms of international law in the area of family relations, the regulations of the Russian Federation and its constituent entities.⁷⁶

The Conception is prepared by the work group N 1 of Coordination council under the President of the Russian Federation on the implementation of the

⁷⁵ The decree of the President of the Russian Federation as of 9 October 2007 No. 1351 (as amended on July 01, 2014) "On approval of the concept of demographic policy of the Russian Federation for the period until 2025" // Official gazette of the Russian Federation, October 15, 2007, No. 42, article 5009.

⁷⁶ <http://www.komitet2-6.km.duma.gov.ru/site.xp/050049124053056052.html>

National strategy of actions for the benefit of children during 2012-2017 and is presented by the chairman of the Committee of the State Duma for family, women and children on the second meeting of the Coordination council under the President of the Russian Federation on the implementation of the National strategy of actions for the benefit of children during 2012-2017⁷⁷, which was held on the 28th of May 2013.

The Committee of the State Duma for family, women and children is responsible for draft bills, it takes a part in parliament hearings, regularly holds meetings, Russian forums, scientific conferences, round tables. The information on it is located on the official site (URL: <http://www.komitet2-6.km.duma.gov.ru>).

According to the Conception of the state family policy for the period till 2025, **the state family policy** is a system of purposes, tasks, principles, priorities and measures, which are used for strengthening, developing and protecting the family institution as the fundamental base of the Russian society, keeping and restoration of the traditional family values, increasing the social role of family in society's life and Russia development strategy.

The main direction of the state family policy of the Russian Federation are:

- strengthening and development of family institution, keeping and restoration of traditional family values,
- improving the situation of families with minor children,
- protection of family, including protection against unwarranted interruption in family life, and supporting the implementation of its main functions
- and thereupon the increasing of family well-being level, the improvement of the demographic situation in the country, the solution of orphanhood social problem.

⁷⁷ The decree of the President of the Russian Federation as of June 1, 2012, No.761 (as amended on June 24, 2014) On the National strategy for children 2012 - 2017" // Official gazette of the Russian Federation, September 17, 2012, No. 38, article 5067

According to the population census data of 2002 and 2010, 89% of Russians prefer family lifestyle. For 70% of Russians a family and a marriage registration are among five most important purposes of their life.⁷⁸

During the specified period the number of one-parent families has increased, the number of multi-generation families has reduced, the portion of one-child families has increased. The ordinary phenomenas have become the increasing of divorces number, the cohabitation without marriage and the increasing of baby births out of wedlock, the scale of social orphanhood or abandonment of children with living parents.

The traditions of large family are being lost. Large families make up only 5.8% of the total number of families with minor children. However, more than 1/3 of Russians consider that ideal family, which they would like to have to, if they had all necessary conditions, is a family with three and more children.

The measures of the demographic policy of 2006-2013 have improved the demographics:

- the birth rate has increased by 15 %;
- for second birth – by 17, 5 %;
- for third birth – by 26, 3 %;
- the death rate has decreased by 10 %;
- The life expectancy of Russians has increased by 2.3 years, and in the mean is 69.8 years, for women - 75.6 years, for men - 64 years;
- in 2011 for the first time during last 12 years it was recorded not a drop, but a growth of the child population. Compared with 2010, the child population has increased by 600 thousand of people.⁷⁹

⁷⁸ See: Report: Spiritual foundations of the traditional Russian family
[//http://www.works.tarefer.ru/74/100048/index.html](http://www.works.tarefer.ru/74/100048/index.html)

⁷⁹ <http://www.komitet2-6.km.duma.gov.ru/site.xp/050049124053056052.html>

The total number of families between censuses of 2002 and 2010 has decreased by 2.4%. The number of families with minor children has decreased and is 42.5% of total number of families. The number of childless families is increasing. Every third family is childless. Every third child lives in one-parent family, 88% of them are the mother families.

The birth of child in family reinforces the risks of falling into the category of poor (disadvantaged) families: 4 of 10 children live in poor families.

The need of families with children in housing is high. The size of the total area of housing, which accounts for one family member, in families with minor children is almost 1/3 less, than in families without children. Every fifth child lives in a family with poor living conditions, and each third of them - is under 1 year old.

Social protection

Housing policy

According to Article 40 of the Constitution of the Russian Federation, everyone has the right to have housing, and no one shall be arbitrarily deprived of housing. For poor and other citizens, specified in the law, which are in need of housing, it is available for free or at affordable payment from the state, municipal and other housing funds according to the statutory regulations.

At the federal level, housing relations are regulated by the Housing Code of the Russian Federation and other federal laws. According to Article 72 of the Constitution of the Russian Federation and Article 5 of the Housing Code of the Russian Federation⁸⁰ the housing legislation is a joint responsibility of the Russian Federation and its constituent entities.

Section III of the Housing Code of the Russian Federation regulates the order of housing provision for citizens, which are in need of housing, according

⁸⁰ The housing code of the Russian Federation as of December 29, 2004 No.188-FL (as amended on July 21, 2014) // Official gazette of the Russian Federation, January 03, 2005, No. 1 (part 1), Art. 14.

to the contract of social employment. According to this contract the housing is transferred to citizens not on property conditions, but for perpetuity and use for living there on conditions, specified in the law.

According to Article 57 of the Housing Code of the Russian Federation the accommodations are provided to citizens, registered as in need of accommodation, in order of priority, based on the time of registration of such citizens.

The accommodations on the contracts of social employment are provided out of turn:

- for citizens, whose accommodations in the prescribed manner are recognized as uninhabitable and unrepairable or not applicable for reconstruction according to established procedure;
- for citizens with severe chronic diseases (tuberculosis, epilepsy, etc.).

The citizens, who are registered as in need of accommodation, are provided with accommodations under the contracts of social employment on the basis of decisions of the local government. The decisions on the accommodation provision according to the contracts of social employment are issued or sent to citizens, in respect of which these decisions are taken, not later than three working days after taking of these decisions.

According to Article 159 of the Housing Code of the Russian Federation the citizens are provided with the subsidies to pay for accommodations and communal services. The subsidies are provided to citizens, if their expenses on payment for accommodation and communal services, calculated based on the size of the regional standard regulatory area of the accommodation, used for the subsidies calculation, and the size of the regional standard cost of accommodation and communal services exceed the value, corresponding to the maximum permissible share of citizens expenses to pay for accommodation and communal services in the total family income. The sizes of the regional standard regulatory area of the accommodation, used for the subsidies calculation, and the costs of accommodation and communal services and the maximum permissible share of

citizens expenses to pay for accommodation and communal services in the total family income are regulated by constituent entity of the Russian Federation. For families with average income below the specified living wage, the maximum allowed share of expenses is reduced according to correction coefficient, equal to the ratio of average family income to the living wage.

Both owners and users of accommodations have the right to the subsidies. The subsidies are provided by the executive body of constituent entity of the Russian Federation or the agency, authorized by him, on the basis of statements of citizens, considering their family members, permanently living with them. The Government of the Russian Federation establishes the procedure for determining the value of subsidies and the order of their provision, the list of documents attached to the statement, the conditions of the suspension and termination of subsidies provision, the procedure for determining the composition of the family of subsidy recipient and the calculation of total income of such family, and also the specificities of the subsidies provision to certain categories of citizens.

The expenses financing for subsidies provision is executed from the budgets of constituent entity of the Russian Federation.

Paragraph 4 of Article 15 of the Housing Code of the Russian Federation (hereinafter - HC RF) specifies that accommodation can be recognized uninhabitable on the basis and in the order, established by the federal executive body, authorized by the Government of the Russian Federation.

In compliance with this standard the Government of the Russian Federation has issued a resolution of the 28th of January 2006 N 47 «On approval of the Provision on recognition of accommodation as living accommodation, living accommodation as uninhabitable and apartment house as emergency and subjected to demolition or reconstruction» (hereinafter - the Provision), which is applied to in-use living accommodations regardless of ownership form, located on the territory of the Russian Federation (paragraph 2 of the Provision).

According to paragraph 7 of the Provision the authority, whose competency includes the recognition of the accommodation as inhabitable (uninhabitable) and

also apartment houses as emergency and subjected to demolition or reconstruction, is the interdepartmental commission. The procedure of its creation is regulated by this standard.

The conformity of the accommodation to the requirements, established in the Provision, and the recognition of the accommodation as inhabitable (uninhabitable) and also apartment houses as emergency and subjected to demolition or reconstruction is assessed by the commission on the basis of the statement of the accommodation owner or the statement of the citizen (the employer) or on the basis of the conclusion of the state supervision (control) bodies on issues within their competence.

One of the following conclusions can be made on the results of the commission work:

- on conformity of accommodation to the requirements, applied for the living accommodation, and its availability for living;
- on necessity and possibility of overhaul, reconstruction or re-planning (when needed, including technical and economic substantiation) to provide the conformity of living accommodation characteristics, lost during its usage, to the requirements, established in the Provision, and after its execution – on the continuation of assessment procedure;
- on non-conformity of accommodation to the requirements, established for living accommodation, specifying the reasons on recognition of accommodation as uninhabitable;
- on recognition of apartment house as emergency and subjected to demolition;
- on recognition of apartment house as emergency and subjected to reconstruction;

According to Article 49 of the Provision on the basis of received conclusion, corresponding executive body or the local government makes a decision and issues an order, specifying further usage of accommodation, the terms of

resettlement of natural and legal persons in case, when the accommodation is recognized as emergency and subjected to demolition or reconstruction, or the need of repair-and-renewal operations execution.

The owner of the accommodation in apartment house, recognized as emergency and subjected to demolition, if such house is included in the regional address program on resettlement of citizens from emergency housing fund, has a right to claim neither the payment of repurchasing price for taken accommodation, or the provision of another comfortable accommodation on the ownership right.

As a general rule, the housing rights of the owner of accommodation in house, recognized in the prescribed manner as emergency and subjected to demolition, are provided in the order, specified by article 32 of the Housing Code of the Russian Federation⁸¹, i.e. in case, when the owners of accommodation in a such house did not execute its demolition or reconstruction during established period of time, the local government takes a decision on taking out the land properties, where the specified emergency house is located, for municipal needs and accordingly on taking out each accommodation in the house by its buyout.

In this case the owner can be provided with another accommodation instead of taken one upon availability of corresponding agreement, approved by the local government, and only by offsetting of its price as repurchasing price (paragraph 8 of article 32 of the Housing Code of the Russian Federation).

Moreover, if the living house, recognized as emergency and subjected to demolition, is included in the regional address program on resettlement of citizens from emergency housing fund, the accommodation owner in such house has a right on provision of another accommodation or its buyout according to paragraph 3 article 2, article 16 of the Federal law of the 21st of July 2007 N 185 – the Federal law «On the Fund of assistance to reform the municipal housing

⁸¹ The housing code of the Russian Federation as of December 29, 2004 No.188-FL (as amended on July 21, 2014) // Official gazette of the Russian Federation, January 03, 2005, No. 1 (part 1), Art. 14.

economy»⁸².

At that the accommodation owner has the right to choose any of specified means to provide his housing rights.

According to the Constitution of the Russian Federation, no one shall be arbitrarily deprived of housing, and therefore active legislation provides the guarantees in case of taking out the land properties, where the housing is located, for state or municipal needs. Thus, at taking out the land properties for state or municipal needs the owner has a right to get equivalent compensation so that his rights were provided. The payment for the land properties, taking out for state or municipal needs (repurchase price), the terms and other buyout conditions are established by the agreement with the owner of land property. The agreement includes the obligation of the Russian Federation, the constituent entity of the Russian Federation or municipal entity on payment of the repurchase price for taken land property. The equivalent compensation is the repurchase price of land property, which includes the market value of taken land property and also all immovable property, located on it, as well as all losses, caused to the owner of taken land property according to p. 2 of art.281 of the Civil Code of the Russian Federation⁸³ and p.4 of art.63 of the Land Code of the Russian Federation⁸⁴.

The judicial practice confirms the right of citizens to housing:

1. The Definition of the Supreme Court of the Russian Federation of the 19th of December 2014 N 9-KG14-4⁸⁵

Requirement: On provision of accommodation.

⁸² Federal law as of July 21, 2007 No.185-FL "On the Fund of assistance to reforming of housing and communal services" // "Legislation Bulletin of the Russian Federation", July 23, 2007, No. 30, article 3799

⁸³ Civil code of the Russian Federation (part one) from November 30, 1994 No. 51-FL // "Legislation Bulletin of the Russian Federation", December 05, 1994, No. 32, article 3301.

⁸⁴ The land code of the Russian Federation as of October 25, 2001 No. 136-FL // "Legislation Bulletin of the Russian Federation", October 29, 2001, No. 44, article 4147.

⁸⁵ SPS ConsultantPlus

Circumstances: The complainant considers, that he as a person, suffering from severe chronic illness and registered as in need of accommodation, has the right to get accommodation out of turn.

Decision: The claim is satisfied, since the order of accommodation provision to citizens, suffering from severe chronic diseases, in which the joint living with them in one apartment is impossible, is already established by the Housing Code of the Russian Federation, and therefore they can not be deprived of the right to be provided with accommodation in the order, guaranteed to them by the federal legislator, that has not been taken into account by the court of appeal.

2. The Definition of the Supreme Court of the Russian Federation of 18.02.2014 N 5-KG13-137⁸⁶

Requirement: About restoration of the right to be registered as in need of the improvement of living conditions.

Circumstances: According to the order, the complainant has been struck off the registration as in need of the improvement of living conditions, as the share of accommodation area exceeds the standard. Besides, the legal status of the accommodation has been changed because of transferring the accommodation, being hostel before, to the municipal property.

Decision: The claim is satisfied as there are no enough grounds for striking off the registration as in need of the improvement of living conditions, as living conditions has not been changed, the norm of living area is less than established by the legislation.

The directions of the state housing policy are defined by the Decree of the President of the Russian Federation of the 7th of May 2012 N 600 «On measures to provide the citizens of the Russian Federation with available and comfortable housing and to improve the quality of housing and communal services»⁸⁷.

⁸⁶ SPS ConsultantPlus

⁸⁷ The presidential decree as of the 7th of May 2012, No. 600 "On measures to provide Russian citizens with affordable and comfortable housing and improving of the quality of

According to this Decree, the number of distributing housing mortgage loans will reach 815 thousand a year by 2018. A citizens will have the opportunity to improve living conditions at least every 15 years, the cost of 1 sq. meters of housing will be reduced by 20% due to the increase of implementation of economy class housing. The index of exceeding the average interest rate for housing mortgage loans (in rubles) in relation to the consumer price index in this case should fall no more than 2.2 percentage points. By 2020 available and comfortable housing should be provided to 60% of Russian families, who want to improve their living conditions.

The Council on the housing policy and increasing the housing availability is established under the President of the Russian Federation (the Decree of the President of the Russian Federation of the 27th of July 2013 N 651 «On the Council under the President of the Russian Federation on the housing policy and increasing the housing availability»)⁸⁸.

The Council considers issues related to the development of housing construction (including the housing of economy class) and the increasing availability of housing for different categories of citizens. In addition, he is responsible for coordinating the implementation of the state housing policy and prepares proposals to the President of the Russian Federation on additional measures of state regulation and state assistance.

The Council annually reports on the state of the housing scope and the results of the implementation of public policy. The meetings are held at least 1 time per quarter. The decisions are recorded as the protocol or the order of the President of the Russian Federation (if the meeting is held by the head of state). It is sent to the Government of the Russian Federation, the Federation Council, the State Duma, the Russian Federation constituent entities, as well as the President

housing and communal services" // Official gazette of the Russian Federation, May 07, 2012, No. 19, Art. 2337.

⁸⁸ Published in "the Official Internet portal of legal information" (www.pravo.gov.ru) July 30, 2013, in the Legislation Bulletin of the Russian Federation as of the 29th of July 2013, No. 30 (part II) article 4089.

of the Russian Federation.

The activities, aimed to achieve objective indicators, defined in the Decree of the President of the Russian Federation of the 7th of May 2012 N 600⁸⁹, are provided in the state program «Providing quality housing and communal services», approved by the resolution of the Federal Government of the 30th of November 2012 N 2227-r (effective range: from 30.11.2012 to 01.05.2014). At present the Resolution of the Government of the Russian Federation of the 15th of April 2014 N 323 «On approval of the state program of the Russian Federation "Providing available and comfortable housing and communal services of citizens of the Russian Federation "is in force"⁹⁰.

The priority objectives for provision of available housing for Russian citizens in the period till 2030 are increasing the availability of housing for the population and the comfort level of housing, ensuring a balance of demand and supply at the housing market.

In order to improve the availability of housing, various mechanisms will be implemented to assist the citizens in solving housing issues.

The implementation of the activities to provide maternal (family) capital to improve the living conditions of citizens who have two or more children, the state assistance in solving the housing problems of young families, recognized in the prescribed manner as in need of better housing conditions, as well as families with three or more children, will be continued.

At the meeting of the 16th of August 2010 V.V. Putin said that *special emphasis should be placed on increasing the share of economy-class housing: by 2015 it should increase up to 75% of the total volume of housing construction in*

⁸⁹ The presidential decree as of the 7th of May 2012, No. 600 "On measures to provide Russian citizens with affordable and comfortable housing and improving of the quality of housing and communal services" // Official gazette of the Russian Federation, May 07, 2012, No. 19, Art. 2337.

⁹⁰ The RF Government decree as of April 15, 2014 No. 323 "On approval of the state program of the Russian Federation "Providing affordable and comfortable housing and utility services to the citizens of the Russian Federation" // Official gazette of the Russian Federation, May 05, 2014, No. 18 (part III), Art. 2169.

the country ⁹¹.

The federal target **program "Housing" for 2011-2015**, which includes the sub-program "Providing housing for young families" (hereinafter - the sub-program), approved by **the resolution of the Government of the 17th of December 2010 N 1050**. ⁹²

The sub-program provides young families, which are in need of better housing, with social benefits for the acquisition (construction) of housing. The payments are provided at a rate of not less than 30% of the estimated cost of housing for young families without children, and not less than 35% - for young families with one child or more.

Providing social benefits for young families is executed at the expense of budgets of constituent entities of the Russian Federation, local budgets, as well as the federal budget provided in the form of subsidies for budgets of constituent entities of the Russian Federation to co-finance their corresponding expenditure powers.

According to paragraph 2 of the Rules of providing such subsidies, approved as part of the sub-program, the subsidies are provided to the budgets of constituent entities of the Russian Federation, selected to participate in the sub-program on a competitive basis.

Most of the programs, proposed today for young families, are products that allow the usage of maternal (family) capital (MSC), which is 429 408,5 rubles in 2014⁹³.

In respect of the federal state civil servants the order to obtain lump-sum subsidy for housing acquisition is established by the Resolution of the Government of the Russian Federation of 27.01.2009 №63 «On provision of the

⁹¹ <http://www.arhml.ru/docs/stimul.pdf>

⁹² Resolution of the Government of the Russian Federation as of the 17th of December 2010 No. 1050 amended on April 18, 2014) "On the Federal target program "Housing" for 2011 - 2015" // Official gazette of the Russian Federation, January 31, 2011, No. 5, article 739.

⁹³ The Federal law as of December 2, 2013 No. 349-FL (as amended on June 28, 2014) "On the Federal budget for 2014 and the planning period of 2015 and 2016," // Official gazette of the Russian Federation, December 09, 2013, No. 49 (part I), article 635.

federal state civil servants with lump-sum subsidy for accommodation acquisition"⁹⁴.

Within already mentioned program - "Housing for 2011-2015" the social benefits for young scientists are provided. It can be used to purchase the accommodation, including the involvement of funds of housing loan (including mortgage) or a loan, recorded in accordance with the legislation of the Russian Federation.

Also it should be mentioned about the **Federal target program «Social development of village until 2013,»**, approved by the Resolution of the Government of the Russian Federation of December 03, 2002 N 858 ⁹⁵. According to this Program a citizen has the right to receive social benefits, if the following conditions are met together:

- a) permanent living in rural district
- b) presence of its own and (or) borrowed funds in the amount of not less than 30% of the estimated cost of construction or acquisition of housing (in the absence or insufficiency of his own or borrowed funds citizen can use the funds of family capital).

The concept of the demographic policy of the Russian Federation for the period until 2025, approved by the Decree of the President of the Russian Federation of October 09, 2007 N 1351 ⁹⁶, provides the creation of conditions for increasing the availability of housing for families with children, especially for young families with children, due to development of mortgage lending, implementation of new lending instruments, expanding of allowable housing

⁹⁴ Resolution of the Russian Federation Government as of January 27, 2009 No. 63 (as amended on March 26, 2014) "On provision of the Federal state civil employees lump-sum subsidies for the purchase of residential premises" // Official gazette of the Russian Federation, February 09, 2009, No. 6, article 739.

⁹⁵ The RF Government decree as of the 3rd of December 2002 No. 858 "On the Federal target program "Social development of village till 2013" // The Russian Newspaper, No. 53, March 13, 2013.

⁹⁶ The decree of the President of the Russian Federation as of 9 October 2007 No. 1351 (as amended on 01.07.2014) "On approval of the concept of demographic policy of the Russian Federation for the period until 2025" // Official gazette of the Russian Federation, 15.10.2007, No. 42, article 5009.

construction, that meets the needs of families, while the construction of social infrastructure objects, needed for families with children.

The strategy of development of mortgage housing lending in Russia till 2030 approved by the order of the Russian Federation Government No. 10201-r⁹⁷ dated July 19, 2010, also provides for measures to stimulate the development of special mortgage housing lending programs targeted at certain categories of borrowers, in particular young families.

Existing programs usually include the provision of state support in the amount of the shortfall (in the form of subsidies or other social benefits).

The competitive selection held with the support of the Ministry of Construction of the Russian Federation resulted in inclusion of 74 subjects in the number of the participants of the sub-program "Providing housing for young families" for 2014 approved by the Government decision No. 1050 dated December 17, 2010⁹⁸.

By a signed order, the allocation of the grants provided for in the federal budget for 2014 is approved in the amount of 3500000 thousand rubles.

Within the frame of the sub-program in 2014, 34490 young families will improve the living conditions.⁹⁹

The implementation of the above sub-program facilitated the development and the adoption in the subjects of the Russian Federation not only of the support programs for young families to improve their living conditions, but also of the regional development programs of mortgage housing lending. Total to date, such programs operate in 80 subjects of the Russian Federation. The conditions in each subject have their own peculiarities.

⁹⁷ Disposal of the government of the Russian Federation as of 19.07.2010 No. 1201-R (as amended on 26.03.2014) "On approval of Strategy of development of home finance in the Russian Federation until 2030" // Official gazette of the Russian Federation, 26.07.2010, No. 30, article 4118.

⁹⁸ Resolution of the Government of the Russian Federation as of the 17th of December 2010 No. 1050 amended on 18.04.2014) "On the Federal target program "Housing" for 2011 - 2015 years" // Official gazette of the Russian Federation, 31.01.2011, No. 5, article 739.

