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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

RUSSIAN FEDERATION

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts "decisions".

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The European Social Charter (revised) was ratified by the Russian Federation on 16 October 2009. The time limit for submitting the 8th report on the application of this treaty to the Council of Europe was 31 October 2018 and the Russian Federation submitted it on 7 May 2019.

This report concerned the accepted provisions of the following articles belonging to the thematic group "Children, families and migrants":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The Russian Federation has accepted all provisions from the above-mentioned group except Articles 19§§1 to 4, 19§§6 to 8, 19§10 to 12 and 31.

The reference period was 1 January 2014 to 31 December 2017.

The present chapter on the Russian Federation concerns 23 situations and contains:

– 10 conclusions of conformity: Articles 7§2, 7§7, 7§9, 8§2, 8§3, 8§4, 8§5, 19§5, 27§1 and 27§3;

– 7 conclusions of non-conformity: Articles 7§1, 7§3, 7§10, 8§1 16, 17§1 and 17§2.

In respect of the other 6 situations concerning Articles 7§4, 7§5, 7§6, 7§8, 19§9 and 27§2, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by the Russian Federation under the Revised Charter. The Government consequently has an obligation to provide this information in the next report from the Russian Federation on the articles in question.

The next report from the Russian Federation deals with the accepted provisions of the following articles belonging to the thematic group "Employment, training and equal opportunities":

- the right to work (Article 1),
- the right to vocational guidance (Article 9),
- the right to vocational training (Article 10),
- the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15),
- the right to engage in a gainful occupation in the territory of other States Parties (Article 18),
- the right of men and women to equal opportunities (Article 20),
- the right to protection in cases of termination of employment (Article 24),
- the right to workers to the protection of claims in the event of insolvency of the employer (Article 25).

¹ The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).

The deadline for the report was 31 December 2019.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee previously noted (Conclusions 2015) that Article 63 of the Labour Code prohibits children under 16 years of age from concluding an employment contract. It also noted that young persons who have reached the age of 15 might be employed in light work which does not cause harm to their health.

The Committee previously noted (Conclusions 2015) that the Labour Code also provides for the possibility to conclude an employment contract with teenagers of 14 years and older still undergoing a general education course. The Committee refers to its previous conclusion (Conclusions 2015) for the examination of the conditions under which the performance of such work is allowed.

As regards reduced daily and weekly working time, the current report indicates that the length of working time of students of educational institutions under 16 years of age working during the period of study in the time free from study may not be more than 12 hours per week and 2.5 hours per day. As for the working time of such children during school holidays, it shall not exceed 4-5 hours per day and 24 hours per week. The Committee considers the situation to be in conformity with the Charter on this point.

In its previous conclusion (Conclusions 2015), the Committee asked the next report to indicate how the Labour Inspectorate monitors in practice the regulation allowing children under the age of 15 to perform light work. It also requested information on the activities and findings of the Labour Inspectorate of monitoring the prohibition of employment under the age of 15.

The current report indicates that according to Article 353 of the Labour Code of the Russian Federation, the monitoring of labour law shall be carried out by the federal and state labour inspectorate (SLI). According to the report, the SLI perform their activities through planned and unscheduled inspections. As for the planned inspections, they are performed once every three years, and they can be documentary or on-site. As for the unscheduled inspections, they are performed following some requests, among which the Committee notes in particular appeals and applications of citizens including from the media, trade unions, individual entrepreneurs, legal entities, government bodies, concerning facts related to violation of the labour legislation requirements.

According to the report, if the inspections reveal violations of mandatory labour law requirements by the employer, the SLI is obliged to i) issue an order to the employer to eliminate the violations and ii) to take comprehensive measures to control the elimination of identified violations of mandatory requirements and to prevent them as well as measures to bring the employers found to be in violations to justice. Furthermore, the employer's failure to comply with the requirements in due time entails liability in accordance with the requirements of the Code of Administrative Offences of the Russian Federation.

As for the findings of the inspections, the report indicates that as of July 2017, the number of violations of labour regulation regarding workers below 18 years of age identified was 120. It further indicates that in 2017, the total number of appeals of workers under the age of 18 received by the SLI included 155 appeals on the issue of wages of workers under the age of 18; 80 complaints concerning the execution and termination of employment contracts with workers under the age of 18; eight appeals concerning labour protection.

The Committee notes that the report does not provide disaggregated data on the activities and findings of the SLI with regard to the prohibition of employment of children under the age

of 15 and on the number and nature of the sanctions imposed in practice in cases of violations found. It, therefore, asks the next report to provide the relevant information.

In its previous conclusion (Conclusions 2015), the Committee asked the next report to indicate whether the State authorities monitored work done at home by children and domestic work and which were their findings in this respect. The current report does not provide any information in this respect. The Committee, therefore, reiterates its question and points out that should the next report not provide the information requested, there would be nothing to establish that the situation is in conformity with the Article 7§1 of the Charter on this point.

In its previous conclusion (Conclusions 2015), the Committee noted from the Observation of the CEACR (2013) on the Minimum Age Convention that many children were working outside the scope of an employment contract or in the informal economy. It noted from the same source that a study carried out in 2009 by ILO-IPEC revealed that children, some as young as 9 years old, were engaged in economic activities such as collecting empty bottles and recycling paper, transporting goods cleaning workplaces, looking after property, street trading and cleaning cars. In the light of the above, the Committee asked the next report to indicate what were the measures taken by the Labour Inspectorate to detect cases of children under the age of 15 working in the informal economy.

The current report does not provide any information on this point. The Committee recalls that the prohibition of the employment of children under the age of 15 applies to all economic sectors, including agriculture, and all places of work, including work within family enterprises and in private households (Conclusions I (1969), Statement of Interpretation on Article 7§1). It further recalls that the prohibition also extends to all forms of economic activity, irrespective of the status of the worker (employee, self-employed, unpaid family helper or other).

The Committee reiterates its questions and given the lack of information on the situation in practice, considers that the situation in the Russian Federation is not in conformity with Article 7§1 of the Charter on the ground that it has not been established that the legislation on the prohibition of employment under the age of 15 is effectively enforced in practice.

The Committee refers to its General question on Article 7§1 in the General Introduction.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 7§1 of the Charter on the ground that it has not been established that the prohibition of employment under the age of 15 is effectively enforced.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee previously noted (Conclusions 2015) that it is prohibited to employ persons under the age of 18 in jobs involving harmful and/or dangerous work conditions, underground work, and jobs that could cause harm to their health and moral development (gambling businesses, cabarets and nightclubs, and the production, transportation, and sale of alcoholic beverages, tobacco products, and narcotic and other toxic compounds). It shall be prohibited for workers under the age of 18 to carry or move loads in excess of the limits established for them (Article 265 of the Labour Code).

The Committee previously examined the specific list of works prohibited to young persons under 18 and noted that such list applies to all enterprises and organisations regardless of their legal status and possession (Conclusions 2015).

The Committee further noted (Conclusions 2015) that the legislation provides for certain exceptions from the above mentioned rule. Students of general educational institutions and secondary vocational education of 16 years old and above (upon training) may perform the works included in the list of dangerous activities, but not longer than four hours a day with the strict observance of sanitary standards and norms of safety engineering. Graduates of educational institutes having passed at least three years of professional training for works specified in the list of dangerous activities, but not reached the age of 18, could be admitted to such works on certified working place subject to strict observance of sanitary standards and norms of safety engineering.

In its previous conclusion (Conclusions 2015), the Committee recalled that the situation in practice should be regularly monitored and asked the next report to provide information on the activities and findings of the Labour Inspectorate in relation to the prohibition of employment for dangerous activities of young persons under 18. It also asked how the Labour Inspectorate monitors the above mentioned derogations and what are the applicable sanctions in cases of violation of the prohibition of employment under the age of 18 in dangerous or unhealthy activities.

As for the sanctions applicable in cases of violations, the current report indicates that for violation of state regulatory labour protection requirements contained in federal laws and other regulatory legal acts of the Russian Federation, administrative responsibility is provided on the basis of article 5.27.1 of the Code of Administrative Offenses of the Russian Federation. Such regulation entails a warning or an imposition of an administrative fine upon: i) officials in the amount of 2.000 to 5.000 RUB (€28,95 to € 72,37, which increase to 30.000-40.000 RUB (€434,263-€579,018) or a disqualification from 1 to 3 years in case of recidivism); ii) persons engaged in business activity without creating a legal entity – 2.000 to 5.000 RUB (€28,9509 to € 72,37, which increase to 30.000-40.000 RUB (€434,263-€579,018) or an administrative suspension of the activity up to 90 days in case of recidivism); iii) legal entities – 50.000 to 80.000 RUB (€723,77 to € 1.158,04, which increase to 100.000-200.000 RUB (€1.447,54-€2.895,09) or an administrative suspension of the activity up to 90 days in case of recidivism).