⁹⁹ http://government.ru/dep_news/11994

The volume of federal budget funds provided for the implementation of the sub-program “Providing housing for young families” was:

- 5.606 trillion rubles in 2008;
- 4.697 trillion rubles in 2009;
- 4.877 trillion rubles in 2010;
- 4.877 trillion rubles in 2011;
- 5.15 trillion rubles in 2012;
- 3.5 trillion rubles in 2013.¹⁰⁰

The implementation of the state obligations to provide housing for the categories of citizens, set by the federal legislation:

At the beginning of 2012, were registered as having need of housing:

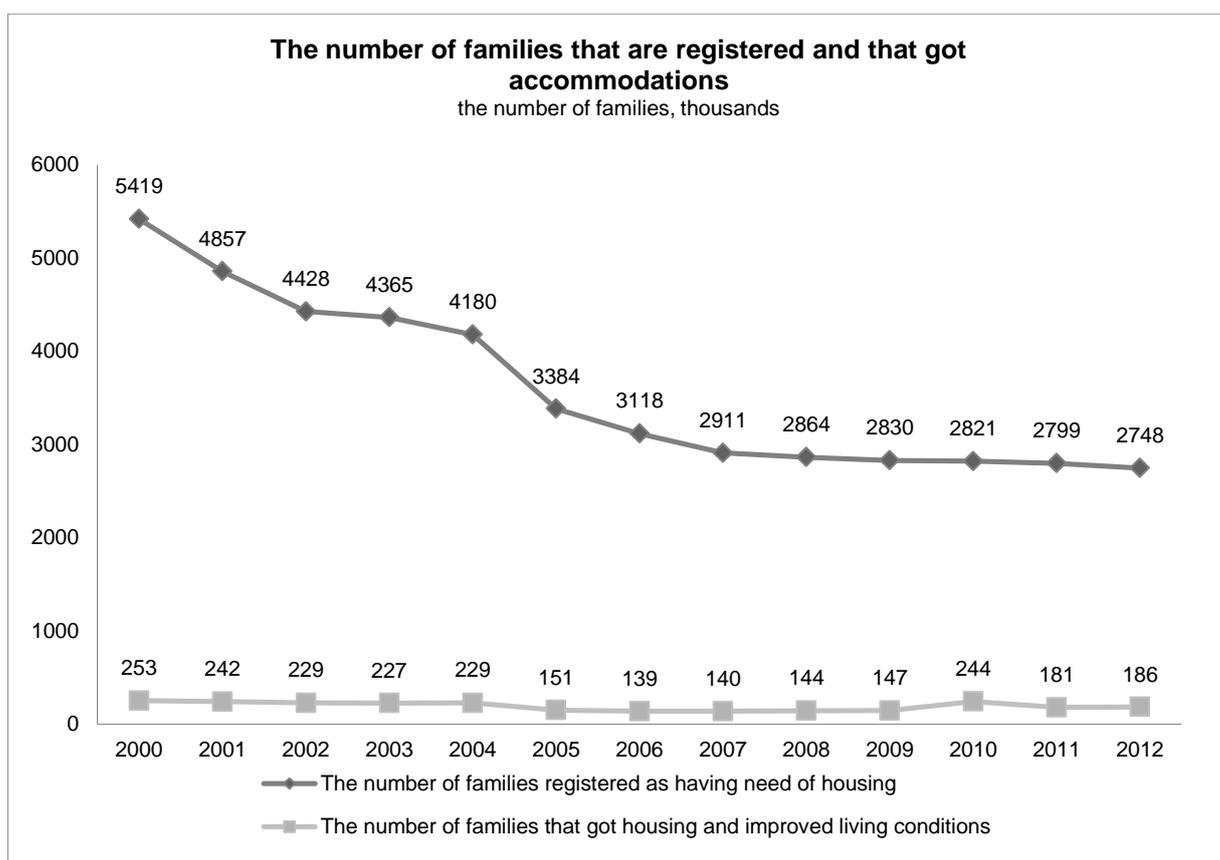
- 2.8 million families (5.1% of all households);
- where young families were 417.6 thousand;
- where 164.1 thousand families lived in rural areas (39% of the young families);
- where 13.5 thousand of young professionals’ families lived in the countryside.

Received housing units and improved living conditions for 2012:

- 186 thousand families (6.7% of the families registered);
- where 40.8 thousand - young families. (9,8 % of registered families);
- where 13.8 thousand families lived in rural areas (8.4 % of registered families);
- 2.7 thousand of young professionals’ families lived in the countryside (20 % of registered families).

According to data from Russia Statistics Agency, the fulfillment of state obligations on providing housing is as follows¹⁰¹:

¹⁰⁰ Public report of the Ministry of health and social development of the Russian Federation as of 17 November 2011 “About the situation of children in the Russian Federation” (2010); national report of the Ministry of health and social development of the Russian Federation as of 17 November 2011 “About the situation of children in the Russian Federation” (2008-2009).



In 2008-2009, improved their living conditions using the federal budget funds - 34.5 thousand of young families (8.6% of the number of young families who were registered as having need of housing).

Received social benefits and improved their living conditions on account of the federal budget funds provided for in 2010 - 9.568 thousand of young families, in 2009 – 14.1 thousand of young families, in 2008 – 20.1 thousand of young families.

The subsidies to the budgets of subjects of the Russian Federation are stipulated to provide for 172 thousand of young families with social benefits to acquire housing including using mortgage loans, in the amount of 28.181 trillion rubles. In this case, at the beginning of 2010 were registered as having need of housing - approximately 400 thousand of young families. More than 217 thousand of young families having need of better housing, manifested their desire to become participants of the sub-program.

¹⁰¹ http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/housing/

In 2009 1.779 trillion rubles were allocated for the measures to provide young scientists with housing and to construct dormitories, 188 young scientist families got personal certificates for housing purchase; apartments of 3430 sq. m total surface were purchased for 61 families. The construction of 6 dormitories was completed. 758.5 million rubles were provided for for these purposes from the federal budget in 2010.

Within the framework of the Federal Target Program “Social development of village until 2012” were built (acquired) - 683.8 thousand sq. m. of housing total area for 14.7 thousand of young families and young professionals.

The provision of low rent municipal housing is the only way to improve living conditions for the families with children which are poor. Currently, the construction of housing facilities intended for social needs is carried out in the insufficient amount due to the shortfall of the local budgets first.

146.5 thousand poor families were registered as having need of housing in 2009. 67.6 thousand families received low rent municipal housing, where 23.8 thousand families – in new houses.

18.1 million people (12.8% of the total population) had money income below a minimum subsistence level in 2010 (13.4% in 2008, 13.2% in 2009).¹⁰²

To some extent, the problem of worn out housing is resolved by its overhaul and reconstruction.

At the beginning of 2012 approximately 275.8 thousand blocks of flats needed a repair (8.6% of their total amount). During 2012 48.1 thousand blocks of flats were subject to an overhaul that is 17.5% of the need. The repair of blocks of flats was carried out with the financial support to the Federal Fund for assistance to housing and communal services with the use of regional and local budgets, as well as the funds of the homeowners.¹⁰³

¹⁰² Public report of the Ministry of health and social development of the Russian Federation as of 17 November 2011 “About the situation of children in the Russian Federation” (2010); national report of the Ministry of health and social development of the Russian Federation as of 17 November 2011 “About the situation of children in the Russian Federation” (2008-2009).

¹⁰³ http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/housing/

Child care centers.

Article 43 of the Constitution of the Russian Federation guarantees the access and a free preschool, secondary and secondary vocational education in state and municipal educational institutions and enterprises.

Similar guarantee is envisaged in Article 5 Part 3 of the Federal Law No. 273-FZ “On education in the Russian Federation” (hereinafter referred to as the FZ No. 273)¹⁰⁴. According to Art. 23 par. 1, Part 2 of the above law among the types of educational organizations which implement basic education programs, are listed preschool education institutions – educational organizations which main aim is to render educational services on the basis of educational programs of a preschool education, as well as child care and supervision.

In accordance with Article 64 Part 1 of the Federal Law “On education in the Russian Federation” a preschool education aims at the formation of the general culture, the development of physical, intellectual, moral, aesthetic and personal qualities, the formation of the preconditions of educational activities, maintaining and improving the health of preschool children. Article 67 Part 1 guarantees that a preschool education in educational institutions may start when a child is two months.

The provision of State guarantees of the implementation of the rights to receive a public and free preschool education in municipal preschool educational institutions is put down to the competence of the State bodies of the Russian Federation subjects in the field of education and municipal authorities (Articles 7 and 8 of the FZ No. 273).

Art. 65. The charge collected from the parents (legal representatives) for the care of children who get educational programs of a preschool education in the institutions engaged in educational activities is provided for in Article 65 of the

¹⁰⁴ Federal law as of December 29, 2012 N 273-FL (as amended on July 21, 2014) "On education in the Russian Federation" // Official gazette of the Russian Federation, 31.12.2012, No. 53 (part 1), Art. 7598.

FZ No. 273. In accordance with the letter of the Ministry of Education and Science of the Russian Federation No. DL-101/08 dated April 24, 2013 “On the charge collected from the parents (legal representatives) for child care and supervision”¹⁰⁵ the parents can not be exempt from the costs to maintain children (child care), including in educational institutions. This statement was confirmed by the Constitutional Court of the Russian Federation (the Decision of the Constitutional Court of the Russian Federation No. 5-P¹⁰⁶ dated May 15, 2006).

The founder of the institution to render educational services has the right to fix the charge collected from the parents (legal representatives) (hereinafter referred to as parent’s pay), and its size.

The said letter also explains that the subjects of the Russian Federation and local authorities in accordance with applicable laws may introduce additional support measures both for families with children and for institutions engaged in educational activities on the basis of educational programs of a preschool education (Art. 26.3.1 of the Federal Law No. 184-FZ dated October 6, 1999 “On general principles of organization of legislative (representative) and executive bodies of state power of subjects of the Russian Federation”, Article 20 of the Federal Law No. 131-FZ dated October 6, 2003 “On general principles of local self-government organization in the Russian Federation” and Article 31.1 of the Federal Law No. 7-FZ dated January, 12 1996 “On Noncommercial Organizations”).

¹⁰⁵ Letter of the Russian Ministry of 24.04.2013 No DL-101/08 "On fees collected from parents (legal representatives) for the supervision and care of children // “Journal of education”, No. 14, July, 2013.

¹⁰⁶ The decision of the constitutional Court of the Russian Federation as of 15.05.2006 No. 5-P "On the case about the verification of constitutionality of the provisions of article 153 of the Federal law of August 22, 2004, No. 122-FL "On amendments to legislative acts of the Russian Federation and invalidation of certain legislative acts of the Russian Federation in connection with adoption of the Federal law "On amendments and addenda to Federal law “About General principles of organization of legislative (representative) and Executive bodies of state power of subjects of the Russian Federation" and "On General principles of organization local government in the Russian Federation" in connection with the complaint of the mayor of Tver and the Tver city Duma" // “Legislation Bulletin of the Russian Federation”, 29.05.2006, No. 22, article 2375.

Thus, in accordance with Article 26 of the Law of the city of Moscow “On measures of social support for families with many children in Moscow” for certain categories of families (student families, military personnel families, foster parents, and others.) Moscow Government may grant benefits to pay the costs for children maintenance in state preschool educational institutions, and for children under seven the right is given for free access to museums, exhibition halls, amusement parks and a zoo.

The order of the Ministry of education of the Russian Federation No. 1014 dated August 30, 2013¹⁰⁷ is approved the procedure of the organization and implementation of educational activities in main programs – educational preschool programs. According to par. 6 of the Procedure, the educational institution provides a preschool education, the maintenance and care of pupils since two months till the age of the termination of rendering educational services. In accordance with par. 15 parents (legal representatives) of a minor pupil who provide him/her with a preschool education in the form of a family education are eligible for methodological, psychological and pedagogical, diagnostic and consulting assistance free of charge, including in preschool educational institutions and educational institutions, if appropriate consulting centers have been created there. The provision of such forms of assistance is carried out by state authorities of the Russian Federation.

Par. 21 stipulates that upon receiving a preschool education, disabled pupils are provided with special textbooks and teaching materials, other educational literature, as well as sign language interpreters and deaf-blind interpreters services free of charge.

¹⁰⁷ The order of the Ministry of education and science of Russia as of 30.08.2013 No. 1014 "On approval of the order of organization and implementation of educational activities in the main educational programs educational programs of preschool education" (Registered in Ministry of justice of Russia 26.09.2013 N 30038) // "The Russian Newspaper", No. 238, 23.10.2013.

In some regions of the Russian Federation there are ethnic and cultural studies in schools focused on meeting the needs of children of various ethnic origin under alien ethnic environment.

There is more than 1 million migrants arriving annually in Moscow. Where 80% of the citizens of Ukraine, Kazakhstan, Uzbekistan, Moldova, Azerbaijan and Tajikistan.

The issues of adaptation and integration of migrants in Moscow education system have become the integral part of an educational process, have been included in the plans and the contents of the capital education. Many interesting legal and organizational approaches are tested, study guides are created. The network of specialized educational institutions is offering primary adaptation of migrants.

Orenburg region: native language as a subject is taught in 146 schools, the Tatar language is taught in more than 90 schools, the Kazakh language – in 55, the Bashkir language – in 47 schools, the Mordovian language – in 17 schools, the Chuvash language – in 6 schools.

In Tomsk there is the Center of the Russian language which activity is chosen taking into account the directions of the regional target program “The civil peace and inter-ethnic tolerance in Tomsk region” for 2012-2014 and the federal target program “Russian Language” for 2011-2015.¹⁰⁸

On the basis of Art. 8 and 9 of the Federal Law No. 273-FZ dated December 29, 2012 “On Education in the Russian Federation”¹⁰⁹, the Ministry of Education and Science of the Russian Federation has recommended to pass the package of regulations defining the procedure of the calculation of the amount of the required financial support not only to implement the basic comprehensive program of a preschool education, but also to create conditions to maintain and

¹⁰⁸ Report: Current status of education problem of migrated children in the Russian Federation // gmpmpk.ru/docs/fin-seminar_18-11-2013/obzor.docx

¹⁰⁹ The Federal law as of December 29, 2012 No.273-FL (as amended on July 21, 2014) "On education in the Russian Federation" // Official gazette of the Russian Federation, 31.12.2012, No. 53 (part 1), Art. 7598.

take care of children, as well as to fix the parent's pay compensation for certain categories of parents (legal representatives) (the Letter of the Ministry of Education and Science of the Russian Federation No. 8-1408 dated October 1, 2013 "On the direction of methodological recommendations to implement the powers of state bodies of the subjects of the Russian Federation"¹¹⁰).

Educational issues are also addressed in the targeted programs of certain region development. Thus, in accordance with par. 8 of the Federal Target Program "Development of the Kaliningrad region for the period up to 2020" (approved by the RF Government order No. 866 dated December 07, 2001¹¹¹), one of the objectives of the program is to create 3.120 additional daycare places in preschool institutions and 2.000 additional daycare places in educational institutions.

In accordance with par. 10 of the Conception of State Family Policy for the Period up to 2025, the task to develop social infrastructure of services rendering for families with children, including those allowing to combine employment and parenting includes but is not limited to the accessibility of a preschool education, covering the development of the system of alternative forms of a preschool education.¹¹²

The National Children's Strategy for 2012–2017 is functioning at the federal level.¹¹³

The start of implementation of the National Children's Strategy for 2012–2017¹¹⁴ helped to modernize the system of preschool educational institutions, to

¹¹⁰ Letter from the Ministry of education and science of the Russian Federation as of October 1, 2013 No. 08-1408 "On the direction of the methodical recommendations on implementation of powers of bodies of state power of subjects of the Russian Federation" // "Journal of education", No. 24, December, 2013.

¹¹¹ Regulation of the RF Government as of 07.12.2001 No. 866 (as amended on 07.06.2014) "On the Federal target program of development of the Kaliningrad region for the period till 2020" // "Legislation Bulletin of the Russian Federation", 24.12.2001, No. 52 (part 2), Art. 4974.

¹¹² <http://www.komitet2-6.km.duma.gov.ru/site.xp/050049124053056052.html>

¹¹³ The decree of the President of the Russian Federation as of June 1, 2012, No.761 (as amended on 24.06.2014) "About the National strategy for children 2012 - 2017" // Official gazette of the Russian Federation, 17.09.2012, No. 38, article 5067.

make it more flexible and adapted to the needs of families with young children, to improve the professional composition of teaching staff, where 98% have higher or vocational secondary education.

Now, however, a preschool education is not yet available for 26% of families with preschoolers, where 70% of children are under the age of 18 months up to five years¹¹⁵.

According to data from Russian Statistics Agency, 2717.6 thousand children needed enrollment to preschool institutions at the beginning of 2014. The coverage of children aged of 1-6 years by preschool educational institutions in 2012 was 62.1% of total number of children of a relevant age. 25.3% of the children were not covered by preschool institutions due to the lack of places, 10.1% because of a high pay¹¹⁶. The availability of a preschool education now depends on the region of a child's residence.

In 2009, in Russia there were about 45.6 thousand preschool educational institutions with the total number of 5.228 thousand pupils (for 100 daycare places in educational institutions there were 106 pupils)¹¹⁷.

In 2012, the number of preschool educational institutions reduced to 44.300 though the number of pupils increased up to 5982.900 persons (for 100 daycare places in educational institutions there were 105 pupils)¹¹⁸.

Consulting families.

According to the Federal Law No. 442-FZ dated December 28, 2013 (rev. of July 21, 2014) "On the basis of social services for citizens in the Russian

¹¹⁴ The decree of the President of the Russian Federation as of June 1, 2012, No.761 (as amended on 24.06.2014) "About the National strategy for children 2012 - 2017" // Official gazette of the Russian Federation, 17.09.2012, No. 38, article 5067.

¹¹⁵ <http://www.komitet2-6.km.duma.gov.ru/site.xp/050049124053056052.html>

¹¹⁶ http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/education/#

¹¹⁷ http://www.gks.ru/free_doc/new_site/population/obraz/d-obr1.doc

¹¹⁸ http://www.gks.ru/free_doc/new_site/population/obraz/d-obr1.doc

Federation”¹¹⁹ are provided for social services to improve the communicative potential of the recipients of social services who are handicapped, including children with disabilities. That kind of social services was not provided for by the RF National Standard GOST R 52495-2005. Instead, par. 2.2.9 and 2.2.10 of the mentioned document provides the definitions of the following notions¹²⁰:

Consultancy is the provision of a client with information, recommendations on specific actions required for him to overcome a difficult situation;

social case work is a systematic surveillance over clients for timely detection of the degree of their social maladjustment, which might aggravate a difficult situation, and if necessary, for provision of socio-legal or other assistance.

The GOST R 53061-2008 stipulates the quality control of services related to consulting children on social and legal issues (housing, family, labor law, children's rights) should be carried out by verification of the composition and the content of the consultations, if the assistance is rendered them in time and in full to prepare and to send the documentation to appropriate addressees (applications, certificates, claims, etc.) required for positive solutions of the matters concerned.

When controlling the quality of services of social and legal case work with children, the systematic nature of child’s surveillance is verified for timely detection and prevention of possible threats of violence or other illegal acts in regard to them, as well as the timely provision of actually necessary social and legal assistance¹²¹.

Payable social services in the state system of social services are rendered in the order established by the state authorities of the Russian Federation. The terms

¹¹⁹ The Federal law as of 28.12.2013 N 442-FL (as amended on July 21, 2014) "On the bases of social services for citizens in the Russian Federation" // Official gazette of the Russian Federation, 30.12.2013, No. 52 (part I), Art. 7007.

¹²⁰ GOST P 52495-2005. National Standard of the Russian Federation Social service for the population. Terms and definitions (appr. by Russian Technological Regulation Order as of 30.12.2005 No. 532-St) (as amended on 17.10.2013) // M, STANDARTINFORM, 2006.

¹²¹ Social service for the population. Control of the quality of social services to children. GOST R 53061-2008 (appr. by the Order of the pattern from 18.12.2008 No. 438-St) // M, STANDARTINFORM, 2009.

and the procedure of payment for social services rendered by social service centers of other forms of property are determined by them independently.

In accordance with the Federal Law No. 323-FZ dated November 21, 2011 “On the basis of health protection in the Russian Federation”¹²² due to medical necessity, every citizen has the right for consultancy on family planning, on psychological aspects of family and marital relationships free of charge.

In accordance with Article 15 of the RF Family Code the medical examination of espousing persons, as well as consulting on medical and genetic issues and family planning is conducted by medical organizations of the state health system and municipal health system at the domicile free of charge and only upon the consent of espousing persons.

Pursuant to Art. 15 of the RF Family Code was approved the professional standard of a specialist who works with a family (The order of the Ministry of Labour and Social Protection of the Russian Federation No. 683n dated November 18, 2013 “On approval of the professional standard “A specialist who works with a family”¹²³), which should be applied from January 01, 2015.

A specialist who works with a family provides support to families which are in an unfavorable situation (in this case different technologies are used); develops programs for the rehabilitation and reintegration of a child / a family in society; improves the social and psychological situation in the family and the responsibility of parents for parenting; consults families with children in difficult life situations.

Economical protection.

Measures of social support of needy families in the Russian Federation are

¹²² The Federal law as of November 21, 2011 No.323-FL (as amended on July 21, 2014) "On the fundamentals of health protection of citizens in the Russian Federation" // Official gazette of the Russian Federation, 28.11.2011, No. 48, article 6724.

¹²³ Order of the Ministry of labor and social protection of the Russian Federation as of 18 November 2013 No. 683 "On approval of professional standards Specialist working with families" // The Russian Newspaper, No. 6, 15.01.2014.

set by the Federal Law No. 81-FZ dated May 19, 1995 “On state benefits to citizens with children”¹²⁴. Measures of social support of needy families are carried out by the social security bodies within the state social policy in the Russian Federation.

The procedure and the conditions of assignment and payment of government benefits to citizens with children are approved by the order of the Ministry of Health and Social Development of the Russian Federation No. 1012n dated December 23, 2009¹²⁵.

According to the Federal Law No. 81-FZ dated May 19, 1995, currently are established the types of benefits for citizens with children as follows:

- Maternity benefit;
- Lump sum benefit to women who were registered in medical institutions in early terms of pregnancy;
- Lump sum benefit upon childbirth;
- Monthly benefit for childcare;
- Monthly maintenance allowance for a child;
- Lump sum at the time of transfer;
- Lump sum to a pregnant wife of a conscript;
- Monthly allowance for a child of a conscript.

In accordance with the Russian tax legislation, these benefits are not taxable (par. 1 Art. 217 of the Tax Code).

The state suggests to support families with children by providing them with the Maternity capital refers to a federal subsidy that is transferred to the Russian Federation Pension Fund budget (the Federal Law No. 256-FZ dated December

¹²⁴ The Federal law as of May 19, 1995, No. 81-FL (as amended on 02.07.2013, amended on 04.06.2014) "On state allowances to citizens having children" // Official gazette of the Russian Federation, 22.05.1995, No. 21, article 1929,.

¹²⁵ Order of the Ministry of health and social development of the Russian Federation as of the 23th of December 2009, No. 1012n (as amended on 21.10.2013) "On approval of the Procedure and conditions for granting and payment of state benefits to citizens with children" // The Russian Newspaper, No. 15, 27.01.2010.

29, 2006 “On additional measures of state support for families having children”¹²⁶).

The Maternal capital is the measure of state support of a family following the birth (or adoption) of a second child (or third or subsequent child) after January 1, 2007.

The Maternity capital was initially set at 250,000 rubles. Each year it was indexed to inflation. During the period from 2009 to 2012 the size of the Maternity capital increased from 312 162.5 rubles to 387 640.3 rubles. In 2014 it is 429 408.50 rubles.