As for the findings of the inspections, Committee refers to its conclusion on Article 7§1. The Committee notes that the report does not provide specific information on the activities and findings of the SLI with regard to Prohibition of employment under the age of 18 for dangerous or unhealthy activities and on the number and nature of the sanctions imposed in practice in cases of violations found. The Committee further notes that the report does not provide information on how the Labour Inspectorate monitors the derogations allowing

children from the age of 16 to perform dangerous or unhealthy activities. It therefore reiterates its previous questions and asks the next report to provide the relevant information.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Russian Federation is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee previously noted (Conclusions 2015) that Article 63 of the Labour Code prohibits children under 16 years of age from concluding an employment contract. It also noted that young persons who have reached the age of 15 may be employed in light work which does not cause harm to their health. It further noted that the law does not list "light works" but provides for sanitation and epidemiological requirements for working conditions safety for workers under the age of 18. In particular, teenagers are not allowed to work in: working conditions and activities requiring significant intellectual effort; working conditions and activities requiring a high degree of concentration and sensory attention; working conditions with considerable emotional stress. Machinery, equipment, instruments, controls, furniture at the workplace shall meet the ergonomic requirements taking into account teenagers physical growth and development.

The Committee previously noted (Conclusions 2015) that the Labour Code also provides for the possibility to conclude an employment contract with teenagers of 14 years and older still undergoing a general education course. The Committee refers to its previous conclusion (Conclusions 2015) for the examination of the conditions under which the performance of such work is allowed.

In its previous conclusion (Conclusions 2015), the Committee recalled that in order not to deprive children of the full benefit of their education, States Parties must provide for a mandatory and uninterrupted period of rest of at least 2 consecutive weeks during the summer holidays and asked whether children who are still subject to compulsory education benefit of two consecutive weeks free from any work during the summer holiday.

The current report indicates that according to Article 267 of the Labour Code annual basic paid leave shall be granted to workers under the age of 18 for a period of 31 calendar days at a time convenient to them. The report does not specify whether during the summer holidays the child has the right to a rest period free of work of at least two consecutive weeks out of the 31 free days. The Committee therefore reiterates its previous question. Meanwhile, it reserves its position on this point.

In its previous conclusion (Conclusions 2015), the Committee asked how the Labour Inspectorate monitors the working weekly and daily hours of children who are subject to compulsory education and information on its findings.

As for the findings of the inspections, Committee refers to its conclusion on Article 7§1. The Committee notes that the report does not provide specific information on the nature of the sanctions imposed in practice in cases of violations found. It therefore asks the next report to provide the relevant information, as well as up-to-date information on the activities and findings of the SLI with regard to the prohibition of employment of children still subject to compulsory education.

The Committee refers to its conclusion on Article 7§1, where it noted from the Observation of the CEACR (2013) on the Minimum Age Convention that many children were working outside the scope of an employment contract or in the informal economy. It noted from the same source that a study carry out in 2009 by ILO-IPEC revealed that children, some as young as 9 years old, were engaged in economic activities such as collecting empty bottles and recycling paper, transporting goods cleaning workplaces, looking after property, street trading and cleaning cars.

Given the lack of information in the current report on the measures taken by the Labour Inspectorate to detect cases of children still subject to compulsory school working in the informal economy, the Committee concludes that the situation in the Russian Federation is

not in conformity with Article 7§3 of the Charter on the ground that it has not been established that the legislation on the prohibition of employment of children subject to compulsory education is effectively enforced in practice.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 7§3 of the Charter on the ground that it has not been established that the legislation on the prohibition of employment of children subject to compulsory education is effectively enforced.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee notes from the information provided in the report that according to Article 94 of the Labour Code, as amended in 2017, the duration of working time for children not subject to compulsory education shall not exceed 4 hours per day for children aged from 14 to 15 years, 5 hours per day for children aged from 15 to 16 years and 7 hours per day for those aged from 16 to 18 years of age.

In its previous conclusion (Conclusions 2015), the Committee noted that as an exception, the duration of daily work for sportsmen who have not reached the age of 18 may be established by collective contracts, agreements, local normative acts and asked how the Labour Inspectorate monitors these arrangements. The Committee notes that the report does not provide any information in this respect and therefore reiterates its question.

In its previous conclusion (Conclusions 2015), the Committee recalled that the situation in practice should be regularly monitored and asked the next report to provide information on the activity of the Labour Inspectorate, its findings and sanctions applied in cases of breach of the applicable regulations to reduced working time of young workers who are no longer subject to compulsory schooling.

As for the findings of the inspections and the sanctions applicable in cases of violations, the Committee refers to its conclusion on Articles 7§1 and 7§2. The Committee notes that the report does not provide specific information with regard to violations of the applicable regulations to reduced working time of young workers and on the nature of the sanctions imposed in practice in cases of violations found. It therefore asks the next report to provide the relevant information, as well as up-to-date information on the activities and findings of the SLI with regard to non-respect of the applicable regulations to reduced working time of young workers who are no longer subject to compulsory schooling.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by Russian Federation.

In application of Article 7§5, domestic law must provide for the right of young workers to a fair wage and of apprentices appropriate allowances. This right may result from statutory law, collective agreements or other means. The “fair” or “appropriate” character of the wage is assessed by comparing young workers’ remuneration with the starting wage or minimum wage paid to adults (aged eighteen or above) (Conclusions XI-1 (1991), United-Kingdom). In accordance with the methodology adopted under Article 4§1, wages taken into consideration are those after deduction of taxes and social security contributions.

Young workers

The young worker’s wage may be less than the adult starting wage, but any difference must be reasonable and the gap must close quickly (Conclusions II (1971), Statement of Interpretation on Article 7§5). For fifteen/sixteen year-olds, a wage of 30% lower than the adult starting wage is acceptable. For sixteen/eighteen year-olds, the difference may not exceed 20% (Conclusions 2006, Albania). The adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter. If the reference wage is too low, even a young worker’s wage which respects these percentage differentials is not considered fair (Conclusions XII-2 (1992), Malta). Therefore, if young workers were paid 80% of a minimum wage in line with the Article 4§1 fairness threshold (60% of the net average wage), the situation would be in conformity with Article 7§5 (Conclusions XVII-2 (2005), Spain). This is at least a 48% of the net average monthly wage. Since the Russian Federation has not accepted Article 4§1 of the Charter, the Committee makes its own assessment on the adequacy of young workers wage under Article 7§5. For this purpose, the ratio between net minimum wage and net average wage is taken into account

The report states that according to the Labour Code wages shall be paid to workers under the age of eighteen by taking into account their reduced working hours (up to 24 hours a week for workers below 16; up to 35 hours a week for workers between 16 to 18). The report further states that in contrast to adult workers, the amount of wages of young persons under 18 depends/is subject to the duration of working time and to their output. The report adds that young workers under 18 are paid less than adults because they are trusted with easy works, they are less experienced than the adult workers and the working hours of young workers are reduced.

The report indicates that the minimum wage is set throughout Russia by the Federal Law No. 82-FZ dd June 19, 2000 “On Minimum Wage”. In 2018, the minimum wage was 11,163 RUB per month. Workers employed in areas with special climatic conditions shall be remunerated at a higher amount.

The report does not give any specific indication on the amount of wages paid to young workers under 18 years of age or on the net minimum wage. The Committee therefore requests again information on the net values, that is, after deduction of taxes and social security contributions. Net calculations should be made for the case of a single person. Pending receipt of the information requested, the Committee reserves its position on this point. Should the next report do not contain information on this point, there will be no elements to assess the situation in Russia in this respect in conformity with the Charter.

Apprentices

Apprentices may be paid lower wages, since the value of the on-the-job training they receive must be taken into account. However, the apprenticeship system must not be deflected from its purpose and be used to underpay young workers. Accordingly, the terms of

apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of interpretation on Article 7§5), starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal).

The report does not contain any information on the allowances paid to apprentices during the reference period. The Committee requests again to be provided with the net values of the allowances paid to apprentices (after deduction of social security contributions) at the beginning and at the end of the apprenticeship. Pending receipt of the information requested, the Committee reserves its position on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee recalls that in application of Article 7§6, time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer's consent and be related to the young person's work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of interpretation on Article 7§6). The Committee deferred its last conclusion because it was unclear whether the legislation provided for specific guarantees for young persons undertaking professional training and whether it was also monitored and respected in practice (Conclusions 2015).

The report states that when a worker is sent by an employer for skill enhancement and this implies interrupting the work, she or he shall retain the job position and the average wage until her/his return (Article 187 of the Labour Code). According to Article 198 of the Labour Code, an employer who is a legal entity can conclude an apprenticeship contract for professional training with a person seeking a job, and an apprenticeship contract for vocational education. The time spent on education under an apprenticeship contract on the job shall be considered as a part of the working time.