Is established the principle of an intended expenditure of the capital: to improve the living conditions of the family, to acquire (to construct) housing, to provide a child with an education, to invest the cumulative part of the mother’s pension.

In addition to federal measures of social support for families with children at the regional level may be taken other measures of social support at the expense of the regional budget. In the subjects of the Russian Federation lump sum benefits are paid at a childbirth. Thus, in Moscow the following types of lump sum benefits are paid:

- **Lump sum benefit at a childbirth (or adoption)** in the amount of 5 500 rubles for a first child, 14 500 rubles for a second and subsequent child (Art. 6 par. 2 of the Law of Moscow No. 60 dated November 23, 2005 “On measures of social support for families with many children in Moscow”);
- **Lump sum benefit allowance for three or more children born during the same birth** in the amount of 50 000 rubles (Art. 6 par. 3 of the Law of Moscow No. 60 dated November 23, 2005 “On measures of social support for families with many children in Moscow”);

¹²⁶ The Federal law as of May 19, 1995, No. 81-FL (as amended on 02.07.2013, amended on 04.06.2014) "On state allowances to citizens having children" // Official gazette of the Russian Federation, 22.05.1995, No. 21, article 1929.

- **Lump sum benefit allowance for a child to a young family** in the amount of five subsistence levels set in Moscow for a first child; seven subsistence levels for a second child; ten subsistence levels for a third and subsequent child (Art. 23 of the Law of Moscow No. 39 dated September 30, 2009 “On Youth”). In 2012, a subsistence level per capita in Moscow was 9 265 rubles in the first quarter and 9 747 rubles in the fourth quarter. In the second quarter of 2014 a subsistence level in Moscow was 12 145 rubles.
- And others.

In a number of subjects of the Russian Federation (Irkutsk, Moscow, Nizhny Novgorod, Sverdlovsk region, Kamchatka Krai, etc.) the Maternity capital is also provided. Support measures differ by regions depending on a demographic situation and a subsistence level.

The Labor legislation provides for special arrangements for working parents (guardians, foster parents) by means of providing women with maternity leaves, child care leave until the child reaches three years, extra unpaid leaves whenever convenient to them, additional paid days off (Art. 255-257, 262, 263 of the RF Labour Code). For pregnant women night, overtime, work on weekends and public holidays and business trips are forbidden (Art. 96 , 99, 262 of the LC).

It is prohibited by the law to refuse to hire women on grounds related to pregnancy or presence of children (Art. 64 of the LC). It is not allowed to terminate an employment contract by the employer with pregnant women (unless liquidation of the organization or termination of activity by the individual entrepreneur acting as the employer) (Art. 261 of the LC). It is restricted the employment of women in heavy work and work in harmful and/ or hazardous working conditions, and in underground work (Art. 253 of the LC). It is permitted to send women with children under three, employees with disabled children, mothers and fathers raising children under five without spouse, to business trips, to assign to overtime, night work, work on weekends and public holidays only

with a written consent, if it is not prohibited by a medical report, (Art. 96, 99, 113 259 of the LC). As additional guarantees are set additional work breaks for breastfeeding women (Art. 258 of the LC), as well as is provided an opportunity to set a half-day (shift) or a working week for pregnant women and workers with children under the age of fourteen or a disabled child under the age of eighteen (Art. 93 of the LC).

According to Art. 261 par. 1 it is not allowed to terminate an employment contract by the employer with pregnant women, unless liquidation of the organization or termination of activity by the individual entrepreneur acting as the employer. In this regard, courts make decisions to invalidate dismissals of women by the employer for any reason, including for committing culpable actions, even in cases if the employer was not aware of the pregnancy.

For example, the Supreme Court of the Republic of Tatarstan, made a decision ¹²⁷under which issue was considered about reinstatement at work of the plaintiff, who was fired for absenteeism, being pregnant. The defendant relied on the fact that the plaintiff is lawfully dismissed for absenteeism from 13 to 15 June 2012, which was not disputed. Act was prepared on a basis of the plaintiff's failure to give explanations about the causes of absenteeism. At the time of dismissal the employer did not know about the pregnancy of the plaintiff, because she did not register her pregnancy in the hospital. However, because of the literal interpretation of the provisions of Art. 261 of LC RF, the question about prohibition on dismissal of pregnant women in dependence on the awareness of the employer shall not be considered in this context, and the fact that the plaintiff did not put the employer aware of her pregnancy, as well as employer's awareness about the state of pregnancy of dismissed worker of legal value can not affect the compliance of the safeguards provided by the law for pregnant women

¹²⁷ The definition of the Supreme Court of the Republic of Tatarstan as of the 20th of September 2012 in case No. 33-9387/2012. Item 2.2 in the table applications

at dismissal. The court granted the plaintiff's claims. Similar decisions handed down by the large number of other cases ¹²⁸.

It should be noted that in respect of a similar situation, but regarding temporary disability, the Plenum of the Supreme Court stated that "in cases of reinstatement at work it should be kept in mind that the implementation of the safeguards provided by the LC RF to employees in the event of termination of the employment contract with them, the general legal principle of non-abuse of rights must be complied, including by employees. In particular, concealment is unacceptable by worker of temporary disability at the time of his dismissal. When the court establishes the fact of the abuse of worker rights, it may refuse to satisfy his claim for reinstatement (thus changing, on worker's request, fired out during the period of temporary disability, the date of dismissal)as in that case the employer does not have to be responsible for adverse effects occurred as a result of fraud on the part of the employee"¹²⁹.

Thus, formed in Russia jurisprudence stands on an elevated position to protect the rights of pregnant women in the workplace.

Implemented measures by Russia to support families with children are focused mainly on the support of pregnancy and childbirth (60% of expenditure, provided in the federal budget of 2013 on family allowances for children) or on support families with children up to the age of 1.5 years (93% of federal budget expenditure on benefits for the care of children). It seems that in this regard, the state support of families remain inaccessible for many families with children over the age of 3 years.

¹²⁸ Definition of the Moscow regional court on 6 November 2012 in case No. 33-22100/2012; Determination of the Moscow city court on November 8, 2012 in case No. 11-26297 // SPS "ConsultantPlus"; the Decision Snezhinskiy city court of the Chelyabinsk region // http://snez.chel.sudrf.ru/modules.php?name=docum_sud&id=890; the Decision of the Moscow district court, Saint-Petersburg as of 19.05.2011, the Decision Gagarinskiy district court of Moscow as of 13.05.2013, the Definition of the St Petersburg city court as of 11.08.2009 // <http://lpa.EN>.

¹²⁹ Item 27 Decisions of the Supreme Court as of 17.03.2004 No. 2.

According to expert estimates, at present about 23% of children live in families experiencing difficulties with updating of clothing and footwear, and payment of utility services. The main factors of poverty are still low wage of workers, low dimensions of a number of social benefits and other welfare benefits, limited opportunities to combine employment and family responsibilities. The highest levels of risk and the depth of poverty are characteristic for large and single-parent families. Support measures implemented in the subjects of the Russian Federation, are directed mainly on those categories of families.

The assignment of authority related to social support for families with children, to the direction of subjects of the Russian Federation stipulates the regional differentiation of types of support measures and their sizes. Thus, the minimum amount of monthly benefits for children whose parents refuse to pay alimony, was 222.42 rubles in 2011 in the Kursk region , and in the Moscow region - 2500 rubles.

Legal protection.

The RF Family Code, taking into account the specificity of relations regulated by it elaborates on the constitutional principle of equality of citizens (Art. 19 of Family Code). Restricting the rights of citizens in the family can be provided either in the Family Code, or other federal laws.

With the help of legal norms the State establishes approved model of the participants' behavior of family relationships and sanctions that apply to such persons for violation of the relevant rules.

For example, according to Art. 73 of FC, court may taking into account interests of the child make the decision to remove the child from the parents (one of them) without deprivation of parental rights (i.e. to limit parental rights); par. 4 Art. 66 FC entitles educational, medical institutions and social protection institutions to deny the parent living apart from the child, to provide information about his child in the event of a threat to life and health of the child on the part of

the parent.

In 2011, the subject of the Constitutional Court of the Russian Federation became Art.261 of RF Labor Code in terms of ensuring equal guarantees for dismissal of persons with children ¹³⁰.

In particular, the employer can not dismiss mothers with children up to 3 years, on its own initiative, if we are not talking about the liquidation of the organization, a cessation of entrepreneurial activities or committing culpable acts by them. A similar prohibition is fixed for other persons as well who are raising young children without a mother.

The RF Constitutional Court drew attention to the question as to whether these provisions apply to fathers.

Thus, the RF Constitutional Court declared the provision of the fourth part of Article 261 of RF Labor Code to be not corresponded with the Constitution of the Russian Federation, in that part where It is excluded the possibility of using these guarantees father, who is the sole breadwinner in a large family with little children (incl. the child up to 3 years), where the mother is not engaged in labor relations and carries on upbringing.

As pointed out by the RF Constitutional Court, the provision of such guarantees can not be made dependent solely on who - mother or father - works (has an employment relationship), and who cares for children.

This differentiation does not take account of all relevant circumstances. It can lead to having nonobjective and unreasonable justification differences, and accordingly, to a violation of the principles of equality and justice.

At the resolution of this case, the Constitutional Court of the Russian Federation, also based on the International Covenant on Economic, Social and

¹³⁰ The decision of the constitutional Court of the Russian Federation as of the 15th of December 2011 No. 28-P "On the case about the verification of constitutionality of part four of article 261 of the Labor code of the Russian Federation in connection with the complaint of the citizen A. E. Ostava" // Official office of the Russian Federation, 26.12.2011, No. 52, article 7639.

Cultural Rights of 16 December 1966 (Article 10) and the European Social Charter of 3 May 1996 (Article 16).

Article 17. The right of children for social, legal and economic protection

In order to ensure effective implementation of the rights of children and young people to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in cooperation with public or private organizations, to take all appropriate and necessary measures to :

- 1. a) To ensure that children and young people, taking into account the rights and duties of their parents, obtained the necessary care, assistance, education and training, in particular by establishing and maintaining, in these purposes, sufficient and adequate institutions and services;**
 - b) to protect children and young persons against negligence, violence or exploitation;**
 - c) to provide protection and special aid from the state for children and young people, temporarily or permanently deprived of family support;**
- 2. Ensure children and young persons a free primary and secondary education, as well as to encourage regular attendance at schools.**

Note: These provisions apply to all persons under the age of 18, if the law of a specific country does not provide that the adult age is attained earlier. Such rules shall not affect the special provisions provided by Article 7 of the Charter, they also do not entail the obligation to establish compulsory education up to the specified age.

The legal status of of the child

1) The general legal framework, the nature, causes and extent of any reforms in their regard.

In accordance with part 2 of Art. 7 of the Constitution of the Russian Federation¹³¹ in the Russian Federation the state support of family, motherhood, fatherhood and childhood is ensured. According to Article 38 of the Russian Constitution motherhood and childhood are under state protection and care of children is equal responsibility of both parents. Fundamental human rights and freedoms enshrined in the Constitution, such as the right to life (Article 20, part 1), for the protection of the dignity of the person (Part 1 of Article 21), to liberty and security of person (Article 22, part 1) and others apply to juveniles in the same way as to adults.

Significant source of legal regulation of the protection of children in the Russian Federation is generally recognized principles and norms of international law, enshrined in international covenants, conventions, with the participation of the Russian Federation, and the international treaties of the Russian Federation (in particular the Universal Declaration of Human Rights of¹³² 1948, International Covenant on Civil and Political Rights¹³³ of 1966, International Covenant on Economic, Social and Cultural Rights¹³⁴ of 1966, UN Convention on the Rights of the Child¹³⁵ of 1989, etc.). The UN Convention on the Rights of the Child entered into force in the USSR and, accordingly, in Russia from 15 September 1990. In accordance with this international document Russia undertook numerous commitments to ensure the rights of the child, whom the Convention considers as an independent personality with the rights and ability in varying degrees to their

¹³¹ The Constitution of the Russian Federation (adopted by popular vote 12.12.1993) (including the amendments made by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation as of 30.12.2008 No.6-FL, as of 30.12.2008 No.7-FL, as of 05.02.2014 No. 2-FL, as of July 21, 2014 No. 11-FL) // Official gazette of the Russian Federation, 04.08.2014, No. 31, article 4398.

¹³² "The universal Declaration of human rights (adopted by the UN General Assembly 10.12.1948) / "The Russian Newspaper", No. 67, 05.04.1995.

¹³³ The international Covenant on civil and political rights (New York, the 16th of December 1966), ratified by the decree of the USSR Supreme Soviet on September 18, 1973, No. 4812-VIII // Bulletin of the Supreme Court of the Russian Federation, No. 12, 1994.

¹³⁴ The international Covenant on economic, social and cultural rights (New York, the 19th of December 1966) // Bulletin of the Supreme Court of the Russian Federation, No. 12, 1994.

¹³⁵ Convention on the Rights of the Child (New York, the 20th of November, 1989) // Compilation of international instruments USSR, issue XLVI, 1993.

independent implementation and protection. The same approach to the issue of children's rights contained in the RF Family Code.

Thus, the Family Code of the Russian Federation ¹³⁶ the separate chapter is devoted to the right of minors (chapter 11). In particular, the following rights of minors found the fastening in the code:

- the right to live and grow up in a family (part 2, Art. 54 FC RF);
- the right to communicate with parents and other relatives (Art. 55 FC RF);
- the right to protection (Art. 56 FC RF);
- the right to express own opinion (Art. 57 FC RF);
- right to a name and surname (Art. 58 FC RF).
- the right to receive maintenance from parents and other family members (Article 60 of FC RF par. 1);
- ownership of its income, property received as a gift or by inheritance, and any other property acquired by the means of the child (Article 60 of FC RF par. 3).

One of the most important right of the child is his right to live and grow up in a family. Here we have in mind the own family, which is formed by the parents. Legislation usually performs in this case, a protective function, refraining from interference in family life and protecting the family from adverse impacts from outside.

However, if the rights of a child are seriously violated in the family, there may be a radical legislative measures exposure, up to restriction or termination of parental rights. In this case, according to the rules of Art. 71 FC RF Court solves a question on separate living from parents (or one of them).

Also, Russia has a number of laws and regulations aimed at regulating the legal status of the child and protection of children's rights:

- Federal Law of 24.07.1998 "On Basic Guarantees of the Rights of the Child in the Russian Federation» №124-FL;

¹³⁶ Domestic Relations Code of the Russian Federation dated 29.12.1995 No. 223-FL (amended at 05.05.2014) // Official gazette of the Russian Federation, 01.01.1996, No.1, article 16.

- Federal Law of 24.04.2008 "On the Guardianship and Trusteeship» №48-FL;
- Federal Law of 29.12.2012 "On Education in the Russian Federation» №273-FL;
- Presidential Decree of 26.03.2008 "On creation of a fund to support children in difficult situations» №404;
- RF Government Resolution of 02.14.2013 "On measures to improve the organization of care to orphans and children left without parental care» №116;
- Order of the Ministry of Health of Russia from 04.11.2013 "On approval of the health survey of orphans and children left without parental care, including adopted children or taken under the care (guardianship) in a foster family" №216n;
- etc.

In accordance with Article 7 of the Constitution of the Russian Federation ¹³⁷ Russia is proclaimed as a social state whose policy is aimed at creating the conditions for a dignified life and free development of the individual, which provide state support for the family, motherhood, fatherhood and childhood. This rule is the basis of the Russian system of guarantees of the rights of the child.

Russian Constitutional Court in its judgment of 18.07.2013 №19-П¹³⁸ emphasizes that ensuring a safe and secure childhood as constitutionally recognized obligation of States under Article 7 of Part 2 and Part 1 of Article 38 of the Russian Constitution, requires the development and implementation of

¹³⁷ The Constitution of the Russian Federation (adopted by popular vote 12.12.1993) (including the amendments made by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation as of 30.12.2008 No.6-FL, as of 30.12.2008 No.7-FL, as of 05.02.2014 No. 2-FL, as of July 21, 2014 No. 11-FL) // Official gazette of the Russian Federation, 04.08.2014, No. 31, article 4398.

¹³⁸ The decision of the constitutional Court of the Russian Federation as of 18.07.2013 No. 19-П "On the case about the verification of constitutionality of paragraph 13 of part one of article 83, paragraph of the third part of the second article 331 and article 351.1 Labor code of the Russian Federation in connection with complaints of citizens C. K. Barabash A.N. Bekasova and others and request the Murmansk regional Duma" // "Legislation Bulletin of the Russian Federation", 29.07.2013, No. 30 (part II), Art. 4189.

effective legal policy in this area aimed at preventing discrimination against minors, strengthening the guarantees of their rights and interests, as well as the restoration of these rights in cases of infringement, forming the legal framework of rights safeguards of the child, protecting children from the factors that negatively affect their physical, intellectual, mental, spiritual and moral development.

In the preamble of the Federal Law "On Basic Guarantees of the Rights of the Child in the Russian Federation» №124-FL ¹³⁹ is indicated that the state recognizes childhood as important stage of human life and is based on the principles of priority of preparing children for a full life in society, the development of their public significance and creative activity, upbringing in them high moral qualities, patriotism and citizenship.

On the basis of these principles, in Article 4 of the Law the public policy goals are enshrined for children:

- 1) The implementation of children's rights under the Constitution of the Russian Federation, prevention of discrimination, and strengthening the fundamental guarantees of the rights and legitimate interests of children, as well as the restoration of their rights in cases of violations;
- 2) formation of the legal framework of rights safeguards of the child;
- 3) promotion of the physical, intellectual, mental, spiritual and moral development of children, educating in them patriotism and citizenship, as well as the realization of the child's personality in the public interest and in accordance with traditions of the peoples of the Russian Federation, the achievements of Russian and world culture which not contradict the RF Constitution and federal law;

¹³⁹ The Federal law as of 24.07.1998 No. 124-FL "On basic guarantees of the rights of the child in the Russian Federation" // "Legislation Bulletin of the Russian Federation", 03.08.1998, No. 31, article 3802.

4) the protection of children from the factors that negatively affect their physical, intellectual, mental, spiritual and moral development.

According to paragraph 2 of Article 4 of the Federal Law №124-FL Child Policy is a priority and is based on the following principles:

- legislative support of the rights of the child;
- family support in order to provide education, recreation and health of children, the protection of their rights, preparation them for a fulfilling life in society;
- responsibility of officials, citizens for violation of the rights and legitimate interests of the child, causing him harm;
- support of public associations and other organizations working to protect the rights and legitimate interests of the child.

In accordance with par. 1 of Article 7 of the UN Convention on the Rights of the Child ¹⁴⁰ child has the right to care from their parents. According to Article 47 of FC RF parents of the child are his mother and father recorded as parents to act record of his birth. A specified norm provides the child's right on education by his parents, ensuring his interests, comprehensive development, respect his human dignity.

The right of minor children to live and grow up in a family, is inextricably linked enshrined in Part 1 of Article 55 of FC RF children's right to communicate with both parents, grandparents, siblings and other relatives (from both father and mother's side), which creates the necessary prerequisites for the full care and education of children. Thus the parents divorce, its nullification or estrangement of parents do not affect the rights of the child.

Rights and responsibilities of parents and children are based on the origin of the children, certified in accordance with the law.

In accordance with Article 48 of FC RF origin of the child from the mother (motherhood) is established on the basis of documents confirming the birth of the

¹⁴⁰ Convention on the Rights of the Child (New York, the 20th of November, 1989) // Compilation of international instruments USSR, issue XLVI, 1993.

child by mother in medical organizations, and if the baby is born out of a medical organization- on the basis of medical documents, testimony or other evidence. If the child was born from persons who are married, and for three hundred days after the divorce, its annulment or death of a spouse of the child's mother, the child's father is recognized the spouse (former spouse) of the mother, unless proven otherwise (Article 52 of this Code). Husband's fatherhood of the child's mother is certified by the record of their marriage.

Fatherhood of a person who not married to the mother of the child is established by submitting the joint statement by the child's father and mother to the authority of Vital Records; in the case of death of the mother, recognizing her incapacitated, failure to identify the location of the mother or in the case of deprivation of her parental rights - at the child's father request with the consent of the guardianship authority, in the absence of such consent - by the court.

Establishing paternity in respect of a person who has attained the age of eighteen years (age), is permitted only with his consent.

If the child was born and parents of such are not married, and in the absence of a joint statement by the parents or the child's father's statement, the origin of the child from a particular person (fatherhood) is established by the courts at the request of a parent, tutor (guardian) of the child or a person, who cares about a child, and also at the request of the child when he reaches age of majority.

In Article 13 of the FC RF It is established a unified age of marriage without any distinction based on gender. As a general rule, the age of marriage is established at eighteen. If there are valid reasons the local authorities according the place of residence of the persons wishing to marry, may, at the request of such persons resolve to marry persons who have reached the age of sixteen.

However, the Russian Federation provided subjects of the Federation with its laws to establish the procedures and conditions under which the marriage as an exception, taking into account the special circumstances may be allowed up to the age of sixteen.

2) Measures to be taken for the application of the legal framework (administrative establishments, programs, action plans, projects, etc.).

In order to create public policies to improve the situation of children in the Russian Federation on the basis of the provisions of the Convention on the Rights of the Child by presidential decree of June 01, 2012 №761 ¹⁴¹National Strategy of Action on Children was approved for 2012 - 2017. Currently, the National Strategy is the main policy document in the field of the rights of children and young persons to social, legal and economic protection.

Among the key principles of the National Strategy It is declared the implementation of the fundamental right of each child to grow up in a family and protection of the rights of every child.

The strategy focuses the Russian Federation on the creation of conditions to ensure the observance of the rights and legitimate interests of the child in the family, the timely detection of violations and the organization of preventive care for the family and the child, provision of targeted support for families with children who are in difficult situations, and if necessary - taking measures to help children, left without parental care, by placing them in a family of citizens. In accordance with the plan of the National Strategy of the Russian Federation should be formed system providing responsiveness to the violation of the rights of every child without discrimination of any kind, including diagnosis of the situation, planning and adoption of necessary package of measures to ensure compliance with children's rights and restoration of violated rights; legal education; provision of rehabilitation care for every child who is a victim of abuse or criminal attacks.

One of the objectives of the National Strategy is the development based on the principles and norms of international law, legal framework in regulation of

¹⁴¹ The decree of the President of the Russian Federation as of June 1, 2012, No.761 (as amended on 24.06.2014) "About the National strategy for children 2012 - 2017" // Official gazette of the Russian Federation, 17.09.2012, No. 38, article 5067.

the participation of children in decisions affecting their interests in all spheres of life.

To solve this problem the National Strategy has planned a range of priority measures, including:

- ratification of the European Convention on the Exercise of Children's Rights;
- development and implementation of advanced educational programs to ensure that children receive the knowledge in the field of human rights and the rights of the child, with the inclusion in them of a special section on the practical application of acquired knowledge;
- inclusion in the curriculum training and retraining programs of professionals working with children, special section explaining the rights of children to participate in decisions that affect them, and the principles of its implementation;
- teaching children to ensure the confidentiality and protection of personal data in the network "Internet";
- development of the Institute authorized on Child Rights in cities, municipalities, educational institutions;
- establishment of a system of continuous monitoring and evaluation of the participation of children in decisions affecting their interests, including the systematic collection of qualitative and quantitative level data of such child participation of all age and social groups, as well as process resources provision of child participation in decision-making procedure.