The Committee recalls that, in spite of citing these articles, Russian legislation does not provide specific guarantees for young persons undertaking professional training during the working time. The report does not provide for any specific information on how the situation is implemented in practice. The Committee therefore reiterates its questions and asks how the situation is monitored in practice and asks that the next report provide information on the activity and findings of the Labour Inspectorate in relation to the inclusion of time spent on vocational training in the normal working time. Should this information not be included, the Committee will have no elements to consider the situation to be in conformity with the Charter in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee recalls that in application of Article 7§7, young persons under 18 years of age must be given at least four weeks' annual holiday with pay. The arrangements which apply are the same as those applicable to annual paid leave for adults (Article 2§3). For example, employed persons of under 18 years of age should not have the option of giving-up their annual holiday with pay; in the event of illness or accident during the holidays, they must have the right to take the leave lost at some other time.

The report contains no information on this respect. In its former cycle, the Committee considered the situation to be in conformity with the Charter, as the Labour Code regulates that workers under 18 have the right to 31 calendar days of annual paid leave. The Committee however requested information on the situation in practice. The Committee therefore reiterates its former request for information and asks that the next report provide information on the activity and findings of the State Labour Inspectorate in relation to the paid annual holidays of young workers under 18.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Russian Federation is in conformity with Article 7§7 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee recalls that, in application of Article 7§8, domestic law must provide that workers under 18 year olds are not employed in night work. Laws or regulations must not cover only industrial work. Exceptions can be made as regards certain occupations, if they are explicitly provided in national law, necessary for the proper functioning of the economic sector and if the number of young workers concerned is low (Conclusions XVII-2 (2005), Malta).

The report contains no information on this respect. In its former conclusions, the Committee had considered the situation to be in conformity with the Charter. The Committee asks the next report to confirm whether young persons under 18 are still not allowed to perform night work (Article 96 of the Labour Code) and what is the situation in practice, mainly the activity of monitoring and applicable sanctions in relation to possible illegal involvement of young workers under 18 years old in night work.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee recalls that the obligation entails a full medical examination on recruitment and regular check-ups thereafter. The intervals between check-ups must not be too long. In this regard, an interval of three years has been considered to be too long by the Committee. The check-ups must be adapted to the specific situation of young workers and the particular risks to which they are exposed.

In its former conclusion (Conclusion 2015), the Committee considered the situation to be in conformity with the Charter, as the Labour Code required all persons under 18 to be employed only after a preliminary medical examination and that a compulsory medical examination is performed yearly until they reach the age of 18 (Article 266 of the Labour Code). All medical examinations shall be performed at the employer's expense (Conclusion 2015).

The report contains no information on this respect. The Committee recalls that the situation in practice should be regularly monitored and reiterates its request that the next report provide information on the activity and findings of the Labour Inspectorate.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Russian Federation is in conformity with Article 7§9 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by the Russian Federation.

Protection against sexual exploitation

In its previous conclusion (Conclusions 2015), the Committee asked whether all provisions of the Criminal Code of the Russian Federation, as amended by Federal Law No. 14-FZ of 29 February 2012, which aimed at protecting children against sexual exploitation, covered children up to the age of 18. It further asked whether simple possession of child pornography is criminalised and whether may be prosecuted for any act connected with this exploitation.

The report indicates that following the amendment of the Criminal Code by Federal Law No. 380-FZ of 28 December 2013, Article 240 of the Code provides that obtaining sexual services from minors aged between 16 and 18 by a person who has reached the age of 18 is a criminal offence.

The Committee notes from the UN Committee on the Rights of the Child Concluding observations on the report submitted by the Russian Federation under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/RUS/CO/1, 2018) that the legislation of the Russian Federation does not define and criminalise all forms of the sale of children and child prostitution. It also notes from the same source that the legislation, in particular articles 242.1 and 242.2 of the Criminal Code, do not criminalise the simple possession of child pornography

The Committee considers that the situation is not in conformity with the Charter as the Criminal Code does not criminalise the simple possession of child pornography.

In its previous conclusion (Conclusions 2015), the Committee requested to be informed of the number of cases of sexual exploitation of children that have been identified and prosecuted.

The report indicates that according to the statistics of the Ministry of Internal Affairs, the in general, over the period 2014-2017, there that there has been an increase in the number of sexual offences committed against children

The Committee asks for updated information to be provided in the next report.

The Committee notes that on 3 July 2018, the State Duma adopted draft Federal Law No. 388776-7 "On amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation to improve mechanisms for combating crimes against the sexual inviolability of minors ». The Committee asks the next report to provide information on these amendments.

The Committee further notes the adoption of the Decade for Children, announced by Presidential Decree of 29 May 2017, and other governmental initiatives and resolutions relevant to children, including the establishment of cooperation between relevant State bodies, civil society institutions and the private sector in order to combat sexual exploitation and abuse of children. The Committee asks the next report to provide information on the results of these measures.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations mentioned above that there are cases of foreign tourists coming to the Russian Federation for the purpose of sexual exploitation, some of them targeting children. The Committee also notes that domestic travellers constitute a large proportion of those travelling for the purpose of sexual exploitation of children in the context of travel and

tourism. The Committee asks the next report to provide information on measures taken to address this problem.

Protection against the misuse of information technologies

In its previous conclusion (Conclusions 2015), the Committee asked for information concerning supervisory mechanisms and sanctions for the exploitation of children through the information technologies. It further asked whether legislation or codes of conduct for Internet service providers is foreseen in order to protect children.

The report indicates that in order to limit access to sites on the Internet containing information prohibited in the Russian Federation, a unified automated information system – the "Unified Registry of domain names, website pages and Internet addresses for identifying sites on the Internet containing information whose dissemination is prohibited in the Russian Federation by federal law" has been established.

The Committee notes from the UN Committee on the Rights of the Child's Concluding Observations mentioned above a significant increase in the number of child pornography websites since 2009.

The Committee recalls that with a view to combating sexual exploitation of children through the use of internet technologies, States Parties must adopt measures in law and in practice, such as by providing that Internet service providers be responsible for controlling the material they host, encouraging the development and use of the best monitoring system for activities on the net (safety messages, alert buttons, etc) and logging procedures (filtering and rating systems, etc.). Internet services providers should be under an obligation to remove or prevent accessibility to illegal material to which they have knowledge and internet safety hotlines should be set up through which illegal material could be reported.

The Committee requests that the next report provide information on the results of the implementation of legislative instruments aimed at protecting children from the misuse of information technology. The Committee reiterates its question as to whether legislation or codes of conduct for Internet service providers are foreseen to protect children.

Protection from other forms of exploitation

The report indicates that anti trafficking issues are among the areas of cooperation in the intergovernmental and inter-ministerial agreements on cooperation in the fight against crime concluded with more than 60 countries.

In particular, in September 2010, an agreement on the cooperation of the Ministries of the Interior (police) of the CIS member States in combating trafficking in human beings was signed and in October 2014, the Concept of Cooperation of the CIS member States in that regard was adopted. This concept establishes that trafficking in human beings is recognised as one of the most dangerous types of transnational organised crime for the purpose of generating criminal income.

In March 2017, measures were taken to block channels of illegal migration and trafficking in human beings, detect and stop illegal trafficking in false passports, visas and other documents, and confiscate the criminal incomes of human traffickers.

As part of its international obligations to incorporate the provisions of ratified documents into national legislation, in 2003 the Russian Federation introduced criminal liability for the purchase and sale of a human being, other transactions involving a person, and the recruitment, transport, transfer, concealment or receipt of a person for the purpose of exploitation (article 127 of the Criminal Code) including labour exploitation. (Article 127 of the Criminal Code).

According to the report, the Ministry of Internal Affairs of the Russian Federation indicated that in 2014-2017, the number of prosecutions for trafficking in children was between 12 and 16 per year.

In its previous conclusion (Conclusions 2015) the Committee asked for an updated information regarding the numbers of cases involving labour exploitation and begging. It also asked what measures were taken to assist children in street situations. .

The Committee notes the absence of information in the report on this point. It asks that the next report provide information on these questions. The Committee considers that if this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter

It notes that according to the ILO Direct Request (CEACR), adopted in 2016 and published at the 106th Session of the ILC (2017), the ILO-IPEC study on child labour indicated that 25 percent of children working on the streets are girls who are subjected to the worst forms of child labour, such as hazardous work or prostitution. The Committee also that the UN Committee on Economic, Social and Cultural Rights [E/C.12/RUS/CO.6, 2017] expressed its concern about the large number of children who live and work on the streets, in particular in the informal economy where they are vulnerable to abuse, including sexual abuse, and to other forms of exploitation to such an extent that regular school attendance is severely restricted.