3) The corresponding figures, statistics or other relevant information on the application of Article 17.

According to Russian Statistics Agency ¹⁴² during the period from 2010 to 2013 It is observed a steady reduction of the share of marriages concluded under the age of 18 years, both in age of the groom and bride. Thus juveniles women on

¹⁴² http://www.gks.ru/free_doc/new_site/population/demo/demo33.xls

average marry 10 times more than underage males. Thus, in 2010 the proportion of juvenile males, who married (from the total number of marriages) was about 0.09%, and a similar proportion of women - more than 0.96%. In 2013, the figure for men was 0.075%, and for women - 0.79%.

Right to education

1) The general legal framework, the nature, causes and extent of any reforms in their regard.

The right to education is a fundamental human right.

In accordance with Article 43 of the Russian Constitution ¹⁴³ Everyone has the right to education. Russia has guaranteed accessibility and gratuity of preschool, basic and secondary vocational education in state and municipal educational institutions and enterprises. Everyone has the right on a competitive basis, to receive higher education in the state or municipal educational institution or enterprise.

Basic general education is compulsory. Parents or guardians ensure that their children receive basic general education.

Basic education includes primary, basic and secondary (complete). In accordance with par. 5 of Article 66 of the Federal Law "On Education in the Russian Federation» №273-FL ¹⁴⁴ primary general education, basic general education, general secondary education are compulsory levels of education. Students who have not mastered the basic educational program of primary general and (or) basic education, are not permitted to training at the following levels of general education. Requirement of compulsory secondary education for

¹⁴³ The Constitution of the Russian Federation (adopted by popular vote 12.12.1993) (including the amendments made by the Laws of the Russian Federation on amendments to the Constitution of the Russian Federation as of 30.12.2008 No.6-FL, as of 30.12.2008 No.7-FL, as of 05.02.2014 No. 2-FL, as of July 21, 2014 No. 11-FL) // Official gazette of the Russian Federation, 04.08.2014, No. 31, article 4398.

¹⁴⁴ The Federal law as of December 29, 2012 No.273-FL (as amended on July 21, 2014) "On education in the Russian Federation" // Official gazette of the Russian Federation, 31.12.2012, No. 53 (part 1), Art. 7598.

a particular learner remains in force up to the age of eighteen unless appropriate education was received by learner before.

Currently, the duration of secondary school is 11 years:

1 - 4 class - primary education

5 - 9 class - basic,

10 - 11 class - secondary (complete) general education.

Children go to school in 6 - 7 years old.

Along with this, according to Art. 63 of the LC RF as a general rule, a person may enter into an employment relationship from 16 years, for light work - from 15 years, and with the consent of a parent (guardian) and the guardianship authority, the employment contract may be concluded with the person receiving general education and attained the age of 14 years.

Article 3 of the Federal Law "On Education in the Russian Federation» №273-FL enshrines the principles of the state policy in the field of education, among which are of primary significance:

- recognition of the priority of education;
- ensure the right of everyone to education, non-discrimination in education;
- humanization of education, the priority of human life and health, rights and freedoms, the free development of personality, upbringing of mutual respect, ambitiousness, citizenship, patriotism, responsibility, legal culture, respect for nature and the environment, rational use of natural resources;
- unity of educational space on the territory of the Russian Federation, the protection and development of ethnic and cultural characteristics and traditions of the peoples of the Russian Federation in conditions of a multinational state;
- secular education in state and municipal organizations engaged in educational activities.

2) Measures to be taken for the application of the legal framework (administrative establishments, programs, action plans, projects, etc.).

Section III of the National Strategy defines the main tasks of the state in the field of education:

- ensuring access to quality preschool education, to widening the variety of its forms;
- realization of the rights of children of different categories to receive free and qualitative general education on the basis of modernization of general education, in full compliance with the requirements of the federal state educational standards;
- protect the educational rights of children belonging to national and ethnic groups living in the extreme conditions of the Far North and similar areas;
- establishment of a national system for assessing the quality of education, ensuring the unity of the requirements for training of graduates, objective assessment of the achievements of students and the quality of educational work of educational institutions, succession between the different levels of general education, the possibility of using the results of quality assessment for taking necessary administrative decisions;
- providing conditions for the identification and development of gifted children and children with a hidden talent regardless of the field of giftedness, place of residence and socio-economic status of their families;
- formation of a new social and state system of education of children, ensuring their socialization, the high level of citizenship, patriotism, tolerance, law-abiding behavior;
- development of additional educational services on a free basis, the infrastructure of creative development and education of children;
- state support for the development of children's libraries, literature, film and television for children;
- organization of prevention of inter-ethnic, inter-religious and socio-property tensions in the educational environment in accordance with the modern challenges.

According to par. 3 of Section III of the National Strategy among measures aimed at ensuring the availability and quality of education, ensuring the implementation of safeguards of access to quality education for orphans and children left without parental care and support at all levels of education.

An important measure aimed at reducing ethnic tension, is to create conditions for the development of various regional variants of the multicultural model of preschool and general education that ensures the formation of Russia's civil identity.

3) The corresponding figures, statistics or other relevant information on the application of Article 17.

In the period from 2008 to 2012 coverage of children by general education in the Russian Federation is gradually increased, and in 2012 reached 100%. This is evidenced by the information posted on the official website of the the Russian Statistics Agency ¹⁴⁵.

	2008	2009	2010	2011	2012
Coverage of children by general education (the ratio of the number of students from 1-11 (12) classes of educational institutions and learners (students), mastering the program of secondary (complete) general education in the educational institutions of primary and secondary education, to the number of children aged 7-17 years) , percent	95,3	97,1	98,5	99,6	100,3

Children who are in public care

1) The general legal framework, the nature, causes and extent of any reforms in their regard.

¹⁴⁵ http://www.gks.ru/free_doc/new_site/population/family/2-13.xlsx

In accordance with Article 121 of the Family Code of the Russian Federation¹⁴⁶ protection of rights and interests of children in cases of death of parents, deprivation of their parental rights, restriction of parental rights, acknowledgment of parents' incapability, illness of parents, the long absence of the parents, the parents' avoidance from growing-up of children or protection their rights and interests, including the refusal of parents to take their children out of the educational institutions, medical institutions, organizations, social service organizations, or similar organizations in creating conditions by actions or omissions of the parents which threat the life or health of children or impeded their normal upbringing and development, as well as in other cases of lacking of parental care are assigned to the guardianship authorities.

Guardianship authorities identify children without parental care, keep records of such children, protect their rights and interests before the question of their organization, and proceeding from the particular circumstances of the loss of parental care, choose the form for organization of children left without parental care, as well as carry out subsequent control of their living conditions, education and training.

Activities of other organs besides guardianship authorities, legal and physical persons in identifying and organization of children left without parental care, are expressly prohibited under the legislation of the Russian Federation.

According to article 122 of the RF FC officials of organizations (preschool educational institutions, educational organizations, health organizations and other organizations) and other citizens who have information about children without parental care, are obliged to inform the guardianship authorities according the actual location children.

Guardianship authority within three days of receipt of such information shall conduct a survey of the living conditions of the child and in determining the fact of lacking care of his parents or his relatives to protect the rights and interests of

¹⁴⁶ Domestic Relations Code of the Russian Federation dated 29.12.1995 No. 223-FL (amended at 05.05.2014) // Official gazette of the Russian Federation, 01.01.1996, No.1, article 16.

the child before solution of issue about his organization. Within a month from the date of receipt of such information, the guardianship authority is obliged to provide organization of child without parental care.

In Article 69 of the Family Code It is fixed a closed list of grounds for deprivation of parental rights as for a child. Thus parents may be deprived of parental rights if they:

- dodge obligations of parents, including the willful refusal to pay alimony;
- refuse without valid reasons to take their child from the maternity hospital (unit) or from other medical organizations, educational institution, institution of social protection or similar organizations;
- abuse their parental rights;
- abuse children, including physical or mental violence against them, infringe their sexual integrity;
- are chronic alcoholics or drug addicts;
- committed an intentional crime against the life or health of their children, or against the life or health of the spouse.

Parents, deprived of parental rights, lose all rights based on kinship with the child in respect of which they were deprived of parental rights, including the right to receive maintenance from him, and the right to benefits and state benefits established for citizens who have children.

However, termination of parental rights does not relieve parents from the obligation to maintain the child. Child in respect of whom the parents (one of them) are deprived of parental rights, retains ownership of the dwelling or the right to use the living room as well as retains the property rights based on kinship with parents and other relatives, including the right to inheritance .

Deprivation of parental rights in court. Cases of deprivation of parental rights are trialed at the request of one of the parents or persons in loco parentis, the prosecutor, as well as bodies or organizations with responsibilities for the

protection of minors (guardianship authorities, commissions on juvenile affairs, institutions for orphans and children left without parental care, and others).

According to para.5 of Article 71 of RF FC when it is impossible to transfer the child to the other parent, or in the case of termination of parental rights of both parents the child is transferred to the care of guardianship authority.

Adoption of a child in case of deprivation of parents (one of them) of their parental rights may be no earlier than the expiration of six-month-period from the date of the court decision on deprivation of parents (one of them) of their parental rights. Thus, the legislation provides an opportunity for parents to restore parental rights as for a child if they changed their behavior, lifestyle and (or) attitude to child's growing up.

In accordance with Article 72 of FC RF restoration of parental rights is carried out judicially at the request of a parent deprived of parental rights. Cases involving the restoration of parental rights are considered with the participation of the guardianship authority and the public prosecutor. Simultaneously with the application of the parents (one of them) on the restoration of parental rights, a requirement for the return of the child to parents (to one of them) may be considered.

In this case the court may, taking into account the views of the child to deny the claim of the parents (one of them) on the restoration of parental rights if the restoration of parental rights is contrary to the interests of the child. Restoration of parental rights in respect of a child aged ten years, is possible only with his consent.

If the child has been legally adopted, and the adoption is not canceled, the restoration of the parental rights of the biological parents in respect of that child is not allowed.

Family Code also regulates the less rigid form of influence on parents whose actions violate the rights and interests of the child. Thus, in accordance with Article 73 of FC RF, court has the right to limit parental rights occurring in the form of taking a child from one of them without the deprivation of rights. Par. 2

of Article 73 of FC RF contains the following grounds for the restriction of rights:

1) if leaving a child with the parents (one of them) is dangerous for the child under circumstances not depending (a mental disorder or other chronic disease, exceptional circumstances, and others) from parents (one of them);

2) if leaving a child with the parents (one of them) because of their behavior is dangerous for the child, but It does not have sufficient grounds for depriving parents (one of them) of their parental rights.

Limitation of rights may precede the deprivation, if the parents do not change their behavior. If there is a direct threat for the life or health of the child, the guardianship authority may immediately remove the child from the parents.

In accordance with par. 1 of Article 77 of FC RF, immediate removal of the child is carried by the guardianship and trusteeship on the basis of the relevant act of the executive authorities of the Russian Federation.

According to Article 123 of FC RF children left without parental care shall be transferred in foster care (adoption), under the guardianship or trusteeship, in a foster home or in the cases stipulated by the laws of the Russian Federation, in the foster family), and when failing that, temporarily, for the period prior to their transference to a family, are passed to the organization for orphans and children left without parental care.

The child's ethnic origin, belonging to a particular religion and culture, native language, the ability to ensure continuity in upbringing and education shall be considered upon child's settlement.

Until organization of children left without parental care, to foster family or to a relevant organization, the duties of a guardian (trustee) of children are temporarily assigned to the guardianship authorities.

Currently, the Russian Federation has a RF Government Resolution from 07.07.2011 №558 «On approval requirements for the conditions of stay of

children in institutions for orphans and children left without parental care" ¹⁴⁷, which approved the Requirements to conditions for children, without parental care, in the specialized agencies. In particular, according to par. 4 of Requirements in the buildings and structures of these institutions should be provided separate functional areas:

- a) for the accommodation of children;
- b) for the storage, preparation and food intake;
- c) for general educational purposes;
- d) for sports;
- e) for medical care;
- f) to carry out rehabilitation activities;
- g) for administrative and economic purposes;
- h) bathroom

In accordance with par. 3 of the Requirements favorable conditions providing for intellectual, emotional, spiritual, moral and physical development of children are created in establishments.

The Decree of the Government of the Russian Federation "On the Activities of Establishments for Orphans and Children Deprived of Parental Care and on the Organization of Children Deprived of Parental Care in such Establishments" was adopted on May 24, 2014¹⁴⁸. The Decree will come into force on September 1, 2015. In accordance with par. 35 of the Decree the number of children in a group should not exceed 8 people, and under the age of 4 - 6 people.

¹⁴⁷ Regulation of the RF Government as of 07.07.2011 No. 558 "On approval of the requirements for the placement of children in institutions for children-orphans and children left without parental care" // "Legislation Bulletin of the Russian Federation", 18.07.2011, No. 29, Art. 4483.

¹⁴⁸ RF Government Regulation as of 24.05.2014 No.481 "On activity of organization for orphaned children and children left without charge of parents and about organization of children left without charge of parents" (together with "State about activity of organization for orphaned children and children left without charge of parents and about organization of children left without charge of parents") // "Legislation Bulletin of the Russian Federation", 02.06.2014, No.22, article 2887.

2) Measures taken for the application of the legal framework (administrative arrangements, programs, action plans, projects, etc.).

The National Strategy also plans measures aimed at preventing the removal of children from families, social orphanhood.

It plans establishment of a system based on inter-department level of early detection of social disadvantage of families with children and complex work with such families in order to prevent family breakdown and deprivation of parental rights (with the participation of social protection, education and health agencies, employment services, commissions for minors and protection of their rights , guardianship authorities) ensuring proper coordination of all services in the field of rehabilitation of the family.

One of the planned measures for the period up to 2017 is to ensure unhindered access of families with children to the required social services, including through the development of services of social support for families at risk, divisional social services, mobile teams, crisis centers for children victims of abuse, and crisis centers for mothers and children in order to carry out work on prevention of child abandonment.

In the course of implementation of the National Strategy it is planned to introduce everywhere effective technology on rehabilitation of socially disadvantaged families with children, as well as system of prevention of child abandonment at birth and (or) placement into hospital facilities, especially in the case of detection of child's developmental disorders and mother's minority.

The ban on removal of children from families without conducting social and rehabilitation work, including the possibility of replacing the deprivation of parental rights by the restriction of parental rights with the organization during this period of rehabilitation work with families, planned under the National Strategy, is also consistent with the international law.

Corresponding figures, statistics or other relevant information on the application of Article 17.

In the period from 2009 to 2012, in the Russian Federation the number of children deprived of parental care was progressively decreasing¹⁴⁹.

In 2009 parents of 72012 children, in 2010 – 64584 children, in 2011 – 58791 children, and in 2012 – 52206 children, were deprived of parental rights¹⁵⁰.

	2009	2010	2011	2012
Rate of increase (decrease) in the number of children deprived of parental care, as of the end of the reporting year (percentage of the previous year)	104,5	95,5	98,2	98,4

The opposite trend holds in practice of restriction of parents of parental rights: in 2010 parents of 7857 children, in 2011 – 8451 children, in 2012 – 8827 children, were restricted of parental rights¹⁵¹.

Over the last 5 years in the Russian Federation in the number of children deprived of parental care the proportion of children placed in family-type settings is growing. In 2008, 71% of the total number of children deprived of parental care were placed in families, in 2009 - 77%, in 2010 - 78.9%, in 2011 - 79.9%, and in 2012 this figure exceeded 80%¹⁵².

Protection of children from violence, cruelty and abuse

1) General legal framework, nature, reasons and extent of any reforms in their regard.

International law stipulates the need to protect the rights of the child from various threats and attacks. In particular, according to the Convention on the

¹⁴⁹ http://www.gks.ru/free_doc/new_site/population/family/1-9.xls

¹⁵⁰ http://www.gks.ru/free_doc/new_site/population/family/1-14.xls

¹⁵¹ http://www.gks.ru/free_doc/new_site/population/family/1-16.xls

¹⁵² http://www.gks.ru/free_doc/new_site/population/family/1-10.xls

Rights of the Child¹⁵³, States Parties undertake to take measures to protect children:

- from arbitrary or unlawful interference with his/her privacy, family life, inviolability of the home, confidentiality of correspondence, or unlawful attacks on his honor and reputation (Article 16);
- from all forms of physical or mental violence, indignity or abuse, neglect or negligent treatment, maltreatment or exploitation (Article 19);
- from economic exploitation and the performance of any work that is likely to be hazardous or to interfere with the child's education, or to harm the child's health or physical, mental, spiritual, moral or social development (Article 32);
- from the illicit use of narcotic drugs and psychotropic substances (Article 33);
- from all forms of sexual exploitation and sexual abuse (Article 34);
- from all other forms of exploitation prejudicial to any aspects of the child's welfare (Article 36);
- from inhuman or degrading treatment or punishment (Article 37).

Protection measures may include both the development of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification of instances of child abuse, and the legislative, administrative and other measures.

Par. 1 of Article 65 of the Family Code of the Russian Federation¹⁵⁴ sets limits of the exercise of parental rights: parents do not have the right to harm the physical and mental health and the moral development of children. Upbringing methods must preclude neglectful, cruel or degrading treatment, abuse and exploitation of children.

¹⁵³ Convention on the Rights of the Child (New York, the 20th of November, 1989) // Compilation of international instruments USSR, issue XLVI, 1993.

¹⁵⁴ Domestic Relations Code of the Russian Federation as of 29.12.1995 No. 223-FL (amended at 05.05.2014) // Official gazette of the Russian Federation, 01.01.1996, No.1, article 16.

According to Article 56 of the Family Code of the Russian Federation, in the event of violation of the rights and legitimate interests of the child, including ill-treatment, the child has the right to seek protection in the guardianship authority.

Children, suffering from abuse by their parents, often, instead of seeking protection of their rights, try to conceal such abuse for fear of their parents or for fear that they will be taken away from their parents and placed in a children's institution. In this regard, part 3 of Article 56 of the Family Code of the Russian Federation establishes that all officials or citizens who have become aware of a violation of the rights of the child, threat to his/her life or health, must immediately notify the guardianship authorities.

Part 2 of Article 56 of the Family Code of the Russian Federation implies that a minor, who has attained the age of 14, may challenge before a court of law the actions and decisions that violate his rights under the Law of the Russian Federation No. 4866-1 of April 27, 1993 “On Appeals against Actions and Decisions Violating the Rights and Freedoms of Citizens” and applicable procedural legislation.

Current criminal and administrative law of the Russian Federation provides for special responsibility for the commission of crimes or offenses against minors, their rights and legitimate interests. In particular, the Code of Administrative Offenses of the Russian Federation¹⁵⁵ stipulates the following special provisions:

- involvement a minor in the use of alcohol and alcohol-containing products or intoxicating substances – Article 6.10
- violation of the law of the Russian Federation on protection of children from information harmful to their health and (or) development – Article 6.17

¹⁵⁵ “Russian Federation Administrative Offense Code” as of 30.12.2001 No.195-FL (amended at 21.07.2014) (amended and augmented at 06.08.2014) // “Official gazette of the Russian Federation”, 07.01.2002, No.1 (part 1), article 1.

- creations by legal bodies of conditions for trafficking and (or) exploitation of children – Article 6.19
- production by legal bodies of materials or articles with pornographic images of minors and trafficking of such materials or articles – Article 6.20
- and others.

The Criminal Code of the Russian Federation¹⁵⁶ stipulates that crimes against children as a general rule are qualified as the offense for acts such as murder (Article 105 of the Criminal Code), intentional infliction of harm (Articles 111, 113), torture (Article 117 of the Criminal Code) and others. The Criminal Code of the Russian federation also includes an entire chapter on offenses against the family and minors (Ch. 20). This chapter establishes liability for such offenses as:

- Inducing minors to commit criminal offenses – Article 150
- Retail of alcoholic beverages to persons under 18 years old – Article 151.1
- Failure to fulfill child-rearing obligations – Article 156
- And others.

2) Measures taken for the application of the legal framework (administrative arrangements, programs, action plans, projects, etc.).

On March 10, 2009, the Ministry of Education and Science of the Russian Federation published letter No. 06-224 “On the Organization in the Constituent Entities of the Russian Federation of Work to Prevent Child Abuse”¹⁵⁷,

¹⁵⁶ “The Criminal Law of the Russian Federation” as of 13.06.1996 No.63-FL (amended at 21.07.2014) (amended and augmented at 04.08.2014) // “Official gazette of the Russian Federation”, 17.06.1996, No.25, article 2954.

¹⁵⁷ Letter from Ministry of Education and Science of the Russian Federation as of 10.03.2009 No.06-224 “On organization in members of the Russian Federation of work on preventive measures of inhuman treatment to children” (together with “Recommendations about organization in members of the Russian Federation of work on preventive measures of inhuman treatment to children”) // “Journal of education” No.12, June, 2009.

containing Recommendations on the organization in the constituent entities of the Russian Federation of work to prevent child abuse.

The Recommendations state that the guardianship authorities of the Russian Federation carry out preventive activities to prevent violations of the rights and legitimate interests of children, but at the same time indicates the need to create in the constituent entities of the Russian Federation of centers specializing in work with cases of child abuse. The Recommendations suggest as a model of practice the work of the Center for Psychological, Medical and Social Support “OZON” created by the Department of Education of the City of Moscow in 1996. As a result of years of work the model to help children victims of abuse, based on two key areas, was created in this center.

The first area is based on the fact that a significant proportion of cases of child abuse, about which citizens are turning to the center, is a crime. Therefore, an obligatory element of assistance to children and their families, is a legal support. Center specialists work closely with law enforcement agencies to assist them in investigating crimes against children.

The second area is based on the fact that child abuse, especially sexual abuse, is a severe psychic trauma for the child. To eliminate psychological consequences of ill-treatment it is necessary to provide the child with qualified psychological, and in some cases, psychiatric care.

The problem of protecting children from abuse partially reflected in the National Strategy of Action for Children (2012 – 2017). One of the main objectives of the National Strategy is to ensure for all children a safe and comfortable family environment, which provides conditions for observance of the rights of the child and which precludes any form of ill-treatment. As for a tool for solving this problem it was proposed to form effective mechanisms for early detection of abuse and violence against the child, social disadvantage of families with children and help them with the participation of education, health care, social services, including the consolidation of the order of interdepartmental cooperation in the protection of children's rights. Also as part of the National

Strategy it is planned to develop a comprehensive national program to prevent violence against children and rehabilitation of children victims of violence and to create non-profit partnership “Russian National Monitoring Center for Missing and Injured Children” in order to bring together government and civil society in the search of missing children, prevention and suppression of crimes of violent and sexual nature, including those committed with the use of information and telecommunication networks, as well as to improve the efficiency of prosecution authorities in the investigation of criminal assault against children.

3) Corresponding figures, statistics or other relevant information on the application of Article 17.

The number of reported crimes against minors (special provisions) committed for the year for the last 6 years (2008 - 2013) has increased from 54705 to 76094. However, rapid increase is observed only in the number of crimes classified as “willful evasion of the payment of maintenance for children” (the number of such crimes has increased from 35381 in 2008 to 68967 in 2013), while the number of other crimes against minors, including violence, is constantly decreasing¹⁵⁸.

The number of minors - victims in the period from 2009 to 2013 was also decreasing steadily. In 2009, 108,718 minors and in 2013, only 89053 minors were found to have been victims¹⁵⁹.