Recalling that children in street situations are particularly exposed to the worst forms of child labour, the Committee refers to the General Comment No. 21 of the UN Committee on the Rights of the Child which provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response .

The Committee asks what measures have been taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 7§10 of the Charter on the grounds that the Criminal Code does not criminalise the simple possession of child pornography.

Article 8 - Right of employed women to protection of maternity
Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by the Russian Federation.

Right to maternity leave

The Committee previously noted that all working women (in the private and public sectors) are entitled to maternity leave for 70 days before and 70 days after childbirth, with benefits paid by the social insurance fund in the amount established by federal laws.

In its previous conclusion (Conclusions 2015), the Committee asked whether the law provided for a minimum compulsory length of postnatal leave or, if no such compulsory leave was provided for, what legal safeguards existed to avoid any undue pressure on employees inciting them to shorten their maternity leave, and in particular whether there was legislation against discrimination at work based on gender and family responsibilities, an agreement between social partners protecting the freedom of choice of the women concerned, or other guarantees enshrined in the general legal framework on maternity. It also required that the next report should provide any relevant statistical data on the average length of maternity leave actually taken.

The report does not contain any new information, so the Committee reiterates its request. It points out that, should the necessary information not be provided in the next report, nothing will enable the Committee to establish that the situation in the Russian Federation is in conformity with Article 8§1 of the Charter in this respect.

Right to maternity benefits

In its previous conclusion, the Committee found that the situation concerning the entitlement to maternity benefits was in conformity with Article 8§1 of the Charter. It noted that maternity benefit is paid to women covered by insurance for the whole period of maternity leave lasting 70 days before birth (84 in case of multiple pregnancy) and 70 days after birth (86 in case of birth related complications and 110 in case of multiple births). Maternity benefit is equal to the average earnings on the basis of which compulsory social insurance contributions for temporary disability and maternity have been paid to the social insurance fund.

The Committee notes from the report that the maximum monthly amount of maternity benefit was approximately RUB 57,833.3 (€837) in 2017 while the minimum wage was RUB 7,500 (€109). According to MISSCEO data, the wage basis for the calculation of social insurance contributions for one person was capped at RUB 755,000 (€10,929) in 2017.

In its previous conclusion, the Committee also asked whether the minimum amount of maternity benefits corresponded to at least 50% of the median equivalised income.

The Committee recalls that, under Article 8§1, the level of income-replacement benefits should be fixed so as to stand in reasonable proportion to the previous salary (these shall be equal to the previous salary or close to its value, and not be less than 70% of the previous wage) and it should never fall below 50% of the median equivalised income (Statement of Interpretation on Article 8§1, Conclusions 2015). If the benefit in question stands between 40% and 50% of the median equivalised income, other benefits, including social assistance and housing, will be taken into account. On the other hand, if the level of the benefit is below 40% of the median equivalised income, it is manifestly inadequate and its combination with other benefits cannot bring the situation into conformity with Article 8§1.

In the absence of the Eurostat median equivalised income indicator, the Committee notes from official national statistics that, at the end of the reference period the minimum subsistence level was RUB 11,069 (€160) per month. The Committee takes note of a sample calculation of maternity benefits based on the minimum wage (RUB 35,901.4 (€520)

for 140 days, i.e. approximately RUB 7,978 (€115) per month). However, insofar as the minimum wage is less than the minimum subsistence level during the reference period, the Committee considers that the situation is not in conformity with Article 8§1 of the Charter on the grounds that the minimum amount of maternity benefits is manifestly too low.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 8§1 of the Charter on the ground that the minimum amount of maternity benefits is manifestly too low.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by the Russian Federation.

Prohibition of dismissal

In its previous conclusions (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§2 of the Charter on this point. Since the situation remains unchanged, it confirms its previous finding of conformity.

Redress in case of unlawful dismissal

In its previous conclusions (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§2 of the Charter on this point: in case of unlawful dismissal, Article 394 of the Labour Code provided for the employee's reinstatement, and compensation for non-pecuniary damage suffered, determined by the competent court. It asked what criteria applied in deciding the amount of compensation when reinstatement was not possible and whether any ceiling applied to such compensation.

In response, the report states that any non-pecuniary damage caused to the employee by the employer's illegal actions or inaction is compensated in cash. The amount of this compensation is determined by agreement between the parties to the employment contract. In case of litigation, the courts decide whether the employee has suffered non-pecuniary damage and the amount of her compensation. Non-pecuniary damage suffered employee, and the amount of its compensation is determined by the court independently of the payment of the pecuniary damage. Under Article 234 of the Labour Code, the employer is obliged to pay compensation in an amount equal to the salary covering the entire period of forced absence from work. The Committee understands from the report that the law does not set any ceiling in this respect.

The report states that, in accordance with the domestic case law, a decision may be taken to declare the termination of a pregnant woman's contract unlawful even if the employer was unaware of her pregnancy.

The Committee requests that the next report provide examples of the relevant case law showing how these provisions are applied in cases of unlawful dismissal of employees during their maternity leave.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Russian Federation is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by the Russian Federation.

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§3 of the Charter. Since the situation remains unchanged, it confirms its previous finding of conformity.

Conclusion

The Committee concludes that the situation in the Russian Federation is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by the Russian Federation.

In its previous conclusion (Conclusions 2015), the Committee noted that Article 259 of the Labour Code prohibits having pregnant workers performing night work. Female employees who have children under three years old may be assigned to night work only upon their written agreement and if there is no medical reason preventing it. It concluded that the situation was in conformity with Article 8§4 of the Charter and asked whether the employed women concerned were transferred to daytime work until their child was three years old and what rules applied if such transfer was not possible.

In response, the report indicates that, under Article 254 of the Labour Code, the female employee concerned may be transferred to daytime work. Where such a transfer is not possible, she is exempted from work.

The Committee refers to its Statement of Interpretation on Articles 8§4 and 8§5 (Conclusions 2019) and asks the next report to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave; it furthermore asks the next report to confirm that the women concerned retain the right to return to their previous employment at the end of the protected period.

Conclusion

The Committee concludes that the situation in the Russian Federation is in conformity with Article 8§4 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by the Russian Federation.

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity with Article 8§5 of the Charter and asked whether paid leave was provided to nursing employees when it was not possible to reassign them to another post and whether women who had been reassigned or exempted from work in connection with maternity had a legal right to return to their previous employment when the protected period came to an end.

In response, the report notes that, under Article 254(4) of the Labour Code, women with children under 18 months of age (whether they are nursing or not) are entitled to request the transfer to another post, without loss of pay. At her request, a woman has the right to childcare leave for a child under the age of three years. During this leave, and until the child reaches the age of 18 months, she also receives a monthly childcare allowance. Under Article 256 of the Labour Code, she retains the right to return to her previous employment.

The Committee points out that Article 8 of the Charter provides specific rights protecting employed women during pregnancy and maternity (Statement of Interpretation on Articles 8§4 and 8§5, Conclusions 2019). Since pregnancy and maternity are gender-specific, any less favourable treatment due to pregnancy or maternity is to be considered as direct gender discrimination. Consequently, the non-provision of specific rights aimed at protecting the health and safety of a mother and a child during pregnancy and maternity, or the erosion of their rights due to special protection during such a period are also direct gender discrimination. It follows that, in order to ensure non-discrimination on the grounds of gender, employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary in order to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay. In this respect, the Committee asks the next report to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity the woman concerned is entitled to paid leave.

Conclusion

The Committee concludes that the situation in the Russian Federation is in conformity with Article 8§5 of the Charter.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by the Russian Federation.

Legal protection of families

Rights and obligations, dispute settlement

The Committee takes note of the information regarding **rights and obligations of spouses** as well as regarding the **settlement of disputes** provided in the report.

The report states that issues of motherhood and fatherhood, of children's upbringing and education, and other issues involved in the life of the family, shall be resolved by the spouses jointly, based on the principle of the spouses' equality (Article 31 of the Family Code).

Under the Family Code, the property acquired by the spouses during their marriage, shall be their joint property and the spouses' joint property shall be possessed, used and disposed of by the mutual consent of the spouses (Articles 34 and 35 of the Family Code).

The parents shall enjoy equal rights and shall discharge equal duties with respect to their children (Article 61 of the Family Code). All issues concerning children's upbringing and education shall be resolved by the parents by mutual consent, in consideration of the children's interests and their opinions. The parents (or one of them) shall have the right, if there exist differences between them, to turn for resolving these differences to the guardianship and trusteeship body, or to a court (Article 65 of the Family Code). The report states that the place of the children's residence in case the parents live apart, shall be established by an agreement between the parents. In the absence of such agreement, a dispute between the parents shall be resolved in court, proceeding from the children's interests and taking into account the children's opinion (Article 65 of the family Code).