Minor offenders

1) General legal framework, nature, reasons and extent of any reforms in their regard.

Russian criminal, criminal procedure and penal law contains a special regulation governing minor criminal responsibility. The said regulation corresponds with international standards.

¹⁵⁸ http://www.gks.ru/free_doc/new_site/population/family/5-2.xls

¹⁵⁹ http://www.gks.ru/free_doc/new_site/population/family/5-3.xls

For the purposes of criminal prosecution in the Russian Federation minors are defined as adolescents who, at the time of commission of the given offense, were older than 14 and under 18.

As a general rule, in the Russian Federation persons who, at the time of commission of the given offense, have reached the age of 16, may be held liable under the provisions of criminal law.

On selected offenses, persons, who have reached the age of 14, may be held liable under the provisions of criminal law. Part 2 of Article 20 of the Criminal Code of the Russian Federation¹⁶⁰ contains an exhaustive list of such offenses. These include:

- murder (Article 105),
- willful infliction of grievous harm to health (Article 111),
- willful infliction of less serious harm to health (Article 112),
- kidnapping (Article 126),
- rape (Article 131),
- sexual assault (Article 132),
- theft (Article 158),
- hijacking (Article 161),
- robbery (Article 162),
- blackmail (Article 163),
- misappropriation of a car or other vehicle with no intent to steal (Article 166),
- deliberate and aggravated destruction or damage to property (Part 2 of Article 167),
- terrorist act (Article 205),
- hostage taking (Article 206),
- deliberate provision of false information about a terrorist act (Article 207),

¹⁶⁰ “The Criminal Law of the Russian Federation” as of 13.06.1996 No.63-FL (amended at 21.07.2014) (amended and augmented at 04.08.2014) // “Official gazette of the Russian Federation”, 17.06.1996, No.25, article 2954.

- aggravated hooliganism (Part 2 of Article 213),
- vandalism (Article 214),
- theft or extortion of weapons, ammunition, explosives and explosive devices (Article 226),
- theft or extortion of narcotic drugs or psychotropic substances (Article 229),
- destruction of vehicles or means of communication (Article 267).

In accordance with Part 2 of Article 108 of the Criminal Procedure Code of the Russian Federation¹⁶¹, detention in custody may be imposed in the case of a minor suspected or accused in the event that he/she is suspected or accused of committing a grave or very grave crime.

It should be noted that in exceptional cases Article 108 permits detention of a minor as a preventive measure in the case of a crime of medium gravity. The Plenum of the Supreme Court of the Russian Federation in Decision No. 41 of 19.12.2013 “On the Application by Courts of Laws on Preventive Measures in the Form of Detention, House Arrest and Bail”¹⁶² explains that the detention in this case may be applied as the only possible measure of restraint under specific conditions with regard to the circumstances of the offense and the identification data. In this case the courts should take into account the provisions of Part 6 of Article 88 of the Criminal Code of the Russian Federation, which stipulates that the detention as a preventive measure may not be applied in respect of a minor

¹⁶¹ “The Criminal procedure code of the Russian Federation” as of 18.12.2001 No.174-FL (amended at 21.07.2014) (amended and augmented at 06.08.2014) // “Official gazette of the Russian Federation”, 24.12.2001, No.52, article 4921.

¹⁶² The resolution of the Plenum of the Supreme Court of the Russian Federation as of 19.12.2013 No. 41 "On practice of application by courts of the legislation on measures of restraint in the form of detention, house arrest and bail" // Bulletin of the Supreme Court of the Russian Federation", No. 2, February, 2014.

under 16 years suspected or accused of a crime of medium gravity for the first time.

Compulsory educational measures or punishment may be applied for minor offenders, and they may also be placed in a special closed-type educational institution when exempted from punishment by the court.

Article 88 of the Criminal Code of the Russian Federation states penalties, which can be assigned to minors for their crimes:

- a) fine;
- b) deprivation of the right to practice certain activities;
- c) compulsory community service;
- d) correctional labor;
- e) custodial restraint;
- f) deprivation of liberty for a specified period.

Imprisonment is appointed for minor offenders who have committed crimes when under the age of 16, for a term not exceeding six years. This category of minors who have committed very serious crimes, as well as the other minor offenders shall be sentenced to a term not exceeding ten years and serve in juvenile correctional facilities. Imprisonment may not be imposed on minor offenders who have committed a crime of limited or average gravity when under the age of 16 for the first time, as well as on the other the minor offenders who have committed a crime of limited gravity for the first time.

In determining punishment of imprisonment for a minor offender who has committed a grave or especially grave crime, the lower limit of the duration of the punishment is reduced by half compared with adult offenders.

According to Part 1 of Article 80 of the Penal Code of the Russian Federation the separation of men and women offenders, minor and adult offenders is guaranteed in correctional institutions.

Russian legislation provides for a number of special rules aimed at protecting the rights and interests of minors specific to their age in the event of launching a criminal case against them. In particular, it establishes special rules

of interrogation of minor suspects or accused (not more than 2 consecutive hours, with the participation of a counsel, as well as a teacher or psychologist – Article 425 of the Code of Criminal Procedure of the Russian Federation); at the request of the party, as well as on its own initiative, the court may decide to remove a minor defendant from the courtroom at the time of examination of the circumstances that may have a negative effect on him; and others.

2) Measures taken for the application of the legal framework (administrative arrangements, programs, action plans, projects, etc.).

Section VI of the National Strategy is dedicated to the establishment of the system of protecting and safeguarding the rights and interests of children and child-friendly justice.

It is planned to reform Russian legislation in respect of the protection of the rights and interests of children. In particular, in accordance with par. 58 of the Priority Action Plan up to 2014 on the implementation of the National Strategy of Action for Children for 2012 - 2017 (approved by Decree of the Government of the Russian Federation No. 1916-p of October 15, 2012¹⁶³), Ministry of Justice of the Russian Federation, together with Ministry of Internal Affairs of the Russian Federation and a number of other ministries are responsible for preparing the concept of codification of the legislation of the Russian Federation in respect of the implementation of minor justice, and developing relevant federal laws.

According to par. 55-56 of the Plan the Ratification of the Optional Protocol to the Convention on the Rights of the Child concerning the sale of children, child prostitution and child pornography, and of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, as well as the preparation of proposals for ratification of the European Convention on the Exercise of Children's Rights are scheduled for completion on December, 2014.

In the National Strategy, child-friendly justice means a system of civil, administrative and criminal proceedings, which guarantees respect for the rights of the child and their effective enforcement with regard to the principles

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enshrined in the Council of Europe recommendations on justice for children, as well as with regard to the age, maturity of the child and his/her understanding of the circumstances.

In order to develop a child-friendly justice the National Strategy provides for:

- legislative establishment of a phased introduction of child-friendly justice, definition of its forms, principles and implementation mechanisms;
- adoption of measures to ensure children's access to international justice to protect their rights and interests;
- implementation of the UN Standard Minimum Rules for the administration of minor justice (the Beijing Rules, 1985), the UN Guidelines for the Prevention of Minor Delinquency (the Riyadh Guidelines, 1990), the recommendations of the Committee of Ministers of the Council of Europe on the European Rules for minor offenders under punishment and enforcement measures;
- conduction of scientific and sociological research in order to develop effective policies on child offenders, plan their implementation and evaluation of the results achieved;
- research in the field of psychology of deviant behavior and development of non-punitive enforcement methods;
- creation of a network of psychological and pedagogical institutions for work with children in conflict with the law and their social environment;
- development of a network of reconciliation services for the implementation of restorative justice;
- organization of school reconciliation services aimed at resolution of conflicts in educational institutions, prevention of crime by children and adolescents, improvement of relations in educational institutions.

The National Strategy also plans to take a number of measures aimed at improving the situation of children in the period of stay in the penal system

institutions and in the post-penitentiary period. Thus, it is planned to organize the work to restore the relations of children in detention, their families and their immediate social environment, and to help these children to adapt and re-socialize upon termination of punishment. The creation in the Russian Federation of the probation system and the system of public control over observance of the rights of children in difficult situations, at risk or in conflict with the law may be among important measures.

3) Corresponding figures, statistics or other relevant information on the application of Article 17.

In the period from 2008 to 2013, the reduction of the proportion of minor offenders in the number of individuals aged 14 – 17 is observed. The minimum value of this figure was attained in 2012. In 2008, the proportion of offenders in the total number of minors aged 14 – 17 was 1.474%, in 2009 – 1.29%, in 2010 – 1.175%, in 2011 – 1.129%, in 2012 – 1.061%, and in 2013 – 1.085%¹⁶⁴.

The proportion of crimes committed by minors in the total number of crimes in the Russian Federation remains, with minor fluctuations, at the same level since 2009. In 2009, this figure was 5.7% of the total number of crimes, and in 2013 it was 5.4%¹⁶⁵.

The number of minor offenders convicted by a court aged 14 – 17 had fallen by more than half in the period from 2008 to 2013. In 2008, 73333 offenders and, in 2013, 29198 offenders were sentenced¹⁶⁶. The number of minor offenders serving sentences in the form of deprivation of liberty in educational colonies decreased from 8550 in 2008 to 1974 in 2013¹⁶⁷.

¹⁶⁴ http://www.gks.ru/free_doc/new_site/population/family/5-6.xls

¹⁶⁵ http://www.gks.ru/free_doc/new_site/population/family/5-5.xls

¹⁶⁶ http://www.gks.ru/free_doc/new_site/population/family/5-9.xls

¹⁶⁷ http://www.gks.ru/free_doc/new_site/population/family/5-10.xls

Article 19. The right of migrant workers and their families of protection and assistance

In order to ensure effective implementation of the rights of migrant workers and their families of protection and assistance in the territory of any other Party, the Parties shall:

5. ensure for migrant workers within their territory treatment not less favorable than that accorded to their own nationals in respect of taxes, fees and charges levied on persons employed;

Russian legislation does not provide for any special taxes for foreign employees working in the Russian territory. In accordance with par. 2 of Article 3 of the Tax Code of the Russian Federation¹⁶⁸, taxes and charges can not be discriminatory and applied differently on the basis of social, racial, national, religious or other similar criteria. Moreover, the same paragraph provides that “it is not allowed to set different tax rates and fees, tax credits, depending on the form of ownership, the nationality of natural persons or origin of capital”.

In accordance with par. 3 of Article 19 of the Federal Law “On the Legal Status of Foreign Citizens in the Russian Federation”¹⁶⁹, foreign citizens pay a fee for obtaining permission to work in Russia. The amount of the state fee for the issuance of work permit for a foreign citizen or stateless person is set by the Tax Code of the Russian Federation and is 2,000 rubles¹⁷⁰. Procedure and terms of payment of state fees are regulated by Article 333.18 of the Tax Code of the Russian Federation. State fee is a fee charged for handling the state bodies for the performance of legal acts stipulated by the Tax Code of the Russian Federation¹⁷¹.

¹⁶⁸ Tax Code of the Russian Federation, part one // Official gazette of the Russian Federation, No.31, 03.08.1998, article 3824.

¹⁶⁹ Federal Law as of 25.07.2002 No. 115-FL (amended at 23.06.2014) “On legal condition of foreign citizens in the Russian Federation” // Official gazette of the Russian Federation, 29.07.2002, No.30, article 3032.

¹⁷⁰ Tax Code of the Russian Federation (part two) as of 05.08.2000, No.117-FL (amended at 28.06.2014) article 333.28, item 24. // Official gazette of the Russian Federation, 07.08.2000, No.32, article 3340.

¹⁷¹ Article 333.16 of Tax Code of the Russian Federation.

The above-mentioned fee for the issuance of work permit can not be considered discriminatory taxation of foreign employees, as it is charged for the implementation of the public service providing for the examination of the submitted documents required for the issuance of work permit, and granting the permit made on a special form. This service is not available to Russian employees who do not receive a work permit.

The amount of the state fee can not be assessed as prohibitive or even excessive in view of the average wage in the Russian Federation, that was 29,940 rubles a month¹⁷² as of the end of 2013.

As a general rule, the income of foreign employees, that they have received in Russia, is subject to tax on income of an individual (PIT) in the same manner as the income of Russian employees (par. 1 of Article 207, subpar. 6 of par. 1 of Article 208, par. 2 of Article 209 of the Tax Code of the Russian Federation). The employer is the tax agent in relation to foreign employees and must calculate, withhold and transfer the PIT to the budget (paras. 1, 3, 4, 6 of Article 226 of the Tax Code of the Russian Federation).

Requirements are established in respect of foreign citizens hired by individuals on the basis of an employment contract or a civil contract for the performance of work (services) for personal, domestic, and other similar purposes not related to business activities. Foreign citizens who are lawfully within the territory of the Russian Federation, who arrived in the Russian Federation with the status not requiring a visa, and who have attained the age of 18 may work for individuals on the basis of a patent issued under Federal Law No. 115 of July 25, 2002 “On the Legal Status of Foreign Citizens in the Russian Federation” (Article 13.3).

To receive the patent the foreign national must submit to the territorial body of the Federal Migration Service (FMS): 1) the request for the grant of the patent; 2) the identity document of a foreign citizen which is recognized as such by the

¹⁷² Federal state statistics service (Rosstat). The main indicators characterizing the level of population's life: http://www.gks.EN/bgd/free/B13_00/IssWWW.exe/Stg/dk12/6-0.htm.

Russian Federation; 3) the migration card showing the work as the purpose of the visit to the Russian Federation and bearing a mark of a border control body confirming the entry or a mark of a regional FMS office issuing the migration card; 4) documents confirming the payment of the tax on personal income in the form of a fixed advance payment for a previous period of employment for individuals on the basis of the patent; 5) the employment history of the foreign citizen employed by individuals.

The patent is granted for a period of one to three months. The validity of the patent can be extended repeatedly for a period not exceeding three months, with the overall validity of the patent in view of renewals not exceeding twelve months from the date of grant.

The validity of the patent shall be deemed extended for the period for which the tax on personal income in the form of a fixed advance payment is paid in the order (of tax) without referring to the regional offices of the FMS. At the end of twelve months, from the date of issuing the patent, the foreign citizen may apply to the regional offices of the FMS for obtaining a new patent.

Foreign citizens of this category calculate and pay the tax on income received from the performance of such activities, in the form of fixed advance payments of 1.000 rubles per month. The amount of fixed advance payments shall be indexed on the deflator coefficient established for the relevant calendar year (Article 227.1 of the Tax Code of the Russian Federation)¹⁷³. In 2014, the deflator coefficient is established in respect of this tax and is equal to 1.216¹⁷⁴.

Moreover, it is important for foreign employees to have a tax resident status for the taxation of income. Foreign employee acquires the status of a tax resident of the Russian Federation, if he/she stays in the territory of the Russian Federation for at least 183 calendar days within 12 consecutive months (par. 2 of Article 207 of the Tax Code of the Russian Federation). The period of 12 months

¹⁷³ "The tax code of the Russian Federation (part two)" as of 05.08.2000 No. 117-FL // Official gazette of the Russian Federation, 07.08.2000, No. 32, article 3340.

¹⁷⁴ The order of the Ministry of economic development of Russia as of 07.11.2013 No. 652 "On establishing deflator coefficients for 2014" // "The Russian newspaper", No. 264, 22.11.2013.

is not limited within the calendar year and is determined for each date of payment of income¹⁷⁵.

The PIT rate is 30% for non-residents, and it is 13% for residents (paras. 1, 3 of Article 224 of the Tax Code of the Russian Federation). Non-residents are also not eligible for standard tax deductions, while residents are eligible for them (paras. 3, 4 of Article 210 of the Tax Code of the Russian Federation).

An exception is provided for foreign employees that are highly qualified specialists (Article 13.2 of Federal Law No. 115), whose incomes are taxed at 13% regardless of whether they have a status of the tax resident of the Russian Federation (par. 3 of Article 224 of the Tax Code of the Russian Federation). In relation to citizens of countries with which Russia has signed an international agreement on the taxation of income of individuals, the rules for taxation of income are applied in accordance with the rules of this contract (Article 7 of the Tax Code of the Russian Federation).

If during the calendar year the tax status of the foreign employee changed, the amount of the withholding PIT is adjusted.

Article 19. The right of migrant workers and their families of protection and assistance

In order to ensure effective implementation of the rights of migrant workers and their families of protection and assistance in the territory of any other Party, the Parties shall:

9. allow migrant workers, to the extent permitted by law, to transfer any portion of their earnings and savings, as they may desire.

No special restrictions on remittances by foreign employees to any country are provided by Russian legislation. Currency transactions are regulated by the

¹⁷⁵ This issue is also reviewed in the report under item 9 article 19 of the Charter.

Federal Law “On Currency Regulation and Currency Control”¹⁷⁶.

Not the national status of the person residing in the territory of the Russian Federation, but his status as a resident or non-resident is relevant for the purpose of this law. Residents *include the following individuals*:¹⁷⁷

a) individuals who are citizens of the Russian Federation, with the exception of Russian citizens residing in a foreign country for at least one year, including those having residency issued by the competent public authority of the relevant foreign state, or those temporarily staying in a foreign country for at least one year on the basis of a work visa or a student visa with a validity of at least one year or on the basis of the aggregate of such visas with the general validity of at least one year;

b) foreign citizens and stateless persons permanently residing in the Russian Federation on the basis of a residence permit under the legislation of the Russian Federation.

In accordance with the Federal Law “On the Legal Status of Foreign Citizens in the Russian Federation”¹⁷⁸, during the validity of the temporary residence permit, and if there are legal grounds, foreign citizen may be granted a residence permit upon his/her application. Prior to obtaining a residence permit, foreign citizen must live in the Russian Federation not less than one year on the basis of a temporary residence permit.

When foreign citizen, who has acquired the status of a resident as a result of obtaining a residence permit and who performs labor activity in the territory of Russia, transfers his money abroad, he carries out *currency transactions between residents and non-residents*. According to Article 6 of the Federal Law “On Currency Regulation and Currency Control”, currency transactions between

¹⁷⁶ Federal Law as of 10.12.2003, No. 173-FL (as amended on 05.05.2014) "On currency regulation and currency control" // Official gazette of the Russian Federation, 15.12.2003, No. 50, article 4859.

¹⁷⁷ Sub-paragraphs "a" and "b" of item 6 article 1 of the Federal Law "On currency regulation and currency control".

¹⁷⁸ Items 1 and 2 of article 8 of the Federal law "On legal status of foreign citizens in the Russian Federation".

residents and non-residents are carried out *without restrictions*, except for foreign exchange transactions, which are subject to the provision of the same law on purchase and sale of foreign currency and cheques (including traveler's checks) in the Russian Federation¹⁷⁹. Wages shall be paid in the Russian Federation in Russian rubles¹⁸⁰, regardless of the national status of the employee. Requirements concerning the currency exchange apply to all persons within the territory of the Russian Federation and relate only to the identity of the person exchanging currency. There are no legal rules limiting the freedom of foreign employees – residents of the Russian Federation to transfer their earnings abroad.

In accordance with the Federal Law “On Currency Regulation and Currency Control”¹⁸¹, *non-residents* shall be entitled to exercise without restriction between themselves a transfer of foreign currency and the currency of the Russian Federation from the bank accounts (deposits) outside the territory of the Russian Federation to the bank accounts (bank deposits) in authorized banks or bank accounts (bank deposits) in authorized banks to the accounts (deposits) in banks outside the territory of the Russian Federation or in authorized banks. Moreover, non-residents shall be entitled to exercise without restrictions between themselves in the territory of the Russian Federation a transfer of foreign currency and the currency of the Russian Federation without opening bank accounts, as well as to exercise a transfer of foreign currency and the currency of the Russian Federation without opening bank accounts from the Russian Federation and to receive in the territory of the Russian Federation the translation of foreign currency and the currency of the Russian Federation without opening bank accounts¹⁸².

Russia and many other states¹⁸³ have signed agreements on avoidance of double taxation, allowing foreign employees not to pay taxes on their wages in

¹⁷⁹ Article 11 of the Federal law "On currency regulation and currency control".

¹⁸⁰ Part 1 of article 131 of Labour Code of the Russian Federation

¹⁸¹ Item 1 of article 10 of the Federal law "On currency regulation and currency control".

¹⁸² Item 1.1 of article 10 of the Federal law "On currency regulation and currency control".

¹⁸³ See background information "Functional bilateral international treaties of the Russian Federation about the avoidance of double taxation", prepared by the joint-stock company "Consultant Plus": <http://base.consultant.EN/cons/cgi/online.cgi?req=doc;base=LAW;n=63276>.

the country of their citizenship if they are Russian residents. In particular, these international agreements are concluded between the Russian Federation and major countries – exporters of labor to Russia, such as Azerbaijan¹⁸⁴, Armenia¹⁸⁵, Belarus¹⁸⁶, Kazakhstan¹⁸⁷, Kyrgyzstan¹⁸⁸, China¹⁸⁹, Moldova¹⁹⁰, Tajikistan¹⁹¹, Turkmenistan¹⁹², Turkey¹⁹³, Uzbekistan¹⁹⁴, Ukraine¹⁹⁵ and other countries.

¹⁸⁴ The agreement between the Government of the Russian Federation and the Government of the Republic of Azerbaijan as of 03.07.1997, "On the avoidance of double taxation with respect to taxes on income and property" // Official gazette of the Russian Federation , 15.05.2000, No. 20, article 2105.

¹⁸⁵ The agreement between the Government of the Russian Federation and the Government of the Republic of Armenia as of 28.12.1996, "On the avoidance of double taxation on income and property" // Official gazette of the Russian Federation, 25.05.1998, No. 21, article 2174.

¹⁸⁶ The agreement between the Government of the Russian Federation and the Government of the Republic of Belarus as of 21.04.1995, "On the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and property" // Official gazette of the Russian Federation, 17.02.1997, No. 7, article 809.

¹⁸⁷ Convention between the Government of the Russian Federation and the Government of the Republic of Kazakhstan as of 18.10.1996, "On the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital" // Official gazette of the Russian Federation, 16.03.1998, No. 11, article 1243.

¹⁸⁸ The agreement between the Government of the Russian Federation and the government of the Kyrgyz Republic on 13.01.1999, "On the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income" // Official gazette of the Russian Federation, 25.06.2001, No. 26, article 2593.

¹⁸⁹ The agreement between the Government of the Russian Federation and the government of the people's Republic of China as of 27.05.1994, "On the avoidance of double taxation and prevention of tax evasion with respect to taxes on income" // Official gazette of the Russian Federation, 03.03.2003, No. 9, article 806.

¹⁹⁰ The agreement between the Government of the Russian Federation and the Government of the Republic of Moldova as of 12.04.1996, "On the avoidance of double taxation of income and property and the prevention of tax evasion" // Official gazette of the Russian Federation, 06.09.1999, No. 36, article 4375.

¹⁹¹ The agreement between the Government of the Russian Federation and the Government of the Republic of Tajikistan as of 31.03.1997, "On the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on stock" // Official gazette of the Russian Federation, 27.10.2003, No. 43, article 4109.

¹⁹² The agreement between the Government of the Russian Federation and the Government of Turkmenistan as of 14.01.1998, "On the avoidance of double taxation with respect to taxes on income and property" // Official gazette of the Russian Federation, 09.07.2001, No. 28, article 2807.