The Committee asks for information in the next report on the procedures available in case of dissolution of the marriage (divorce).

With regard to **mediation services**, the Committee previously asked for information on mediation services available to families (Conclusions 2015). The report does not provide the requested information. The Committee notes that according to the Federal Law No. 193-FZ of 27 July 2010 "On an alternative dispute resolution procedure involving a mediator (mediation procedure)", parties can settle disputes arising out of family legal relationships.

The Committee recalls that States are required to provide family mediation services. The Committee considers that under Article 16 of the Charter, the legal protection of the family includes the availability of mediation services whose object should be to avoid the deterioration of family conflicts. To be in conformity with Article 16, these services must be easily accessible to all families. In particular families must not be dissuaded from availing of such services for financial reasons. If these services are free of charge, this constitutes an adequate measure to this end. Otherwise a possibility of access for families when needed should be provided.

The Committee reiterates its request for information on mediation services available to families i.e. access to the said services, whether they are free of charge and cover the whole country, and how effective they are, including statistical data on family conflicts dealt with through mediation.

Issues related to **restrictions to parental rights** and **placement of children** are examined under Article 17§1.

Domestic violence against women

The Committee recalls that States Parties are required to ensure an adequate protection with respect to women, both in law and in practice, in the light of the principles laid down in Recommendation Rec(2002)5 of the Committee of Ministers of the Council of Europe to member States on the protection of women against violence and Parliamentary Assembly Recommendation 1681 (2004) on a campaign to combat domestic violence against women in Europe. It notes that these instruments have been superseded in 2011 by the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is legally binding for the States which have ratified it. It notes however that the Russian Federation has neither ratified nor signed the Istanbul Convention.

The Committee takes note of the information provided in the report regarding the National Action Strategy for Women 2017-2022 and in particular the part on “Prevention of social disadvantage of women and violence against women” and the Action Plan for the implementation of the Strategy. A cooperation project with the Council of Europe with the view to implement the National Action Strategy for Women 2017-2022 was developed. The Committee asks the next report to provide comprehensive information on the measures taken under the Strategy, the implementation of legislation/measures in the field and their impact in preventing and reducing domestic violence.

The report provides statistical data on the number of crimes committed in the sphere of family relations which show a decrease during the reference period. The Committee asks for specific statistical data in the next report concerning domestic violence against women.

The Committee notes that the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), in its Concluding observations on the eighth periodic report of the Russian Federation (20 November 2015) expressed concern at the high prevalence of violence against women, in particular domestic and sexual violence, and the lack of statistics disaggregated by age, nationality and relationship between the victim and the perpetrator and of studies on its causes and consequences. The CEDAW noted that cases of violence against women are underreported, given that they are considered a private matter, and that victim protection services, such as crisis centres and shelters, are insufficient. It recommended to the Russian Federation to introduce *ex officio* prosecution of domestic and sexual violence, to provide mandatory training for judges, prosecutors, police officers, and to establish shelters in both urban and rural areas etc (see §§ 21 and 22 of Concluding observations).

The Committee takes note that the Federal Act No. 8-FZ of 7 February 2017 reclassified battery and other violent acts against family or household members as administrative offences when committed for the first time. Criminal liability for battery against family or household members is now incurred only for repeat offences. In such cases, article 116.1 of the Criminal Code (Battery committed by a person who has incurred an administrative penalty) applies (see Information provided by the Russian Federation in follow-up to the Concluding observations of CEDAW mentioned above, 24 April 2018).

The Committee further notes that in the case of *Volodina v. Russia* (Application no. 41261/17, Judgment of 9 July 2019), the European Court of Human Rights found that the applicant had been both physically and psychologically ill-treated by her former partner and that the authorities had failed to comply with their obligations under the Convention to protect her from his abuse. It noted in particular that domestic violence was not recognised in Russian law and that there was no such thing as restraining or protection orders. The Court also noted that Russian law did not provide for public prosecution of “minor bodily harm” or battery charges, leaving it up to victims to bring private prosecution charges. That put an excessive burden on victims, who were expected to collect evidence while often continuing to live with and be financially dependent on the abuser. The Court found that the current Russian legislation is inadequate to deal with the phenomenon of domestic violence and to provide sufficient protection for its victims.

The Committee notes also that according to a Human Rights Watch Report 2018, official studies suggest that at least every fifth woman in Russia has experienced physical violence and only around 10 percent of survivors of domestic violence in Russia report incidents of violence to the police. The same report indicates that according to experts' estimates, between 60 and 70 percent of women who suffer family violence do not report it or seek help. Moreover, experts, rights groups, and service providers interviewed for this report told Human Rights Watch that Russian police rarely open criminal cases on domestic violence complaints and, even when they do, most criminal cases are dropped before they can lead to a conviction. (see Human Rights Watch, "I Could Kill You and No One Would Stop Me". Weak State Response to Domestic Violence in Russia, 25 October 2018).

The same report emphasised the fact that Russian law does not recognise domestic violence as a stand-alone offense; the police often refuse to investigate or even respond to domestic violence complaints; the social services infrastructure does not adequately provide for the needs of victims of domestic violence, in particular in rural and remote areas, and the judicial system is stacked against them; Russian law also does not provide for protection orders. According to HRW, the legislative amendments adopted in February 2017 which decriminalised first battery offenses among family members, represent a serious setback.

The Committee recalls that Article 16 requires that protection for women exists both in law (through appropriate measures and punishments for perpetrators, including restraining orders, fair compensation for the pecuniary and non-pecuniary damage sustained by victims, the possibility for victims – and associations acting on their behalf – to take their cases to court and special arrangements for the examination of victims in court) and in practice (through the collection and analysis of reliable data, training, particularly for police officers, and services to reduce the risk of violence and support and rehabilitate victims) (Conclusions 2006, Statement of interpretation on Article 16).

Taking into account all the above mentioned information and in the light of its case-law, the Committee considers that the situation in the Russian Federation is not in conformity with Article 16 of the Charter on the ground that there is no adequate protection of women against domestic violence in law and in practice.

Social and economic protection of families

Family counselling services

The report states that psychological, medical and social assistance to women and their families are provided through maternity counseling, mother and child care centers, family health and reproduction centers, adolescent reproductive health center, medical and social center for support of pregnant women in difficult situations. The report indicates that medical and social assistance offices are set up in women's clinics in order to provide medical and psychological assistance to women and members of their families as well as to implement medical and social measures aimed at preserving and strengthening women's health.

The report states that counseling centers assist parents on education, parenting, speech and intellectual development, adaptation and socialisation of the child, creating conditions for child's cold training and health improvement, school -readiness etc. Grants in the form of subsidies are given to legal entities from the federal budget within the implementation of the project "Subsidies for projects ensuring the creation of an infrastructure of centers (services) to help parents with children of preschool age, including from 0 to 3 years – pedagogical, diagnostic, consulting assistance to parents with children of preschool age, including from 0 to 3 years old".

The Committee asks the next report to provide details on the operation and geographical coverage of such centers for psychological, medical and social assistance to women and parents, especially in rural and remote areas (i.e. number of centers, kind of services

provided, the places where such services are provided and statistical data on the number of families benefiting from such services etc).

Childcare facilities

The report states that paragraph 14 of the Action plan until 2020 within the Decade of Childhood, approved by the decree of the Government No. 1375-p of 6 July 2018, defines the content of childcare services and requirements for childcare specialists. The Committee requests detailed and updated information on the type and the functioning of such services in practice.

The report states that the Action Plan to promote employment of persons on child care leave for 2018-2020 of 5 March 2018 includes the establishment and operation of pre-school groups including those providing only services for the care of children in the family, on the basis of general educational institutions. The report also mentions that a system for certifying babysitters and a professional standard called "Nanny" has been developed together with a training program for nannies.

The Committee recalls that under Article 16, States Parties are required to ensure that childcare facilities are available, affordable and of good quality. The Committee asks that the next report provide comprehensive information on childcare facilities in the Russian Federation (types of facilities, coverage with respect to the number of children aged 0-6, geographical distribution, ratio of staff to children, staff training, suitable premises and cost of childcare to parents).

Family benefits

Equal access to family benefits

In reply to the Committee's question, the report states that personal scope of the Federal Law No. 81-FZ of May 19, 1995 covers the following categories of persons: 9

- foreign citizens and stateless persons permanently residing in the Russian Federation as well as refugees; 2
- foreign citizens and stateless persons temporarily residing in the Russian Federation who are subject to compulsory social insurance in case of temporary disability and maternity.