¹⁹³ Agreement between the Government of the Russian Federation and the Government of the Turkish Republic as of 15.12.1997, "On the avoidance of double taxation with respect to taxes on income" // Official gazette of the Russian Federation, 07.02.2000, No. 6, article 614.

¹⁹⁴ The agreement between the Government of the Russian Federation and the Government of the Republic of Uzbekistan as of 02.03.1994, "On the avoidance of double taxation of incomes and property" // Official gazette of the Russian Federation, 25.03.1996, No. 13, article 1225.

Among leading payment systems existing in the Russian Federation are “Visa”, “MasterCard” and others. They allow employees to receive wages in the non-cash form, to use the cash received abroad, or to transfer it to foreign accounts. Moreover, there is a widespread system of cash transfers, including those abroad, both through international systems such as “Western Union”, “Moneygram”, etc. and regional payment systems (“Anelik, etc.). For some neighboring countries of Russia, earnings of citizens working in the territory of Russia that are translated into their own country, are essential part of the economy.

¹⁹⁵ The agreement between the Government of the Russian Federation and the Government of Ukraine as of 08.02.1995, "On the avoidance of double taxation of income and property and the prevention of fiscal evasion" // Official gazette of the Russian Federation, 26.02.2001, No. 9, article 787.

Article 27. The right of workers with family responsibilities of equal opportunities and equal treatment

Chapter 41 of the Labour Code of the Russian Federation on “Special Features of the Regulation of the Labor of Women and Persons with Family Obligations” is devoted to the regulation of labor relations of this category of workers.

The concept of “persons with family obligations” is not disclosed in the labor legislation. Various certain types of guarantees are provided to the following categories of employees in connection with their performance of family obligations:

- employees who adopted a child;
- carers of a child under the age of 18 months;
- carers of a child under the age of 3;
- employees who have a disabled child and who take care of them;
- employees who take care of sick family members in accordance with the medical report;
- mothers and fathers who raise children without a spouse until the children reach the age of 5;
- single mother (or other persons who raise children without a mother) who raises a disabled child under the age of 18 or a child under 14;
- parents (or other legal representatives of the child) who are the sole breadwinners of a disabled child under the age of 18 or the sole breadwinners of a child under the age of 3 in the family raising three or more minor children if the other parent (the other legal representative of the child) does not have an employment relationship.

In accordance with Article 264 of the Labor Code of the Russian Federation, guarantees and benefits given to women in maternity extend to

fathers raising children without a mother and to guardians (trustees) of minors.

This applies to the following guarantees and benefits:

- the restriction of night work and overtime work;
- overtime claim in weekends and public holidays;
- assignment for business travel;
- assignment for additional leave;
- establishment of preferential regimes of labor;
- and the other guarantees and privileges, set by the laws and the other

regulatory acts.

The Resolution of the Plenum of Supreme Court No 1 dated by January 28, 2014 “On application of administration, regulating the labor of women, persons with family obligations and minors”¹⁹⁶ defines the persons related to the categories of “a person with family obligations” and “a person bringing up motherless kids”. According to p. 2 of the Resolution in case of consideration of disputes, relating to the application of administration regulating the labor of women, persons with family obligations the courts should base its holding on the fact that:

to the persons with family obligations the employee can be assigned if he has the responsibilities on the kids bringing up and development in accordance with the family law (a parent, an adoptive person, a person vested with the rights and obligations of the caretaker or caregiver); the other relative of the kid who actually takes care of him in cases provided by the law (part 2 article 256 Labor Code of Russian Federation); the employee who has the obligations towards the other members of his family, who are in need of care or assistance in accordance with applicable law;

to the persons bringing up motherless kids can be assigned a father, a person vested with the rights and obligations of the caretaker or caregiver of the

¹⁹⁶ "Bulletin of the Supreme Court of the Russian Federation", No. 4, April, 2014.

minor if the mother has died, or has been deprived of parental rights, or has been limited in parental rights, has been declared missing, disabled (limitedly disabled), can not bring up and take care of the kid for the health reasons, is serving a sentence in penal institutions, is evading from the kids bringing up or their rights and interests protection or if she refused to take the kid out of the educational establishment, health-care organization, social services or the similar institution in other cases.

To the persons with the family obligations, bringing up motherless kids (except of the employees - parents and persons vested with the rights and obligations of the caretaker or caregiver), with the respect of the particular circumstances, indicating of conducting socially significant obligations (bringing up, taking care or the assistance to the family member), can be assigned the other persons.

In order to ensure the realization of the right to equal opportunities and equal treatment of working men and women with family responsibilities, as well as the workers with family obligations, on the one hand, and all other workers on the other, the Parties undertake:

1. to take the appropriate measures to ensure that:

a) to provide the employees with the family obligations the opportunity to be employed and to stay at work and also to resume after the breakup caused by the family obligations, including the measures in the sphere of the occupational guidance and the professional training;

According to the part 2 article 19 of the Constitution of the Russian Federation the state insures the equality of rights and freedoms of the human and the citizen regardless of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, convictions, membership of public associations, as well as other circumstances. Any forms of the restriction

of citizen rights on grounds of social, racial, national, language or religious affiliation are restricted. According to the part 3 of the same article a man and a woman have the equal rights and possibilities and equal opportunities for their realization.

Article 3 of the Labor Code sets that every person has equal opportunities for the realization of the labor rights. According to the part 2 article 3 of the Labor Code no person should be restricted in the labor rights and freedoms or to get any advantages depending on the sex, race, skin color, nationality, language, origin, property and official status, place of residence, attitude to religion, convictions, membership or not of public associations or any social groups and also on other circumstances not connected with the professional qualities of the employee.

To the regulations aimed at the protection against the discrimination in labor relations can also be assigned the discrimination prohibition in the article 2 of the Labor Code as a principle of the labor rights, special regulations on the discrimination prohibition upon the conclusion of employment agreement (article 64 of the Labor Code) and in wage payments (article 132 of the Labor Code); regulations upon the responsibility for the discrimination in the Administrative Offenses Code of the Russian Federation (article 5.62) and in the Criminal Code of the Russian Federation (common are located in the article 136, special on the refusal of employment of the pregnant women and women with minors - in the article 145 of the Criminal Code).

In 2009 the Center of the socio-labor rights conducted the analysis of the vacancy announcements placed in the media and used in the government Employment Services and published by them vacancies in media and Internet¹⁹⁷. In 2009: 69 % of the announcements included discriminatory standards: 27 % of them contained the sex requirements and 47 % the age ones.

¹⁹⁷ Center of social and labor rights. A sociological survey "Discrimination in the workplace: abundance, forms and causes of existence". The site of center of social and labor rights: <http://trudprava.EN/expert/research/discriminsurv/564>.

Since 14 July 2013 the point 6 article 25 of the Act “On the Employment in the Russian Federation”¹⁹⁸ expressly prohibits the dissemination of information about available jobs and vacancies, which contain the information on any direct or indirect limitation of rights or the establishment of direct or indirect advantages of applicants, depending on their sex, race, skin color, nationality, language, origin, property, family, social and official status, age, place of residence, attitude to religion, convictions, membership of public associations or any social groups or other circumstances not related to the employee's professional qualities, except when the right or duty to impose such restrictions are enshrined in federal legislation.

In accordance with 5.62 of the Administrative Offenses Code¹⁹⁹ discrimination is a violation of rights, freedoms and legal interests of a person and a citizen, depending on its gender, race, skin color, nationality, language, origin, property, family, social and official status, age, place of residence, attitude to religion, beliefs, membership or not of public associations or any social groups.

The Administrative Offenses Code includes new article 13.11.1, which enshrines the administrative responsibility for the dissemination of information about available jobs and vacancies, which include the discriminatory restrictions as a penalty at the rate of 500-1000 rubles for citizens, 3000-5000 rubles for public officials and 10000-15000 rubles for juridical persons.²⁰⁰

Adoption of these regulations was positively showed up on the easing of the situation with the discrimination upon the employment. According to research of the Center of the socio-labor rights which was conducted several months later after the adoption of the Federal Act No 162-FZ (in August and October of 2013), the part of the announcement containing the requirements upon the sex of the

¹⁹⁸ The law of the Russian Federation as of 19.04.1991 N 1032-1 "On employment of population in the Russian Federation".

"Legislation Bulletin of the Russian Federation", No. 17, 22.04.1996, article 1915.

¹⁹⁹ "The code of the Russian Federation about administrative offenses" as of 30.12.2001 No. 195-FL. "Legislation Bulletin of the Russian Federation", 07.01.2002 No. 1 (part 1), article 1.

²⁰⁰ "The code of the Russian Federation about administrative offenses" as of 30.12.2001 No. 195-FL // "Legislation Bulletin of the Russian Federation", 07.01.2002, No. 1 (part 1), article 1.

applicant lowered compared to 2009 (27 %) and formed in August 2013 (in Moscow) 9%, in October - 3%²⁰¹.

According to Recommendations No. 255, 256 and No. 165, a period of parental leave should be available to either parent after maternity leave without their relinquishing employment and with their employment rights protected (see Chapter 4).

Besides, as for the persons with the family obligations there is an advanced protection on the termination of employment agreement and in cases when they do not use parental leave.²⁰²

The persons with the family obligations provided with an advanced protection from the dismissals are the next categories:

- women with kids under three years;
- -single mother bringing-up a kid at the age under fourteen (disabled kid up to the age of eighteen);
- -single mother bringing-up a kid at the age under fourteen (disabled kid up to the age of eighteen);
- parents (other legal guardians), who are the only family providers of the disabled kid up to the age of eighteen;
- parents (other legal guardians), who are the only family providers of the kid under three years in the family, bringing up three and more minors, if the other parent (other legal guardians) is not in an employment relationship²⁰³.

²⁰¹ Discrimination in the announcements about employment. The results of comparative researches for 2007-2013. Analytical report on the research materials. *Bizukov P. V. Website of the Center of social and labor rights.* <http://trudprava.EN/expert/research/discriminsurv/1178>. Date of request is 30.07.2013.

²⁰² About guarantees for dismissal of pregnant women see the report in article 8§2 of the Charter.

²⁰³ Regarding the inclusion of this category of workers with family responsibilities in the list of persons enjoying protection against dismissal, as explained below.

According to the part 4 article 261 of the Labor Code the termination of employment agreement on the initiative of the employer with these categories of the employees is not allowed on the absence of the misconduct on the part of the employee. Discontinuation of these categories is acceptable only upon the next reasons:

- liquidation of the organization or termination of the activities of an individual entrepreneur (p. 1, part 1, article 81 Labor Code);
- numerous failures by the employee to fulfill labor duties without justifiable reasons if he has been reprimanded (p.5, part 1, article 81 Labor Code);
- a single severe violation by the employee of his labor duties (p.6, part 1, article 81 Labor Code):
- committing of culpable actions by an employee directly handling money or valuables if these actions provide grounds to lose confidence in him on the part of the employer (p. 7, part 1, article 81 Labor Code);
- committing by an employee engaged in educational functions of an immoral deed that is incompatible with the given work (p. 8, part 1, article 81 Labor Code);
- a single severe violation by the manager of the organization (branch, representation office) or his deputies of their labor duties (p. 10, part 1, article 81 Labor Code);
- presentation of faked documents by the employee to an employer at the conclusion of the labor contract (p. 11, part 1, article 81 Labor Code);
- the use, including a single occurrence, of educational methods involving physical and/or psychological violence against a student or pupil (p.2 article 336 Labor Code).

In 2012 the article 261 of the Labor Code was amended by²⁰⁴ a new category of employees protected against dismissal, namely: parents (other legal guardians), who are the only family providers of the disabled kid up to the age of eighteen, or the kid under three years in the family, bringing up three and more minors, if the other parent (other legal guardians) is not in an employment relationship.

This regulation was approved due to the adoption by the Constitutional Court the Resolution No 28-P dated by December 15, 2011 “On the case of the testing of the constitutionality of the part 4, article 261 Labor Code relative to the complaint by citizen Ostayev A.E.” A.E. Ostayev - is a father of three minors, one of which is under three years, and another is disabled; the claimer’s wife taking care of kids did not work. Ostayev was dismissed from the current position under p.2, part 1, article 81 Labor Code (liquidation of the organization or termination of the activities of an individual entrepreneur). Savelovsky district court of Moscow and Moscow municipal court found it legal. Ostayev appealed to the Constitutional Court, challenging the constitutionality of p. 4 article 261 Labor Code, he stated that the deprivation of the equal right (both father and mother) on additional guarantees for the dismissal causes gender discrimination and puts large families where mothers are caring for kids under three years of age and are not in an employment relationship at a disadvantage from the point of view of protection against the decline in living standards.

The Constitutional Court of the Russian Federation, referring to the principle of equality of rights and responsibilities of both parents towards their kids, corresponding provisions of the Convention on the Rights of the Child imposing a duty on the state to take all possible efforts to ensure recognition of the principle of common and shared responsibility of both parents for the upbringing and development of the child, further indicated that both parents can

²⁰⁴ The Federal law as of 12.11.2012 N 188-FL "On amendments to article 261 of the Labor code of the Russian Federation". "The Russian Newspaper", No. 262, 14.11.2012

receive public support which is needed by a family with a kid under three years, and thus require special care, especially if such family has several minor kids. Accordingly, when determining the measures of state support for families, aimed at ensuring its material prosperity, large families with young kids, should be afforded advanced protection.

Additionally the submission of a guarantee, attached in part 4 article 261 Labor Code, should not be conditional exclusively upon the fact who is in employment relationship (mother or father) and who is taking care of the children, as the differentiation based on the indicated criteria.. lowers the efficiency of the system of the family institution government support. In the conditions deficiency of the measures of social defense of the employees with the family obligations this submission should bring to non-objective and non-rational explanation of the differences in the position of the families bringing up minor children.

The Constitutional Court of the Russian Federation declared the provision of the part 4 article 261 Labor Code to be not corresponding with the Constitution of the Russian Federation to the extent to which it (in the system of legal regulation, that is prohibiting the employer-initiated termination of the women with the children under the age of three and other persons bringing up these motherless children) excludes the opportunity to enjoy this guarantee of the father who is the soul breadwinner in a large family with little children (incl. the child under the age of 3 years), where the mother is not engaged in labor relations and carries on upbringing.

As for the measures directed on the rendering of *assistance to the persons with family obligations in resumption of work, in particular in relation with the professional management, training and retraining, this issue is provided by the Act of the Russian Federation dated by April 19, 1991 N- 1032-1* “On

Employment in the Russian Federation” (hereafter - the Act “On Employment”).²⁰⁵

According to the concept of demographic policy of the Russian Federation for the period until 2025, approved by the Decree of the President of the Russian Federation as of the 9th of October 2007 No. 1351, one of the main tasks to achieve the goals of demographic policy is the implementation of measures to promote the employment of women with infant children to ensure alignment of parental and family responsibilities with professional activities.

However for most women after parental leave with a child under the age of three years the problem arises associated mainly with lower qualifications and partial loss of professional skills to perform the appropriate type of professional activity. Therefore the organization of vocational training for women who are on parental leave with a child under three years of age contributes to the creation of the adaptive conditions to facilitate return of this category of women to its former place of work, and opportunities for their further career growth, competitiveness in the labor market.

The main purpose of the arrangements for vocational training (retraining) of women who are on parental leave with a child under the age of three is the creation of conditions conducive to the return of the women in this category to its former place of work, or assisting them in obtaining other profession (specialty) and changing jobs due to changing family circumstances.

In the last few years the essential efforts are being taken focused on the additional training and retraining of the women bringing up children. Edict of the President of the Russian Federation from May 7th, 2012 No. 606 “On measures of population policy of the Russian Federation” in the paragraph 3 of subparagraph “a” provides that it is necessary to assume measures directed to

²⁰⁵ The law of the Russian Federation as of 19.04.1991 No. 1032-1 "On employment in the Russian Federation" // "Legislation Bulletin of the Russian Federation", No. 17, 22.04.1996, article 1915.

arrangement of conditions for women to combine child-caring obligations with employment, as well as for organization of professional training (retraining) of women on parental leave with the child under the age of 3 years”.

The article 23 of the Act “On Employment” provides that the professional training and additional professional education for the women during the parental leave with the child up to three years are conducted by the assignment of the employment services in condition of these women reference in the employment services at place of residence and filing a passport or the replacing document, copy of the document, connected with the job and confirming the parental leave with the child up to three years and the birth certificate.

Training and additional professional education for the unemployed citizens, the women during the parental leave with the child up to three years, unoccupied citizens to whom the old-age retirement pension is assigned according to the legislation of the Russian Federation and who are eager to resume the employment, are conducted in the educational institutions, according to the contracts concluded by the employment services.

The women during the parental leave with the child up to three years and some other categories of citizens can be assigned by the employment services for the training and additional professional education at another area, and therefore they receive the financial support, which includes:

- the payment for the travel to the training place and back;
- daily expenses for the time of travel to the training place and back;
- the payment for the rent of housing during the time of training.

The priority right to pass the professional education and to get the additional professional education belongs to the recognized in accordance with the applicable procedure unemployment persons, in particular, parents, adoptive parents, tutors (guardians) of the disabled children.

According to the Government Report on children and families with children situation, per 2012 ²⁰⁶ in all the federal subjects of the Russian Federation there was developed and realized the set of measures (action plans, programs) on the creation of the conditions for alignment of parental and family responsibilities with professional activities.

One of the conditions allowing women to combine bringing up children with employment is to ensure in the federal subjects of the Russian Federation the availability of preschool education for children aged 3 to 7 years. Relevant activities are included in the complex of measures of federal subjects of the Russian Federation.

Development and conclusion of regional tripartite agreements between bodies of state power of federal subjects of the Russian Federation, employers' associations and trade unions, and collective bargaining agreements of organizations providing for rules and regulations concerning the creation of conditions in which the combination of women's obligations of child-bringing up and their work are provided.

In the framework of the implementation of the policy by the employment authorities of the federal subjects of the Russian Federation the activities were carried out which were aimed at the employment of women with minor children. The monitoring of employment of women with minor children has been organized in the federal subjects of the Russian Federation, it informs them on the job opportunities, and provided benefits.

In 2012 the specified event occurred in 78 members of the Russian Federation. 9.5 thousand women has passed the professional training, retraining and advanced training in the Russian Federation in whole, which accounted for

²⁰⁶ Analytical review as of December 19, 2013 "State report about the situation of children and families with children in the Russian Federation for 2012". Official website of the Ministry of labor and social protection of the Russian Federation.

<http://www.rosmintrud.EN/docs/mintrud/protectio>
n/69. Date of request is 01.08.2014.

97% of the number of women, aimed at professional training, retraining and advanced training.

According to the information provided by the Executive bodies of the federal subjects of the Russian Federation, the funding of the activities at the expense of the budgets of federal subjects of the Russian Federation amounted to 93.3 million rubles.

b) to consider their demands in the relation of the labor and social security conditions;

In relation with the assistance to the persons with family obligations in job retention and in consumption to work there are some main measures as provided for the legislation.

The following guaranties and special aspects in regulating of the labor relations aimed for the facilitating of the alignment of parental and family responsibilities with professional activities are provided for the employees with the family obligations:

1. The employees with the family obligations can be sent on business trips, overtime work, night work, work on weekends and public holidays only with their written consent, provided that it is not prohibited to them by Medical Report issued according to the procedure established by the Federal Laws and other normative Legal Acts of the Russian Federation. In this case, women with children under the age of three years should be instructed and informed in writing form of their rights to refuse sending on business trips, overtime work, work at night, work on weekends and public holidays (Part 2 Article 259 Labor Code).

This regulation is also extended on the following categories of employees with family obligations.

- women with children under the age of three (part 2 article 259 Labor Code);
- the employees with the disabled children (part 3 article 259 Labor Code);
- - employees who take care of sick family members in accordance with the medical report (part 3 article 259 Labor Code);
- - mothers and fathers who raise children without a spouse until the children reach the age of 5 (part 3 article 259 Labor Code);

2. The employer is obliged to set a part-time working day (shift) or half-time week to the following categories of employees with family obligations (Part 1 Article 93 Labor Code):

- - one of the parents (guardian, caregiver) who has a child up to the age of fourteen;
- - one of the parents (guardian, caregiver) who has a disabled child up to the age of eighteen;
- a person caring for a sick family member in accordance with a medical certificate issued in accordance with the procedure established by federal laws and other regulatory legal acts of the Russian Federation.

The basis for the setting of the part-time work (working week, day) is a written application of the employee. The employer has no right to withhold in the setting of the part-time work. In case of the part-time work the payment is proportional to working time and productivity. The part-time work does not imply for the employees any restrictions of the duration of the annual principal paid vacation, the labor experience rating and other labor rights.

3. The persons that are not allowed to be employed for work under rotation system (the form of the labor process not in the habitual residence of the employee, when the employees with family obligations have no opportunity to come from work every day to their habitual residence):

- women with children under three years of age (article 298 Labor Code).

4. Some categories of the employees with family obligations have right on the additional paid days of rest.

The categories of the employees with right on the additional paid days of rest:

<i>Occupational group</i>	<i>The norm of the Labor Code of the Russian Federation</i>	<i>The number of the additional day of rest</i>	<i>Full salary</i>
One of the parents (tutor, guardian) of the disabled child	part 1 article 262	4 days per month	The average wage is paid at the expense of the Social Insurance Fund
Women working in the rural area	Part 2 article 262	1 day per month	Unpaid
One parent (tutor, guardian or adopting parent) of a couple who work in a Far Northern region or equivalent area and have a child under the age of sixteen shall, upon his/her written request, be granted an additional unpaid day off each month.	Article 319	1 day per month	Unpaid

4.1. One of the parents (or a guardian or foster parent) shall be granted four additional paid days off per month in order to care for a disabled child or disabled from childhood up to 18 years (part 1 article 262 Labor Code). These

days may be used by one of the indicated persons or divided between them at their discretion.

The Resolution of the Ministry of Labor and Social Security No 26, Social Insurance Fund of the Russian Federation No 34 dated by April 04, 2000²⁰⁷ explains the procedure of granting such off-day. The provision of the additional paid days off is conducted on the application of the employee and are recorded by the order (direction) of organization's administration on the basis of the note of the social security authorities on the disabled child with the indication that the child is not in the specialized child care institution (of any authority) on the state provision. An employed parent also provides the note from the other parent employment that he or she has not used or used only partially the additional paid days off in the same month.

In case if only one of the parents of the child is in an employment relationship with the employer, four additional payable days off per month for caring for the disabled-children and the disabled from the childhood up to their achievement of 18 years of age shall be allowed to a parent who is in employment relationship with the employer.

According to p. 8 of this explanation if there are more than one disabled child in the family, quantity of the allowed payable days off per month shall not be increased.

Payment of each additional day off to a working parent, (guardian or a trustee) for caring for the disabled children and the disabled from the childhood up to their achievement of 18 years of age shall be made in the amount of daily earning at the expense of Social Insurance Fund of the Russian Federation (p.10).

²⁰⁷ The decree of the Ministry of labor of the Russian Federation No. 26, FSS No. 34 as of 04.04.2000 "On approval clarification "On the procedure of granting and payment of additional days off in one month of working parents (guardian, Trustee) for the care of children with disabilities" (together with an explanation of the Ministry of labor of the Russian Federation No. 3, FSS of the Russian Federation No. 02-18/05-2256 as of 04.04.2000). Registered in Ministry of justice of the Russian Federation 29.05.2000 No. 2238. "The Russian Newspaper", No. 109, 07.06.2000.