Thus, according to the report, foreign citizens permanently residing in the Russian Federation, as well as foreign citizens temporarily residing and subject to compulsory social insurance in case of temporary disability and maternity in the territory of the Russian Federation, are entitled to state benefits for birth and upbringing of children according to the Federal Law No. 81-FZ of May 19, 1995.

The Committee understands that the legislation does not set any length of residence requirement for entitlement to family benefits. The Committee asks the next report to confirm that this understanding is correct.

Level of family benefits

In its previous conclusion (Conclusions 2015) the Committee noted that child benefit was only paid to families with an average per capita income not exceeding the minimum subsistence level. It considered that the situation was not in conformity with the Charter on the ground that family benefits did not cover a significant number of families.

The Committee notes from the report that the system of state benefits for citizens with children in connection with their birth and upbringing is established by the Federal Law No. 81-FZ of May 19, 1995 On State Benefits for Citizens with Children. It provides for seven types of state benefits:

- maternity benefit;
- lump-sum benefit for women who have registered with medical institutions in the early stages of pregnancy;
- lump-sum benefit at child's birth;
- monthly child care benefit;
- lump-sum benefit for transfer of a child to be raised in a family;
- lump-sum benefit for a pregnant wife of a military man in call in military service;
- monthly child care benefit for a child of a military man in call in military service.

The Committee also takes note of other benefits, provided to families with children. The Federal Law No. 418-FZ dated December 28, 2017 On monthly payments to families with children, provides that families whose per capita income does not exceed 1.5 subsistence minimum of the working-age population are provided with monthly payments in connection with the birth (adoption) of their first and second children. In addition, in accordance with the Decree of the President of the Russian Federation No. 606 of May 7, 2012 On Measures for Implementing the Demographic Policy of the Russian Federation in most subjects of the Russian Federation, families in need of support are provided with a monthly cash payment in the amount of a subsistence minimum determined in the subject of the Russian Federation.

The Committee also notes that the issues of social support for families with children, including single parents, single-parent families, large families are addressed by the state authorities of the subjects of the Russian Federation. According to the Federal Law, as well as Article 16 Federal Law No. 81FZ, state authorities of subjects of the Russian Federation establish a child benefit as well as other measures of social support for families with children. The amount, appointment procedure, indexation and payment of child benefit including the conditions and frequency of its payment as well as the need criterion are governed by laws and other regulatory legal acts of the subjects of the Russian Federation.

The Committee notes from MISSCEO that there is a uniform system of state benefits to citizens with children, providing state-guaranteed financial support for motherhood, fatherhood and childhood. The monthly allowance for child care is paid until the child reaches the age of eighteen months, both to citizens who are subject to compulsory social insurance in case of temporary disability and maternity, and to those who are not subject to compulsory social insurance, including individuals who have never entered labour relations.

Monthly child care benefit is paid to insured persons (mother, father, other relatives, guardians), who de facto are engaged in taking care of the child and are on leave to care for a child, from the date of granting of leave to care for a child until the child reaches the age of eighteen months. The monthly child care benefit is paid at a rate of 40% of average wage of the insured person, but not less than the minimum amount of this benefit, set by the law of the Russian Federation.

The Committee considers that the overall system of family benefits is complex and comprises a number of benefits, including benefits paid during parental leave (e.g. until the child reaches eighteen months) as well as benefits paid by the subjects of the Russian Federation. The Committee recalls that under Article 16 the State must ensure the economic protection of the family by appropriate means. The primary means should be family or child benefits provided as part of social security, available either universally or subject to a means-test. Child benefit must constitute an adequate income supplement, which is the case when it represents an adequate percentage of median equivalised income, for a significant number of families (Conclusions 2006, Statement of Interpretation on Article 16).

With a view to assessing the adequacy of a child benefit as regards its coverage, the Committee asks what is the average proportion of families who receive a monthly allowance for a child and what is its duration (i.e. until what age of the child). With a view to assessing the adequacy of a child benefit as an income supplement, the Committee asks the next report to provide information on the levels of a monthly allowance as well as on the median income of the population. The Committee considers that if this information is not provided in

the next report, there will be nothing to establish that the situation is in conformity with the Charter on this point.

Measures in favour of vulnerable families

The Committee reiterates its question concerning the measures taken in support of vulnerable families, such as Roma families and single-parent families.

Housing for families

The Committee previously deferred its conclusion and requested for information on the measures taken to improve the housing situation of families (Conclusions 2015). It noted in particular that beginning 2012, 2.8 million families were registered as in need of housing and that by end of 2012, 186 000 families had received housing units and improved living conditions.

The Committee notes that no answers to its question are provided in the current report and requests the next report to provide the relevant information on whether there is an adequate supply of housing for vulnerable families. The Committee notes that the United Nations Committee on Economic, Social and Cultural Rights (Concluding observations on the sixth periodic report of the Russian Federation, 6 October 2017, § 46) expressed concerns about the shortage of social and affordable housing. Therefore, the Committee asks the next report to provide figures on the availability of social housing (number of applicants for social housing and number of those granted social housing) and other types of housing support (housing benefits). In the meantime, it considers that it has not been established that there is an adequate supply of housing for vulnerable families.

The Committee also requested information concerning procedural safeguards and protection against unlawful eviction (Conclusions 2015). In response to its requests, the current report indicates that the Housing Code of the Russian Federation (Article 11) establishes the priority of judicial protection of housing rights. All types of housing disputes are examined by the district court of first instance, whose decisions may be appealed using appellate, cassation and supervisory procedures according to the rules provided for by the Code of Civil Procedure. According to Resolution No. 14 of 2 July 2009 of the Plenum of the Supreme Court, when resolving housing rights disputes, the courts must keep in mind the principle of inviolability of one's home (Article 25 of the Constitution) and the principle of inadmissibility of arbitrary housing deprivation (Articles 1, 3 of the Housing Code), which means that no one can be evicted or limited in the right to use a dwelling, except on the grounds provided for by legislation. The eviction of citizens from dwellings provided under social rent contracts is performed on the basis of a judicial order. In case of non-payment of the rent for more than six months, the tenants can be evicted with the provision of other residential premises under social rent contract. If the tenants use the dwellings for other purposes, violate the rights and interests of neighbours or destroy the dwelling, and if they do not eliminate these violations following the landlord's warning, they shall be evicted through court proceedings without the provision of another dwelling. As regards the reasonable notice period before eviction, the report states that the conditions and procedure for judicial eviction are laid down in Federal Law No.229-FZ of 2 October 2007 "On Enforcement Proceedings".

The Committee takes note of all the information provided in the report regarding procedural guarantees and legal protection for persons threatened by eviction. It also understands from the report that compensation claims in case of illegal eviction can be submitted to the courts. It notes however that there is a lack of information on some points relating to the legal protection of persons threatened by eviction, in particular with regard to the applicable notice periods before forced eviction and access to legal aid. The Committee asks the next report to clarify these points and to provide information on whether eviction can be enforced at night or during winter. In this connection, the Committee recalls that in order to comply with the Charter, legal protection for persons threatened by eviction must include a prohibition to carry out evictions at night or during winter (European Roma and Travellers Forum (ERTF))

v. the Czech Republic, Complaint No. 104/2014, decision on the merits of 17 May 2016, § 81). Pending receipt of the information requested, the Committee reserves its position.

The Committee previously asked for information on measures taken to improve the housing situation of Roma families (Conclusions 2015). The current report merely states that on 31 January 2018 (outside the reference period), the Russian Federation adopted a comprehensive plan of activities for the socio-economic development of Roma. The Committee notes that the UN Committee on Economic, Social and Cultural Rights (Concluding observations cited above, § 46) expressed concerns about the poor housing conditions of Roma, and the punitive approach taken towards Roma illegal settlements, manifested by house demolitions and forced evictions often without procedural guarantees (see also European Court of Human Rights, *Bagdonavicius v. Russia*, Application No. 19841/06, Judgment of 11 October 2016; the latest ECRI report on the Russian Federation, 4 December 2018, outside the reference period, § 78, according to which the situation of many Roma settlements remained unresolved; and Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on the Russian Federation, 20 February 2018, outside the reference period, § 42). Therefore, the Committee reiterates its previous request and asks the next report to provide detailed information on the housing situation of Roma families, including on aspects such as adequacy of housing, eviction and demolition of settlements and the procedural guarantees applicable in this respect, and access to social housing and housing benefits. In the meantime, it considers that it has not been established that the protection of Roma families with respect to housing, including in terms of eviction conditions, is adequate.

Finally, the Committee refers to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015). The Committee accordingly asks for information in the next report on the housing situation of refugee families.

Participation of associations representing families

The Committee previously asked (Conclusions 2015) for information on the participation of associations representing families in the formulation of family policy. The report provides no information in this sense.

The Committee recalls that in order to ensure that the views of families are taken into account in the formulation of family policy, all civil organisations representing families should be consulted by the relevant authorities (Conclusions 2006, Statement of interpretation on Article 16). The Committee reiterates its request for information on the participation of associations representing families in the light of its above-mentioned case-law.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 16 of the Charter on the grounds that:

- there is no adequate protection of women against domestic violence in law and in practice;
- it has not been established that there is an adequate supply of housing for vulnerable families;
- it has not been established that the protection of Roma families with respect to housing, including in terms of eviction conditions, is adequate.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The legal status of the child

The Committee recalls that it previously sought confirmation that there was no discrimination between children born within marriage and outside marriage, for example in matters relating to inheritance rights and maintenance obligations (Conclusions 2015). The report confirms that there is no discrimination between children born within marriage and those born outside in this respect.

The Committee previously asked what were the reasons which allowed children under 18 years of age (Conclusions 2015). The report states that valid reasons for allowing persons who have attained the age of sixteen to marry is within the competence of local self-governments at the place of residence of the persons wishing to marry. The report states further that biological and psychological maturity is decisive for establishing valid reasons for marriage of persons who have reached the age of sixteen

The Committee recalls that under Article 17 there must be a right for an adopted child to know his or her origins. It previously asked whether there are restrictions on this right and under what circumstances (Conclusions 2015). The report provides information on the regulations surrounding adoption. It indicates that the fact a child is adopted is effectively secret, that the possibility of disclosing information about the adoption depends exclusively on the will of their adoptive parents, and there appears to be no right for an adopted child to obtain information on his birth parents. The Committee seeks confirmation that its understanding is correct.

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals.

According to other sources [Anti-Discrimination Centre Memorial, Institute on Statelessness and Inclusion European Network on Statelessness, Joint Submission to the Human Rights Council at the 30th Session of the Universal Periodic Review (Third Cycle, May 2018) 5 October 2017], Russia has an extremely large stateless population. According to the 2010 census, over 178,000 people identified themselves as being stateless. The 2017 UNHCR Global Trends Report estimated the stateless population in Russia at the end of 2016 to be 90,771. However, it is likely that the actual number of stateless persons in Russia is greater than this.

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, Meskhetian Turks, asylum seekers and children in an irregular situation.

Protection from ill-treatment and abuse

The Committee previously considered that the situation was not in conformity with the Charter as not all forms of corporal punishment were explicitly prohibited in the home and in institutions (Conclusions 2015).

The Committee notes that there has been no change to this situation, therefore it reiterates its previous conclusion of non conformity.

Rights of children in public care

The Committee recalls that Article 54 of the Family Code of the Russian Federation provides that children have the right to live and grow up in a family. Article 69 of the Family Code lists the grounds on which parents may be deprived of their rights. These include, among others, abuse of parental rights, abuse of children, including physical or mental violence, alcohol or drug addiction. The Committee recalls that parental rights may also be restricted (as opposed to removed) under Article 73 of the Family Code, the Committee asks for further information on the content of this provision.

The Committee previously asked the next report to provide information on the separation of children from their parents in application of Articles 69 and 73 of the Family Code, and information on the support and assistance given to reunite families as well as information on the removal of Roma children from their families (Conclusions 2015).

No information is provided on the issue, the Committee repeats its request for this information. If this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter in this respect.

The Committee also asked whether the financial conditions and material circumstances of the family can become a ground for placement of children outside the home (Conclusions 2015). According to the report the financial situation of the family cannot be the sole reasons for the separation of a child from its parents.

According to the report, a child without parental care will be transferred to foster care, to a foster home or, temporarily, for the period prior to their transfer to a family, to an organisation for orphans and children without parental care.

A Decree on the activities of establishments for orphans and children deprived of parental care was adopted on May 24 2014. Paragraph 35 of the Decree provides that the number of children in one unit should not exceed 8 persons.

The Committee previously asked about the implementation of the decree and the average number of children in children institutions in practice (Conclusions 2015). No information is provided on the issue, the Committee repeats its request for this information. as well as information on the number of children in public care, the number in institutions (including private and religious institutions) the number in foster care as well as the trends in the field If this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter in this respect.

Right to education

As regards education the Committee refers to its conclusion under Article 17§2.

Children in conflict with the law

The Committee recalls from the previous report the age of criminal responsibility is 16. However, in respect of certain offenses, persons who have reached the age of 14 may be held liable. Article 20 of the Criminal Code contains an exhaustive list of such offenses.

The Committee previously asked what is the maximum length of the pre-trial detention (Conclusions 2015). According to the report a child may be subject to pre trial detention where they are accused of a crime which carries a sentence of three years or exceptionally other offences. The initial period of pre trial detention is limited to months but this can be extended to six months, 12 months and very exceptionally to 18 months.

The Committee considers that a period of 18 months is manifestly excessive and therefore the situation is not in conformity with the Charter in this respect. The Committee asks that the next report contain information on the number of children subjected to pre-trial detention, for how long and on the basis of what offences.

The Committee recalls that the maximum length of a prison sentence is 6 years and 10 years for very serious crimes.

The Committee recalls that children should only exceptionally be sentenced to a term of imprisonment as a measure of last resort and for the shortest period necessary, any period of detention should be regularly reviewed. The Committee seeks confirmation that periods of detention are regularly reviewed.

According to the report sentences are served in juvenile correctional facilities. However the Committee notes that according to the report legislation provides that in exceptional cases, with the consent of the prosecutor, children may be detained with adults accused of/convicted of crimes of small and medium gravity for the first time. The Committee considers that this situation is not in conformity with the Charter.

Children not sentenced to prison may be sentenced to a period in a secure educational institution for not more than three years. The Committee asks how many children have been sentenced to a period in such educational institutions. It also asks about other measures (whether restorative, educational or otherwise) that children may be sentenced to. It also asks how many children are subject to these different measures.

The Committee asks whether children may ever be placed in solitary confinement, and if so, under what circumstances and for how long.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, *Defence for Children International (DCI) v. the Netherlands* Complaint No.47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

The Committee considers that the detention of children on the basis of their or their parents' immigration status is contrary to the best interests of the child. Likewise unaccompanied minors should not be deprived of their liberty, and detention cannot be justified solely on the basis of the child being unaccompanied or separated, or on their migratory or residence status or lack thereof.

Therefore the Committee requests further information on measures taken to find alternative to detention for asylum seeking families, to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are appropriate and are adequately monitored.

The Committee asks again what assistance is given to children in an irregular situation to protect them against negligence, violence or exploitation. If this information is not provided in the next report there will be nothing to demonstrate that the situation is in conformity with the Charter in this respect. The Committee asks whether children in an irregular situation have access to healthcare.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No.

114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether the Russian Federation uses bone testing to assess age and, if so, in what situations the state does so. Should the State carry out such testing, the Committee asks what potential consequences such testing may have (e.g., can a child be excluded from the child protection system on the sole basis of the outcome of such a test?).

Child poverty

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of State Parties efforts to ensure the right of children and young persons to social, legal and economic protection. The obligation of State Parties to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels into account when considering the State Parties obligations under the terms of Article 17 of the Charter.

According to official data one in four children in the Russian Federation live below the official poverty line. Twenty-six percent of Russian children under the age of 18 lived in households living on less than 10,000 rubles (\$150) per month in 2017, according to the State Statistics Service (Rosstat). This was double the 13.2% of Russia's overall population, or 19.4 million people, who lived below the poverty line that year.

More than half of Russia's poor children live in families with three or more children, according to Rosstat's poverty report for the latest available period. Close to 45% of poor children live in rural Russia, versus more than 18% who live in towns and cities

The Committee asks the next report to provide information on the rates of child poverty as well as on the measures adopted to reduce child poverty, including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 17§1 of the Charter on the ground that:

- not all forms of corporal punishment are prohibited in all settings;
- the maximum length of pre-trial detention is excessive;
- children serving a period of detention may in certain circumstances be detained with adults.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note that the report submitted by the Russian Federation provides no information on this provision whatsoever.

Enrolment rates, absenteeism and drop out rates

The Committee previously asked to be kept informed of the enrolment and drop-out rates in primary and secondary education as well as the measures taken to reduce absenteeism from school (Conclusions 2015).

The report provides no information therefore the Committee repeats its request for this information. If this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

The Committee also previously asked to be informed of the results of the National Strategy on Education. It repeats its request for this information.

According to UNESCO in 2017 the net enrolment rate for primary education for both sexes was 96.73% the corresponding rate for secondary education was 93.75%.

Costs association with education

The Committee previously asked whether assistance to help with the costs of education is provided to vulnerable groups (Conclusions 2015).