4.2. Women working in rural areas can be given one additional day off per month under their written application without saving the salary (p.2 art.262 of LC of RF). A woman is having no obligation to provide any other documents to receive such a day off.

4.3. *One of the parents (guardian, trustee, adoptive parent) working in the areas of the Far North and equivalent to them districts, having a child under 16 years of age can be allowed an additional day off without saving salary under his written application (art.319 of LC of RF).* According to the article No. 287 of the Labor Code of the Russian Federation, warrants and compensations for persons working in the areas of the Far North and equivalent to them districts shall be provided to workers only at the primary employment.

5. Employees combining work with training can be given more convenient duty cycles. According to request of persons staying on maternity leave, during standing on maternity leave, they may work in terms of part-time work or in-home with saving eligibility for a grant in compliance with state-sponsored social insurance p.3 art.256 of LC of RF).

6. Persons giving care for children can be provided with additional leaves without paying salary. The right to grant such leave specified in the art.263 of LC of RF may be provided for by the collective agreement of the organization. According to the art.263 of LC of RF annual additional leaves without paying full salary at a convenient time with duration up to 14 consecutive days may be established for:

- worker having two or more children at the age under fourteen;
- worker having a disabled child at the age under eighteen;
- single mother bringing-up a child at the age under fourteen;
- father bringing-up a child at the age under fourteen without a mother.

List of eligible persons to be provided with additional leave entitlement can be extended comparing with this list by the collective agreement.

The specified leave under a written application can be added to the annual paid leave or used separately or by piecemeal. Deferral of this leave to the next year is not admitted.

As for the issue of accounting of unemployment period resulting from carrying out of family duties in arriving at retirement benefit schemes or at determining of pension entitlement then in accordance with the article No. 11 of the applicable Federal law from December 17, 2001 No. 173-F3 “On Labour Pensions in the Russian Federation” *to periods which are included in the pensionable service taken into account at the admission to pension, the following items are contained:*²⁰⁸

-nursing period of a parent member of each of a child up to his achievement of one year and a half of age, but totally no more than four years and (p.3, p.1, art.11);

- period of nursing carried out by the able-bodied person for a disabled person of group I, disabled child or a person who has attained the age of 80 years (p.6, p.1, art.11).

Period of nursing of a parent member for each of a child up to his achievement of the age of one year and a half, taken into account at the admission to pension was increased from 3 to 4,5 years by the Federal law from December 28, 2013 No. 427-F3²⁰⁹.

²⁰⁸ The Federal law as of 17.12.2001 No. 173-FL "On labor pensions in the Russian Federation". "Legislation Bulletin of the Russian Federation", 24.12.2001, No. 52 (1 part), article 4920.

²⁰⁹ The Federal law as of 28.12.2013 No. 427-FZ "On amending article 11 of the Federal law "On labor pensions in the Russian Federation" and article 1 of the Federal law "On the means of the Federal budget to the Pension Fund of the Russian Federation for reimbursement of expenses for the payment of the insurance part of labor pension old-age pension disability pension survivor's pension to certain categories of citizens". "Legislation Bulletin of the Russian Federation", 30.12.2013, No. 52 (part I), Art. 6992.

In view of implementation of the retiring reform, there is a Federal law “On non-contributory pensions” adopted from December 28th, 2013 No. 400-F3 which comes into effect from January 1st, 2015. The Art. No. 15 of this law provides that pensionable service contains particularly:

-period of nursing of a parent member for each of a child up to his achievement of the age of one year and a half, but totally no more than six years and a half (p.3 art.15);

-period of nursing carried out by the able-bodied person for a disabled person of group I, disabled child or a person who has attained the age of 80 (p.6 art15).

c) to develop national or private social services including nursery schools and other childcare centers with day-time staying, or to encourage their development;

In accordance with the adopted Federal law at the end of 2012 year “On education in the Russian Federation”²¹⁰ (hereafter - Law No. 273-F3) there are accessibility and free-of-charge basis in compliance with the Federal state general educational standards of preschool, elementary, general primary, general secondary, and vocational secondary education as well as on competition base free-of-charge basis of the higher education, if a citizen receives education of this type first time guaranteed in the Russian Federation (p.3, art.5 of the Law No. 273-F3). Preschool education is determined by law as a level of basic education and there is development of the Federal state educational standards of preschool education (hereafter FSES) of preschool education provided for.

²¹⁰ The Federal law "On education in the Russian Federation" as of 29.12.2012 No. 273-FL // “Legislation Bulletin of the Russian Federation”, 31.12.2012, No. 53 (part 1), article 7598.

According to p.2, art.64 of the specified law the educational programs of preschool education are directed to all-round development of preschool children in light of their age and individual peculiarities including preschool children's achievement of developmental level necessary and sufficient for successful learning of educational programs of elementary education in terms of individualized approach to preschool children and specific types of activity to preschool children.

According to the art.65 of the Law, preschool educational centers have in caring and nursing for the children Other organizations providing educational activities of implementation of educational programs of preschool education are eligible for caring and nursing for the children. Getting of preschool education in educational organizations can commence upon reaching of children the age of two months (p.1, art.67 of the Law).

Therefore, the Law has divided functions of providing of free-of-charge generally accessible preschool education and functions of caring and nursing for children in organizations performing educational activities and out of such organizations (in the form of individual activity, tutorship, patronage, in preschool groups of caring and nursing under the aegis of the parental communities, in the family preschool groups and other forms).

There are norms on organization in nursery schools included in the Standard statute on preschool educational institution (hereafter-nursery school), approved by the decree of the Ministry of Education and Science of the Russian Federation from October 27, 2011 No. 2562 registered in the Ministry of Justice of the Russian Federation from January 18, 2012, registration No. 22946):

- groups of caring and nursing for children where their support and upbringing, socialization and formation their procedure-oriented skills are provided, including children with disabilities, disabled children;

- family preschool groups which may have general development orientation or have in caring and nursing for children without implementation of basic preschool general education curriculum.

The specified norms of legislation allow to make more available for population as preschool education services as well as services of caring and nursing for children.

**ASSIGNMENT OF PRESCHOOL EDUCATIONAL establishments FOR
THE PURPOSE INTENDED
2010-2012²¹¹**

	2010		2011		2012	
	number of organization	number of pupils among them, thousands of people	number of organization	number of pupils among them, thousands of people	number of organization	number of pupils among them, thousands of people
Preschool educational organizations by types - total	46160	5204.5	46227	5458.3	45936	5708.4
among them:						
Preschool educational institutions	43584	5053.9	43729	5309.9	43278	5524.9
among them:						
nursery schools	22124	1555.9	22267	1670.7	22134	1762.5
nursery schools for children of tender age	221	15.7	225	15.6	231	16.9
nursery schools for children of preschool (elder toddler) age	11	1.0	9	1.0	14	1.0
nursery schools of generally developmental	8614	1247.0	8556	1284.4	8325	1302.7

²¹¹ Official site of the Federal service of state statistics:
http://www.gks.ru/free_doc/new_site/population/obraz/d-obr3.doc

type with the priority carrying out of activities in one of the directions of development of children						
nursery schools of the compensating type	1257	116.2	1147	104.4	1075	103.3
nursery schools of caring and rehabilitation	604	58.1	572	54.6	528	51.8
nursery schools of combined type	7674	1414.7	7956	1517.8	8006	1606.0
the child development centers - nursery schools	3079	654.4	2997	661.5	2965	680.6
educational organizations for children of preschool and primary school age	2576	150.6	2498	148.3	2658	183496
among them:						
elementary school - nursery school	2267	108.1	2200	105.4	2389	142.6
elementary school - nursery school of compensating type	130	14.3	130	14.1	120	12.8
progymnasium	179	28.2	168	28.9	149	28.1

At the present moment the most-coveted and spread is a form of child minding in full day groups of extended days and day and night staying in the national and municipal educational institutions. There is care integrated with preschool education. Under such a form of supervision and care in 2013 there

were 6,2 million of children in 56,4 thousand of institutions implementing programs of preschool education.

The second form of provision of services of care and nursing which becomes more and more popular nowadays is fulfilled in the family preschool groups. Family preschool groups are created as a rule at home of a child minder of the national and municipal preschool educational institution. Most often child minders are mothers of large families who bring up their preschool children (at least three) and may take 1-2 more of somebody else's children. Child minders can also be teachers who create the conditions for pre-school education of children from the families living in the neighbourhood. Family groups minders are PEI staff members, they are provided with tutorial support from the tutorial office of nursery school. In 2013, 10.7 thousand of children got preschool education in family groups (0.2% of the total number of children covered by preschool education).

The third form provides caring and nursing for children in family whilst children get preschool education in part-time groups (hereafter - PTP). As of January 2013, 18.6 thousand of such groups operate in 12 thousand of institutions (nursery schools, schools, institutions of supplementary education). There are approximately 270 thousand of preschool children brought up in them (about 4.6% of children covered by preschool education).

The fourth form is connected with the involvement in caring and nursing for children self-employed persons performing individual teaching activity. In 2013 more than 1 thousand self-employed persons rendered services in preschool education as well as caring and nursing for preschool children (tutorship, family clubs, childcare centers, home day care schools, etc.).

At the present moment within the framework of the project of the Federal Target Program of advancement of education for 2011-2015 years there is a project "Development and approbation of arrangements of appliance of various forms of organizing caring and nursing for children in educational establishments and other organizations, at self-employed persons and families having children of

preschool age” realized. Following the results of execution of the project there will be generalized experience of the constituents of the Russian Federation to organize various forms of caring and nursing for children presented.

Edict of the President of the Russian Federation from May 7th, 2012 No. 606 “On measures of population policy of the Russian Federation” in the paragraph 3 of sub-paragraph “a” provides that it is necessary to “assume measures directed to arrangement of conditions for women to combine child-rearing responsibilities with employment, as well as for organization of professional education (reeducation) of women absent on leave for caring the child under 3 years”.

In order to implement this decree there is an instruction of Chairman of the Government of the Russian Federation D. A. edited Medvedev of May 17, 2012 No. DM-P12-2805

Order of the Ministry of Labor of Russia of February 18, 2013 No. 64 approved by Methodological recommendations on development of by the the executive powers of the Russian Federation subjects measures aimed at creating conditions for women to combine child-rearing responsibilities and work and on the organization of vocational training (retraining) of the women who are on maternity leave until the child reaches the age of three²¹².

As measures that will contribute to the creation of condition for women to combine child-rearing responsibilities and work and vocational training

²¹² Order of the Ministry of Russia as of 18.02.2013 No. 64 "On methodological recommendations on the development of Executive authorities of subjects of the Russian Federation of measures aimed at creating conditions for combining women's responsibilities for the upbringing of children from labor, as well as on the organization of vocational training (retraining) of women who are on leave to care for a child under the age of three years." Not published. SPS "ConsultantPlus".

(retraining) of the women who are on maternity leave until the child reaches the age of three, executive authorities of subjects of the Russian Federation are recommended to develop regional programs (a set of measures, activities plans) that include, in particular, the following ways (p.4 of the Methodical recommendations):

- *ensuring access of preschool educational institutions, children's health organizations;*
- using of flexible forms of employment, distance employment and other.

Evaluation of the effectiveness of the implementation of measures aimed at creating conditions for women to combine child-rearing responsibilities and work will be carried out, in particular, on the following factors (p.8, Methodological recommendations):

- *children level in the preschool educational institutions;*
- *availability of organizations, allowance and privilege for women with children up to 18 in the collective agreements and regional arrangements, exceeding laws and other normative legal acts, agreements;*
- proportion of jobs that provide the opportunity to establish short hours, half-time week, flexible working hours, shift and home-based work in the total number of vacancies notified to the employment offices.

The draft of Concept of the State Family Policy in the Russian Federation for the period until 2025, that now prepare to adoption, shows that one of the most important tasks which affect on the economic activity of families with young children is the access to preschool educational institutions.

To address this issue as part of implementation of the Decree of the President of the Russian Federation dated May 7, 2012 No. 599 "On measures for implementation of the state policy in the education and science" is currently taking active measures to close priority in preschool educational institutions for

children from 3 to 7 and the achievement until 2016 of 100 per cent access to preschool education for children of this age group.

In 2013-2014 budgets of the Russian Federation subjects have received 100 billion rubles on activities for the regional systems of preschool education modernization, including the construction, reconstruction and capital repairs of kindergartens.

The result is a positive trend to reduce the number of children in the waiting list for kindergarten by more than 68.7 thousand of children for 2013.

According to the Department of statistics of the Russian Federation as of January 1, 2014, preschool education in various forms have over 6.3 million children (January 1, 2013 - 5.98 persons). During 2009-2012 in educational institutions studied²¹³:

	2009/10	2010/11	2011/12	2012/13	2013/14
The number of students in general education institutions	13619	13569	13654	13713	13783
among them:					
in cities and urban-type settlements	9692	9761	9923	10046	10168
in rural district	3927	3808	3732	3667	3615
Among them the number of students in:					
general education institutions (without evening (shift) general education institutions)	13258	13244	13362	13445	13548
among them:					
in cities and urban-type	9405	9502	9690	9835	9980

²¹³ Official site of the Federal service of state statistics:
http://www.gks.ru/free_doc/new_site/population/obraz/o-obr2.htm

settlements					
in rural district	3854	3742	3672	3610	3568
evening (shift) general education institutions, including extramural students	360	325	292	267	234
among them:					
in cities and urban-type settlements	287	259	233	211	188
in rural district	73	65	59	56	47
Number of teachers ¹⁾	1103	1067	1047	1041	1032

Gradually increasing a number of the children coverage of preschool education of early (toddlers) years, as of January 1, 2013 the children coverage was 1,056,000 people, as of April 1, 2014 - 1627000 children. During 2009-2012 in preschool institutions were²¹⁴:

preschool educational INSTITUTIONS
(at the end of year)

Years	Number of preschool educational institutions - total, thous.	among them		Number of students in preschool educational institutions - total, thousand of people ¹⁾	among them		The number of students per 100 spaces in preschool educational institutions, people		
		in cities and urban-type settlement	in rural district		in cities and urban-type settlement	in rural district	total	in cities and urban-type settlement	in rural district

²¹⁴ Official site of the Federal service of state statistics:
http://www.gks.ru/free_doc/new_site/population/obraz/d-obr1.doc

2009	45.3	26.8	18.5	5228.2	4158.1	1070.2	106	112	88
2010	45.1	26.7	18.4	5388.0	4280.6	1107.3	107	113	90
2011	44.9	26.9	18.0	5661.1	4502.4	1158.8	106	111	91
2012	44.3	26.5	17.8	5982.9	4750.6	1232.2	105	109	92

Families' need for spaces in preschool educational institutions for children under the age of 3 is estimated by experts as more relevant and important than for children over that age. To ensure that children of this age group have place in the nurseries is necessary not only to develop and support the existing network of preschool institutions, but also to promote the development of private preschool educational institutions.

More detailed data about families availability in preschool educational institutions are in the Appendix to Article 8 of the Report based on data from the State report on the situation of children and families with children in the Russian Federation for 2012, prepared by the Ministry of labour and social protection, including information for the previous three years²¹⁵.

Other statistics and data from the Ministry of Labour

In accordance with RF legislation, parents have the opportunity to leave the working time in case of child illness to care for the child in several ways.

One parent is entitled to receive a medical sick leave certificate of child care (other sick family member) and getting the temporary incapacity allowance over this period. According to p.5, Article 6 of the Federal Law No. 255-FZ, the temporary incapacity allowance when the need for care of a sick family member is paid to the insured person:

²¹⁵ Analytical review as of December 19, 2013 "State report about the situation of children and families with children in the Russian Federation for 2012". Official website of the Ministry of labor and social protection of the Russian Federation.

<http://www.rosmintrud.EN/docs/mintrud/protectio>
n/69. Date of request is 01.08.2014.

1) in case of care for a sick child up to 7 years - for the whole period of the child's treatment on an outpatient basis or rooming with a child in the medical organization during medical attention in a hospital, but no more than 60 continuous days in a calendar year for all cases of this child care, and in case of child illness included in the Diseases Schedule determined by the federal executive body that serve as for drafting and implementing the state policy and statutory regulation in the health care, not more than 90 continuous days in a calendar year for all cases of this child care resulting from specified disease;

2) in case of care for a sick child from 7 to 15 - for the period up to 15 continuous days in each case the child's treatment on an outpatient basis or rooming with a child in the medical organization during medical attention in a hospital, but no more than 45 continuous days in a calendar year for all cases of this child care;

2) in case of care for a sick disabled child up to 15 - for the whole period of child's treatment on an outpatient basis or rooming with a child in the medical organization during medical attention in a hospital, but no more than 120 continuous days in a calendar year for all cases of this child care;

4) in case of care for a sick child up to 15 which are HIV infected - for the whole period of rooming with a child in the medical organization during medical attention in a hospital;

5) in case of care for a sick child up to 15 with his disease resulting from post-vaccination complications, in the presence of malignancy, including malignant neoplasms of lymphoid, haematopoietic and related tissue - for the whole period of the child's treatment on an outpatient basis or rooming with a child in the medical organization during medical attention in a hospital;

6) in other cases, care for a sick family member in treatment on an outpatient basis - no more than 7 continuous days in each case of the disease, but not more than 30 continuous days in a calendar year for all cases of this family member care.

Another option of leaving the work is a dismissal on the employee's initiative. According to Article 80 of the RF LC, employee has the right to terminate the contract at his own request, notifying the employer in writing no later than two weeks, unless otherwise prescribed by this Code or other federal law. This period begins on the day following receipt by the employer the employee resignation.

By agreement between the employer and employee, a labor contract may be terminated before the expiry of the letter of termination of employment.

In cases when the employee's notice of resignation on his own initiative (on his own request) due to the inability to continue his work (matriculation in the educational institutions, retirement and other cases), and also in case of determined the labor laws and other regulations by the employer, containing employment and labour laws, bylaws, collective bargaining conditions, agreement or employment contract, the employer must terminate the employment contract within the period specified in the request of the employee.

To the cases where the dismissal is caused by the inability to continue working, may be attributed the need to leave the place of work due to serious illness of the child.

Reduction of working time is done by agreement of the parties of the labor contract. However, the employer is obliged to set a part-time working day (shift) or half-time week:

- at the request of of the pregnant woman,
- at the request of one of the parents (guardian, care-giver) who has a child up to the age of fourteen (disabled child up to the age of eighteen),
- caring for a sick family member in accordance with a medical certificate issued in accordance with the procedure established by federal laws and other regulatory legal acts of the Russian Federation (p.1, Article 93 of the RF LC).

2. In order to ensure the realization of the right to equal opportunities and equal treatment of working men and women with family responsibilities, as well as the workers with family responsibilities, on the one hand, and all other workers on the other, the Parties undertake to provide a possibility for either parent to obtain, after maternity leave the parental leave, duration and conditions of which should be determined by national legislation, collective agreements or practice;

Article 256 of RF LC provides that at the request of the woman she is granted leave to care for a child up to the age of three. Parental leave may be used in whole or in part as by the child's father, grandmother, grandfather, other relatives or guardians, actually caring for the child. Leave may be used by the said persons at any time before the child reaches the age of three.

P.19 of the Resolution of the Plenum of the Supreme Court of the Russian Federation from January 28, 2014 No. 1 "On the application of the legislation regulating the work of women, persons with family responsibilities and minors" emphasizes that "the possibility of granting such leave does not depend on the degree of relationship and cohabitation a specified person with parent (s) of the child.

When resolving of the dispute on the refusal to grant leave to care for a child up to the age of three years to his father, grandfather (grandmother) or any other person the court is necessary to check whether the person carries out the actual care of the child and is not granted this leave to the child's mother.

Documents confirming the right to grant parental leave, are: child's birth certificate; documents showing that there is the employer-employee relationship (work book, order on hiring of an employee, etc.); employee's vacation request for parental leave and others."

According to request of the women or persons entitled to use parental leave up to the child age of three, during the parental leave they can work part-time or at home with right for state social insurance.

For the period of parental leave the employee shall retain the place of work (job position).

During the parental leave until the child reaches the age of three there are paid the following two types of benefits.

From the date of granting parental leave until the child reaches the age of one and a half years at the expense of the Social Insurance Fund of the Russian Federation shall be paid a monthly paternity leave cash benefit in the amount of 40% of average earnings, that charged insurance premiums to the Social Insurance Fund of the Russian Federation for compulsory social insurance for temporary disability and maternity, but not less than 2576.63 rubles to care for the first child and 5153.24 rubles to care for the second and subsequent children in 2014 (2326 rubles for the care of the first child and 4 651.99 rubles to care for the second child and subsequent children - in 2012; 2 453.93 rubles - to care for the first child, 4907.85 rubles - to care for the second child and subsequent children in 2013).

Maximum amount of the monthly allowance for child care in 2014 is 15 433.33 (in 2013 - 16 241.14 rubles, in 2012 - 14 625 rubles, in 2011 - 13 833 rubles).

After the child reaches the age of one and a half years it shall be paid a monthly child allowance, size, order of establishment, indexing and payment of which is established by laws and other regulatory legal acts of subjects of the Russian Federation.

Similar leave are provided as for *workers who adopted a child*. According to p.1, Article 257 of RF LC employees, who adopted a child should be granted leave for the period from the date of adoption and before the expiration of 70 continuous days from the date of birth of the adopted child, and while adoption of two or more children - 110 continuous days from the day of their birth (further -

from the day of adoption leave before the expiry of 70 (110) days from the date of birth of the child(ren)). At the same time women who have adopted a child, at their request, instead the leave specified in p.1, Article 257 of LC RF may have a parental leave for the period from the date of adoption before the expiration of 70 (110) days from the date of birth of the child(ren).

In the case of adoption of a child(ren) both parents at their own discretion may take parental leave from the date of adoption and before the expiration of 70 (110) days from the date of birth of the child(ren).

Article 257, p.257 of RF LC provides that the procedure for granting this leave, ensuring the protection of privacy of adoption is regulated by the Russian Federation Government. Such a procedure is set by RF Government Decree of October 11, 2001 No. 719 "On Approval of the Procedure for granting leave to employees who adopted a child." This Procedure provides that to obtain maternity leave for the period from the date of adoption until the expiration of 70 (110) days from the date of birth of the child(ren), an employee who has adopted a child(ren) hands in application for leave (at the place of employment), specifying its duration (with presentation of judicial ruling or its copies about adoption of a child). The request shall include a copy of the birth certificate of the child(ren). With the adoption of a child(ren), both parents additionally should provide Letter of Employment Verification (service, education) that they are not used this leave or that the wife is not on maternity leave.

parental leave up to the age of three is available to employees who adopt a child in the general procedure established for the provision of this leave.

3. In order to ensure the realization of the right to equal opportunities and equal treatment of working men and women with family responsibilities, as well as the workers with family responsibilities, on the one hand, and all other workers on the other, the Parties undertake to ensure that family responsibilities in principle should not serve as a grounds for dismissal.

The labour legislation of the Russian Federation sets out an exhaustive list of the grounds for discharge, in which there are no grounds involved with the realization of family responsibilities by workers.

Among the measures aimed at the protection against dismissal due to family responsibilities it may be fits into guarantees of law against discrimination; requirements to the grounds and procedure for termination of an employment agreement on the initiative of the employer; the protection mechanism of unfairly dismissed violated rights, including judicial protection; ways for restoring the rights of unfairly dismissed; measures of administrative and criminal liability.