The report provides no information therefore the Committee asks the next report to provide information on measures taken to mitigate the costs of education, such as, transport, uniforms or grants for stationary. If this information is not provided in the next report there will be nothing to establish that the situation is in conformity with the Charter.

Vulnerable groups

The Committee previously asked whether irregularly present children, as well as asylum-seekers and unaccompanied children have an effective right to education. It noted that if this information was not provided in the next report, there would be nothing to establish that the situation is in conformity (Conclusions 2015).

The Committee previously asked what measures were taken to guarantee equal and effective access to education to children of Roma origin as well as children from other vulnerable groups. It asked whether Roma children were segregated into special schools or classes reserved only for them. The Committee considered that if this information was not provided in the next report, there would be nothing to establish that the situation was in conformity with the Charter (Conclusions 2015).

No information is provided in the report therefore the Committee considers that there is nothing to establish that children in an irregular situation, asylum seeking children or Roma children are guaranteed equal and effective access to education.

The Committee notes in this respect from the Concluding Observations of the UN Committee on Economic, Social and Cultural Rights on the sixth periodic report of the Russian Federation [E/C.12/RUS/CO/6, October 2017] that the UN Committee expressed concern at the continuing practice of placing Roma children in special classes or special schools, and obstacles faced by child asylum seekers and refugees in access to education owing to a lack of identity or registration documents. The Committee asks for the Government's comments on this.

As the Russian Federation has accepted Article 15§1 of the Charter the Committee will examine the rights of children with disabilities to education under that provision.

Anti bullying measures

The Committee asks what measures have been taken to introduce anti bullying policies in schools, i.e., measures relating to awareness raising, prevention and intervention.

The voice of the child in education

Securing the right of the child to be heard within education is crucial for the realisation of the right to education in terms of Article 17§2 This requires states to ensure child participation across a broad range of decision-making and activities related to education, including in the context of children's specific learning environments. The Committee asks what measures have been taken by the State to facilitate child participation in this regard.

Conclusion

The Committee concludes that the situation in the Russian Federation is not in conformity with Article 17§2 of the Charter on the ground that here is nothing to establish that children in an irregular situation, asylum seeking children or Roma children are guaranteed equal and effective access to education.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by the Russian Federation.

It recalls that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

The Committee has assessed the legal framework in this respect in its previous conclusion and considered it to be in conformity with the Charter ([Conclusions 2015](#)).

In reply to the Committee's query what contributions were payable in relation to employment, the report states that the foreign residents pay contributions for compulsory medical, social and pension insurance, disability and maternity insurance. The Committee understands from the report that equal conditions in this respect apply to migrants and nationals.

The report confirms that according to the law, taxes and charges cannot be discriminatory and are applied equally based on the place of residence and irrespectively of the national status.

Conclusion

The Committee concludes that the situation in the Russian Federation is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by the Russian Federation.

The Committee recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee further notes that it previously addressed the legal framework relating to transfer of earnings and savings of migrant workers ([Conclusions 2011](#)) and found it to be in conformity with the requirements of the Charter.

The report confirms that there are no legal norms restricting the freedom of foreign workers who are residents of the Russian Federation to transfer their earnings abroad.

In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect. As the report does not reply on the matter, the Committee recalls its question and underlines that should the next report not provide comprehensive information in this respect, there will be nothing to show that the situation is in conformity with the Charter on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 1 - Participation in working life

The Committee takes note of the information contained in the report submitted by the Russian Federation.

It already examined the situation with regard to the right of workers with family responsibilities to equal opportunity and treatment (employment, vocational guidance and training, conditions of employment, social security, child day care services and other childcare arrangements). It will therefore only consider the recent developments and additional information.

Employment, vocational guidance and training

The Committee understands that the situation, which it has previously considered to be in conformity with the Charter (Conclusions 2015), has not changed during the reference period and reiterates its finding of conformity on this point.

Conditions of employment, social security

The Committee notes from the report that under Article 259 of the Labour Code, workers with family responsibilities may be assigned to work overtime, at night, during day's leave or public holidays or dispatched on business travel only with their written consent. This rule also applies to women with children under the age of three years (Article 259(3)), to workers who have children with disabilities, to workers caring for sick family members, and to single mothers and fathers raising children under the age of five.

Under Article 93(1) of the Labour Code, as amended by Federal Law No. 125-FZ of 18 June 2017, by agreement between the parties to the labour contract, a worker may be assigned part-time work either without a time-limit or for an agreed period. The employer is bound to set a part-time working day (shift) or part-time working week at the request of workers with family responsibilities (Article 93(2)), including notably at the request of a pregnant mother, a father or mother or guardian of a child under the age of 14 years or a disabled child under the age of 18 years, or a person taking care of a sick family member. Employers do not have the right to refuse such requests. The Labour Code also provides for the possibility of flexible working schedules, in which the employee may choose, within certain limits, the hours of start and end of the working day.

The report also states that some categories of workers with family responsibilities are eligible for additional paid leave: a father or mother with a child with disabilities (four extra days of paid leave per month), women working in rural areas (one unpaid day per month), parents (custodians, guardians or adoptive parents) who work in a Far Northern region or equivalent area and have a child under the age of 16 (one unpaid day per month).

Under Article 263 of the Labour Code, extra unpaid leave of up to 14 days may be provided for under a collective agreement. Such leave is intended for workers with two or more children under the age of 14, workers who have a child with disabilities under the age of 18, single mothers raising a child under the age of 14, and single fathers raising a child under the age of 14 years.

According to the report, there are also other family-friendly measures, facilitating the reconciliation of work and family life, for example, related to annual leave.

In its previous conclusion (Conclusions 2015), the Committee asked whether the inclusion of the parental leave periods in the pension entitlement schemes was also guaranteed for fathers. In reply, the report explains that, as regards the accounting of parental leave periods in retirement benefit schemes, Federal Law No. 173-FZ of 17 December 2011 on Labour Pensions, as amended and supplemented by Federal Law No. 427-FZ of 28 December

2013, provides that the period of parental leave will be taken into account in calculating pension entitlement for each child up to the age of one and half years, but not more than four and a half years in total.

Child day care services and other childcare arrangements

The Committee recalls that, as the Russian Federation has accepted Article 16 of the Charter, measures taken to develop and promote child day care structures are examined under that provision.

Conclusion

The Committee concludes that the situation in the Russian Federation is in conformity with Article 27§1 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by the Russian Federation.

It already considered the situation regarding parental leave in its previous conclusion (Conclusions 2015) and found that the situation was in conformity with Article 27§2 of the Charter. It will therefore only consider the recent developments and additional information.

In reply to the Committee's question regarding the individual right of fathers to non-transferable parental leave and its duration, the report states that under the Family Code, from the moment a child is born, the parents have equal rights and bear equal responsibilities with respect to their children (parental rights). It points out that under Article 256 of the Labour Code, any woman, upon request, is to be granted leave to care for a child up to the age of three. Parental leave may be taken in whole or in part by the child's father, grandmother, grandfather or other relatives or guardians. Leave may be used by the said persons at any time before the child reaches the age of three. During their parental leave beneficiaries can work part-time or at home while at the same time they have the right to social assistance by the State.

The Committee notes that the report does not reply to its question, therefore it reiterates it. The Committee considers important that national regulations should entitle men and women to an *individual right* to parental leave on the grounds of the birth or adoption of a child. With a view to promoting equal opportunities and equal treatment between men and women, the leave should, in principle, be provided to each parent and at least some part of it should be non-transferable. The Committee points out that, should the necessary information not be provided in the next report, nothing will enable the Committee to establish that the situation in the Russian Federation is in conformity with Article 27§2 of the Charter in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by the Russian Federation.

Protection against dismissal

In its previous conclusion (Conclusions 2015), the Committee asked whether the protection against dismissal on the ground of family responsibilities was also guaranteed to fathers with children under the age of three. In reply, the report states that under Article 261(4) of the Labour Code, employers are prohibited from terminating an employment contract (save in the event of dismissal for misconduct) where a father bring up a child under the age of three without the child's mother; where a single father bring up a child with disabilities under the age of 18, or a child under the age of 14; where a parent is the sole provider for the family and bring up a child with disabilities under the age of 18, or a child under the age of three in a family with three minor children or more; where the other parent (or any other legal guardian) is not gainfully employed. In view of the above, the Committee asks to confirm whether protection against dismissal on the ground of family responsibilities is guaranteed to all fathers with children under three years of age.

Effective remedies

The Committee refers to its conclusion on Article 8§2 of the Charter. It understands that the legislation does not place any upper limit on the amount of compensation which can be awarded in the event of unlawful dismissal on the ground of family responsibilities. The Committee finds that the situation is in conformity with the Charter on this point but also asks for relevant examples from national case law.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the Russian Federation is in conformity with Article 27§3 of the Charter.