Meanwhile methods of protection against discrimination at work in Russia, Article 3, p.4 of the RF LC sets out that "persons who consider that they have been discriminated against in employment, entitled to appeal to the court to restore the violated rights, compensation of material and moral damage." This provision was brought into force in 2006²¹⁶. In practice, it is understood and applied as establishing exclusionary jurisdiction of appeal related to discrimination to the courts of General jurisdiction; the state labour inspectorate does not consider discrimination appeals. Citizens which are victims of discrimination have the right to appeal the local Prosecutor's office, that after checking take measures of prosecutor response: notice of opposition and compliance notice²¹⁷.

An employee who is faced discrimination, may file a claim: on the recognition of discrimination; on the compensation for substantive rights; on the

²¹⁶ The Federal law as of 30.06.2006, No. 90-FL "On amendments to the Labor code of the Russian Federation, the recognition is not applicable in the territory of the Russian Federation of certain regulatory legal acts of the USSR and void of some legislative acts (provisions of legislative acts) of the Russian Federation" // Official gazette of the Russian Federation, 03.07.2006, No. 27, article 2878.

²¹⁷ Article 28, the Federal law as of 17.01.1992 No. 2202-1 "On Prosecutor's office of the Russian Federation" // Official gazette of the Russian Federation", 20.11.1995, No. 47, article 4472.

compensation for lost earnings and compensation for moral damages. Fundamentally, the compensation for afflict and abuse of the right in this case is the compensation for moral damage.

As for the liabilities for discriminatory discharge, Article 136 of the RF Criminal Code sets out criminal responsibility for violation of equality of rights and freedoms of the person and of the citizen, providing that discrimination, that is a violation of the rights, freedoms and legitimate interests of the person and of the citizen depending on their sex, race, nationality, language, origin, property and official status, place of residence, religious beliefs, convictions, membership of public associations or any social group, committed by a person using his official position, - should be punishable by a fine of one hundred thousand to three hundred thousand rubles or in the amount of wages or other income of the convicted person for a period from one to two years, or deprivation of right to hold specific posts or engage in certain activities for a term up to five years, or compulsory community service for a term of up to four hundred eighty hours, or by corrective work for up to two years, or compulsory labour for up to five years, or deprivation of liberty for the same term.

Administrative responsibility for the discrimination was brought into force in the end of 2011²¹⁸. Article 5.62 of the Administrative Offenses Code of the Russian Federation provides that discrimination is a violation of the rights, freedoms and legitimate interests of the person and of the citizen depending on their sex, race, color, nationality, language, origin, property, family, social and professional status, age, place of residence, religious beliefs, convictions, membership of public associations or any social group - is punishable by an administrative fine in the amount of one thousand to three thousand rubles; for legal entities - from fifty thousand to one hundred thousand.

²¹⁸ Federal law as of 07.12.2011, No. 420-FL "On amendments to the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation" // Official gazette of the Russian Federation, 12.12.2011, No. 50, article 7362.

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2.2. OCCUPATIONAL HEALTH

HYGIENIC REQUIREMENTS TO THE WOMEN WORKING CONDITIONS

SANITARY REGULATIONS AND STANDARDS SanPiN 2.2.0.555-96

(Extract)

4. Requirements to the women working conditions during pregnancy

4.1. Technical operations, equipment, industrial environment

4.1.1. Technological processes and equipment intended for pregnant women working, should not be a source of higher level of physical, chemical, biological and physiological factors. When choosing technological operations for their work it should be taken into account such values of physical load that are valid for pregnant women (Table 5). Standards are meant for the Council of Ministers regulations- the Government of the Russian Federation from June 02, 1993 No. 105 "On the new standards and maximum permissible load for women while manually lifting and moving of heavy loads."

4.1.2. Pregnant women should not perform manufacturing operations associated with the lifting of the objects of labor above the level of the shoulder girdle, lifting of the objects of labor from floor, prevalence of tensing the muscles of the legs and abdominals, forced working posture (squatting, kneeling, stooping, supporting by abdomen and by chest to equipment and objects of labor), body bending more than 15 degrees. For pregnant women it should be excluded work on the equipment using the foot pedal control, on the conveyor with forced rhythm of work, followed by a neuro-emotional stress.

Table 5

ALLOWABLE VALUE OF WORKING LOAD FOR PREGNANT WOMEN

No.	Job description	Weight loaded, kg
1	Lifting and moving heavy loads in alternation with other work (up to 2 times per hour)	2.5
2	Lifting and moving heavy loads constantly during the working shift	1.25
3	The total weight of loads moved during each work shift hour at a distance of 5m, shall not exceed: - from the working area	

	- from the floor	60 Lifting from the floor is not allowed
4	The total weight of loads moved over an 8-hour shift is: - from the working area	480

Note. Weight of lifted and moved loads includes the tare mass.

4.1.3. Technological operations appropriate for pregnant women are choosing among available on the factory (or are not peculiar to this factory), provided that they satisfy the allowable workload parameters given in Table 6. Such works can include light assembly operations, sorting, packaging, satisfying the hygienic requirements for the labor process, the organization of the workplace and the working environment given in Tables 5,6,7.

4.1.4. When estimating the parameters of the industrial environment at the workplace of pregnant women they should be guided by health parameters of optimal conditions for the industrial environment (Table 7).

4.1.5. Pregnant women are not allowed to perform work associated with effect of agents of infectious, parasitic and fungal diseases.

4.1.6. Pregnant women should not work in the presence of infrared radiation. The temperature of the heated surfaces of equipment and fencing in the work area must not exceed 35 ° C.

4.1.7. Pregnant women are excluded from the activities associated with wetting of clothes and shoes, work on the draft.

4.1.8. Work in barometric pressure jump conditions is forbidden for women during pregnancy (flight personnel, stewardesses, altitude test chamber personnel, and others).

Table 6

**PARAMETRES OF PERMISSIBLE WORKLOAD FOR WOMEN
ACROSS PREGNANCY**

No.	Parameter of workload	Levels
1.	Degree of mechanization	The work is fully mechanized
2.	Working posture	Free
3.	Walking per shift, km	up to 2
4.	The nature of the working movements of the hands	Easy stereotyped movements
5.	Moving tempo	Free
6.	The number of working operations per shift	10 or more
7.	Duration of repetitive operations, sec	100
8.	Duration of focused observation, % of shift time	up to 25
9.	The density of communications, signals in average per	up to 60

	hour	
10.	The size of the object of visual difference (visual performance category)	more than 5 mm, low precision rough work
11.	Shift-working	Morning

4.1.9. Pregnant women working is not permitted in windowless and lamp free rooms, i.e. without natural light.

4.1.10. Women are not permitted to perform all kinds of work, professionally associated with the use of video-display terminals and personal computers from the date of the pregnancy check and during breastfeeding.

4.2. Requirement to job site organization

4.2.1. It should be equipped with fixed workstations for pregnant women to perform free labor operations with posture allowing to change position at will. Regular sitting, standing, moving (walking) work is excluded.

4.2.2. Workplace of pregnant woman equipped with special swivel chair with a height-adjustable backrest, headrest, lumbar cushion, armrest and seat. The backrest of the chair is adjustable in the angle depending on the duration of gestation and schedule of work and rest. The seat and backrest should be covered with semi-soft non-slip material that is easily sanitized. The main parameters of the working chair specified in GOST 21.889-76.

Table 7

HYGIENIC CHARACTERISTICS OF OPTIMAL CONDITIONS OF INDUSTRIAL ENVIRONMENT

No.	Harmful factors of industrial environment	Appropriate levels
1	2	3
1.	Harmful chemicals	None
2.	Industrial aerosols predominantly fibrogenic and mixed type	None
3.	Vibration (general or local)	None
4.	Noise	50 - 60 dB A
5.	Ultrasound	None
6.	Infrasound	Natural background
7.	Non-ionizing radiation: - electric field of industrial frequency of 50 Hz - radio frequency band electromagnetic emission: 0,01 - 3 Hz 3 - 30 Hz 30 Hz - 300 MHz 300 MHz - 300 GHz - constant electric and magnetic fields	0,5 kW / m 10 W / m 6 W / m 2 W / m 1 mkV / sq. cm Natural background
8.	Ionizing radiation	Natural background
9.	Room climate provided the easy work 1A category: Air temperature, deg. C:	

	- cold season - warm season Relative humidity, % Air velocity, m / sec	22 - 24 23 - 25 40 - 60 0.1
10.	Atmosphere pressure, mm above sea level	Natural background
11.	Biological factors (microorganisms, hormone and protein preparations, amino acids, vitamins and other natural components of the organism)	Natural background
12.	Illumination, lx (combined lighting system)	Optimal value of existing hygienic standards

4.2.3. It should provide adjustable in height and angle footrest with a wavy surface.

4.2.4. Table working surface should have a cutout in the table top for the body, rounded corners and a frosting coating to avoid a reflected glare.

4.2.5. Worktable, production equipment should have space for the legs: minimum height is 600 mm, minimum width is 500 - 600 mm, minimum depth is 450 mm at knee height and not less than 650 mm at the level of the feet.

**Ministry of Labor and Social Protection of
the Russian Federation
STATE REPORT
ON CHILDREN AND FAMILIES WITH CHILDREN SITUATION
IN THE RUSSIAN FEDERATION
2012
(Extract)**

EDUCATION, UPBRINGING AND DEVELOPING OF CHILDREN

The availability of preschool educational institutions

Currently, in the subjects of the Russian Federation open 44.3 thousand preschool institutions, 26.5 thousand of which is (60%) - in cities and urban-type settlement, 17.8 thousand (40%) – in rural district.

From 44.3 thousand of preschool institutions:

43.8 thousand (98.8% of the total number of preschool educational institutions) - state and municipal preschool educational institutions (hereinafter - PEI);

1.2 thousand (2.7%) - the institution for preschool and junior school children (these institutions have preschool groups mainly for children from 3 years old, and children can be taken at an earlier age, and primary classes - from 1 to 4 of general education school);

7.3 thousand (16.4% of total number of institutions) - general education institutions, where groups for children of preschool age have been created. Growth dynamics of the preschool groups in educational institutions is given in the table below:

Year	The number of educational institutions where groups for children of preschool age were organized (units).	The number of groups for preschool children in educational institutions (units)	Number of children who receive preschool education in groups at educational institutions (thous. people)
2007	5 119	8 213	120.5
2008	5 630	9 478	142,5

2009	5 980	10 298	160.4
2010	6 353	11 446	183.5
2011	6 689	12 322	202.9
2012	7 250	15 675	274.5

The number of pupils of preschool educational institutions is increase: if in 2002 there were 4.3 million, in 2010 - 5.4 million, 2012 - 6.0 million, then on January 1, 2013 - 6.2 million children.

Coverage parameters²¹⁹ of preschool children in the age from 1 to 7 of various forms of preschool education in 2011 is 60.6%, in 2012 - 62.1%. Coverage of children aged from 3 to 7 in 2012 is 81.2 percent.

The number of children registered for the preschool education institutions (priority), in 2010 - 2.1 million children; in 2011 - 2.2 million children; in 2012 - 2.4 million children.

Development of variative (alternative) forms of preschool education:

a) short-stay group (hereinafter - SSG) (it is not alternative, but serve as a version to provide preschool education). In 2012, 11.7 thousand such groups worked in 12 thousand institutions (PEI, general education institutions, institutions of further education). There were brought up about 138,4 thousand children of preschool age (about 2.3% of all children covered by preschool education). SSG have a different focus: the adaptation group for children from 6 months to 2 years, including children with parents; development group (preschool education based on brain games), "Special needs Child" groups for disabled children, training children for school groups and others.

b) family preschool groups - a new form based on practice. Their activities have become legitimate after the approval of the new edition of the Model Regulations. It is created as structural subdivision of state and municipal PEI in home of the child minder. Most commonly child minders are mothers of large families who are bring up their preschool children (at least three) and may take an additional 1-2 somebody else's children. Child minders can also be teachers who create the conditions for preschool education of children from families living in the neighborhood in their apartment. Family groups minders are

²¹⁹ Indexes of coverage are calculated as the ratio of the number of children attending preschool educational institutions to the number of children aged 1-6 years, adjusted for the number of children aged 5-6 years, studying at educational institutions.

PEI staff members, they are provided with tutorial support from tutorial office of nursery school. Children of family groups, besides lessons with his domestic minders can attend sport and music classes in nursery school, walk in the lot of nursery school. 13,100 children get preschool education in family groups (0.2% of the total number of children covered by preschool education).

c) self-employed persons providing services in preschool education and attention and care of children of preschool age (tutoship, family clubs, childcare centers, home day care, etc.). 1081 (about 0.02%) children get services associated with attendance and care and (or) with preschool education at the self-employed persons.

Short-stay groups		
	2011	2012
Number of educational institutions (PEI, schools, institutions of further education), wherein SSG have been created.	5 555	12 049
Number of SSG	7 396	11 744
The number of children getting preschool education in family preschool groups	103 712	138 377
Family preschool groups		
	2011	2012
Number of PEI wherein family preschool groups have been created	479	1 828
Number of family preschool groups	606	3 753
The number of children getting preschool education in family preschool groups	2212	13 130
Self-employed persons providing services to preschool education (kids club, attendance and care groups, home day care, early childhood development centers)		
	2011	2012
Number of self-employed persons	93	1081

Development of private preschool educational institutions (PPEI).

Dynamics of change in the number of PPEI (private property): 2010 – 374 PPEI; 2011 – 372 PPEI; 2012 – 467 PPEI. Today, more than 50 thousand children get preschool education in 467 PPEI (0.8% of all children covered by preschool education).

The reasons for the slow growth of PPEI: deficiency of government support, big expenses of the founders of PPEI for building maintenance, it follows thence high parental fees (hence the slow demand).

Government support: statutorily prescribed out of public funds liability of private PEI (Federal Law of February 28, 2012 № 10-FZ "On Amending the

The Law of the Russian Federation on Education and Article 26.3 of the Federal Law" On general principles of organization of legislative (representative) and executive bodies of state power of subjects of the Russian Federation ").

By this law the state represented by the bodies of state power of the subjects of the Russian Federation shall have the obligation to (and not only a right, as it was prior to the adoption of the Federal Law of February, 28, 2012 № 10-FZ) assist the training of citizens in private preschool and general educational institutions through their funding within the federal state educational standards of general education. Thus private educational institutions will be financed in accordance with standards established for state and municipal educational institutions.

Cost reduction: the creation of support programs PPEI in the subjects at the expense of reduced rents, tax exemption (Presidential Address to the Federal Assembly of the Russian Federation, 2010).

Parental pay reduction: since August 2009 it was fixed the compensation of the part of parent fee for child support in the private PEI (Article 52.2 of the Law "On Education"); it was allowed to use the funds of the maternity capital on preschool education in PPEI.

The main goal of preschool education is defined in the Presidential Decree dated May 7, 2012 № 599 "On measures for implementation of the state policy in the field of education and science" - to achieve by 2016 100 percent availability of preschool education for children aged from 3 to 7.

A multistage plan for the elimination of priority in preschool institutions was developed, providing two main ways: the development of state-municipal system of preschool education and opportunities of preschool education private sector.

The first way is realized through the creation of additional student space using internal reserves (at the open areas in schools, institutions of further education, institution of higher education - for children of employees, students

and postgraduates); organizing family preschool groups; return of previously given kindergarten buildings; reconstruction of buildings of kindergartens with the increase of their power; building new preschool institutions.

The second way includes measures of government support to private institutions (privileged rent, tax incentives); measures aimed at liquidation of administrative barriers to development of entrepreneurship in the sphere of preschool education; measures aimed at supporting parents whose children attend private kindergartens (compensation or subsidization of part of the parent fee).

As a part of Multistage plan is expected to create in the country in 2013 - 2015, more than 1 million student spaces and fully liquidate priority in preschool institutions for children from 3 to 7.

Financial support of the regions is continued. In 2012 and 2013 under the Federal target program of education development for 2011-2015 in the subjects of the Russian Federation it is provides grant from the government of 1 billion rubles annually to provide additional student places for children of preschool age. Following the results of competitive selection in 2012, 72 region were financed.

In 2012 41 members of the Russian Federation got public budget loan for construction and reconstruction of the nursery school building for a total amount of 8 billion rubles.

LABOR ACTIVITY OF TEENAGERS AND PARENTS THAT HAVE CHILDREN

Employment training and retraining of parents with preschool children including parents with many children and parents with disabled children

At the beginning of 2012 according to the information of employment office at registration branch there were 318,6 thousand citizens regarding category of parents bringing up infant children, disabled children, of which: 140,4 thousand people or 44,1% are rural men, 32,9 thousand people or 10,3% are citizens of multi industrial cities (communities). Among the citizens belonging to the category of parents bringing up infant children single parents compose 26,7 thousand people or 8,4%, parents with many children - 33,4 thousand people or 10,5%.

One of the directions of governmental politics in the sphere of assistance to people employment according to article 5 of Law of the Russian Federation

“Concerning Employment in the Russian Federation” is arrangement of activities that assist people employment who have difficulties in finding a job including parents who have infant children, disabled children, single parents and parents with many children.

In 2012 in the framework of the organization of temporary employment of unemployed citizens who have difficulties in finding work participated 27,2 parents bringing up infant children, disabled children or 8.5% of the number of citizens in this category, registered in the employment offices (in 2011 - 25,6 thousand people or 8.0%), where the number of single parents was 11.6 thousand people, or 42.6%, parents with many children - 10.2 thousand people or 37.5% (2011 - 12.2 thousand people or 47.7% and 12.1 thousand people or 47,3%, respectively).

At the end of December 2012 the number of parents bringing up infant children, children with disabilities, was 272,5 thousand people and has decreased during one year by 46.1 thousand people or 14.5%. There has also been a growth in the proportion of parents bringing up infant children, children with disabilities, the total number of the unemployed citizens registered in the employment offices, from 24.8% at the end of 2011 to 25.6% at the end of 2012. Among people of this category citizens in rural areas amounted to 125.5 thousand people or 46.1%; residents of single-industry towns (settlements) - 29,4 thousand people or 10.3%; single parents - 16,9 thousand or 6.2%; parents with many children - 25.0 thousand people, or 9.2 percent.

The implementation of the employment of parents with many children and parents bringing up children with disabilities is embarrassed by the need for child care which reduces their competitiveness in the labor market. Parents with many children and parents with disabled children have to adjust the nature and conditions of work under specific circumstances. In practice offer of official places with flexible hours, with home-based and remote employment in the labor market is limited.

Promotion of combination by parents of income-generating activities with family responsibilities, including through the development of forms of supervision and care for children

According to the concept of demographic policy of the Russian Federation for the period until 2025, approved by the Decree of the President of the Russian Federation as of the 9th of October 2007 No. 1351, one of the main tasks to achieve the goals of demographic policy is the implementation of measures to promote the employment of women with infant children to ensure alignment of parental and family responsibilities with professional activities.

However for most women after parental leave to care for a child under the age of three years the problem arises associated mainly with lower qualifications and partial loss of professional skills to perform the appropriate type of professional activity. Therefore the organization of vocational training for women who are on leave to care for a child under three years of age contributes to the creation of the adaptation conditions to facilitate return of this category of women to its former place of work, and opportunities for its further career growth, competitiveness in the labor market.

The main purpose of the arrangements for vocational training (retraining) of women who are on leave to care for a child under the age of three is the creation of conditions conducive to the return of the women in this category to its former place of work, or assisting them in obtaining other profession (specialty) and changing jobs due to changing family circumstances.

As it is showed by practice the majority of women who are on leave to care for a child under three years of age (about 80%) return to their former place of work after training in their current profession.

Those who want to change the type of activity are trained and retrained and get a new profession (specialty). The most popular among women bringing up children are the professions of a seller, cook, confectioner, seamstress, tailor, barber.

While sending women to professional training their personal wishes are taken into account. However professional training under the direction of the employment service is carried out with taking into account the needs of the labor market due the list of the most popular professions (specialties).

In pursuance to the Decree of the President of the Russian Federation as of the 7th of May 2012 No. 606 "On measures on implementation of demographic policy of the Russian Federation" established a system under which the subjects of the Russian Federation shall implement measures to create conditions for

combining women's responsibilities for the upbringing of children with labor activity.

All members of the Russian Federation developed and implemented a set of measures (action plans, programs) to create conditions for combining women's responsibilities for the upbringing of children from labor.

One of the conditions allowing women to combine bringing up children with employment is to ensure in the members of the Russian Federation availability of preschool education for children aged 3 to 7 years. Relevant activities are included in the complex of measures of members of the Russian Federation.

Development and conclusion of regional tripartite agreements between bodies of state power of subjects of the Russian Federation, employers' associations and trade unions, and collective bargaining agreements of organizations providing for rules and regulations regarding the creation of conditions in which the combination of women's obligations of child-bringing up and their work are provided.

In the majority of members of the Russian Federation for women bringing up children under the age of three years, collective agreements provide flexible forms of employment (part-time, short working week, work at home, temporary work, and so on).

In the framework of the current legislation in the members of the Russian Federation normative legal acts, providing social and material support for women with children under the age of 3 years are adopted. In accordance with these acts women with children under the age of 3 years are paid an additional lump sum after the birth of a child; a lump sum benefit to a large family; additional monthly allowance to care for a disabled child; monthly child allowances and allowances for children of single mothers; the monthly payment for meals special dairy products baby food for children up to the fourth year of a child's life and other forms of material support.

In the framework of the implementation of the policy by the employment authorities of subjects of the Russian Federation was carried out activities aimed at the employment of women with small children. Members of the Russian Federation organized the monitoring of employment of women with small children, informing them about job opportunities, and provide benefits.

Promoting the employment of women with children under the age of 18 years, also contributes to the delivery of employment services public services in the field of employment promotion.

In some members of the Russian Federation normative legal acts provide for the right of women with small children, providing priority to the provision of public services to promote self-employment of unemployed citizens, participation in temporary and public works.

In order to create adaptive conditions conducive to the return of women who are on leave to care for a child under three years of age, to work, and increase their competitiveness on the labor market, in subjects of the Russian Federation implements the event on the organization of training, retraining and advanced training of women who are on leave to care for a child reaches the age of three.

The specified event occurred in 78 members of the Russian Federation in 2012. 9.5 thousand women received professional training, retraining and advanced training in Russian Federation, which accounted for 97% of the number of women, aimed at professional training, retraining and advanced training.

According to information from the Executive bodies of the constituent entities of the Russian Federation, funding for the activities funded from the budgets of subjects of the Russian Federation amounted to 93.3 million.

The most active event on the organization of training, retraining and professional development of women in the leave to care for a child under the age of 3 years, the number of women in this category, applied to the bodies of the employment service for assistance in finding suitable work, was implemented in the Tambov region, where during the reporting period were retrained 303 women (100% of the quantity applied to the bodies of the employment service for assistance in finding a suitable job); Ulyanovsk region - 304 women (99.7 per cent); Krasnoyarsk Krai - 234 women (99,2%); The Republic of Sakha (Yakutia) - 227 women (99,1%); Rostov region - 263 women (97.8 per cent).

The greatest number of women who are on leave to care for a child under the age of three years is sent at training in the Republic of Tatarstan (517 women), Novosibirsk region (519 women), the Republic of Bashkortostan (493 women), the Tula region (382 women), Ulyanovsk region (304 women), Tambov region (303 women).

