



Access to justice for children

Country fact sheet: **Russia**¹



Overview

Country size: 17 125 191 km²

General Population: 146 million

Number of Children: 33 million (under 19 years old)

Date of ratification of the Convention on the Rights of the Child:
13 June 1990

Date of abolition of the death penalty: 27 February 1997

Minimum ages

Minimum age of criminal responsibility (MACR): 16 years generally. 14 years for the commission of certain crimes including murder, rape, kidnapping and robbery.

Age of imprisonment: 14 years

Age until juvenile justice legislation is applied: In Russia there is no special juvenile legislation. As a general rule, a child is considered to be a person under the age of 18 and legislation regarding the criminal responsibility of a child should be applied until the person is 18 years old.

Type of legal system

The Russian legal system is based on a civil law system.

Specialisation of the system

Russia provides for several specialised institutions including:

- Juvenile Department
- Juvenile Commission
- Prosecutor's office
- Guardian Authority
- Social rehabilitation centre for children

Child-specific legislation

The [Constitution of the Russian Federation](#) contains several provisions pertaining to children and their right to care and education.

Children in contact with the law are covered by the legislation of the constituent entities of the Russian Federation and by the following federal regulations:

- [Criminal Code of The Russian Federation No. 63-Fz of June 13, 1996](#) – contains provisions on the criminal responsibility of children and sentencing for children.
- [Criminal Procedure Code of the Russian Federation No. 174 Fz of December 18, 2001](#) – contains provisions about the rights of an accused and has provisions for criminal investigation, including the interrogation of child victims, witnesses, and accused.
- Other relevant legislation includes Federal Law No. 120-FZ "On the basics of the system for the prevention of child neglect and delinquency" of 24 June 1999.

The [Convention on the Rights of the Child](#) is directly applicable in Russia's justice system.

¹ The information used to compile this fact sheet is based on the responses to the questionnaire received in November 2019.

Child suspects or accused in criminal proceedings

Implementation of EU Directive 2016/800

As Russia is not a Member of the European Union, there is no transposition into Russian law of **EU Directive 2016/800** on procedural safeguards in criminal proceedings for children who are suspects or accused persons in criminal proceedings.

Cross-cutting safeguards

- If the age of a child cannot be established, he/she is placed in a temporary detention centre for young offenders. A forensic examination will be conducted to establish the child's age.
- Children in conflict with the law are entitled to free legal assistance at all stages of criminal proceedings. See *Criminal Procedure Code, Articles 16, 50 and 51* and *Federal Law NO. 120-FZ, Article 8*.
- Interrogation of a child suspect or accused shall not be conducted without a break every two hours, and in total it shall not exceed four hours a day. For children who have not reached 16 years of age, the participation of a psychologist is mandatory. See *Criminal Procedure Code, Article 425*.
- A child's legal representative may participate in all stages of the proceedings. However, the legal representative may be dismissed from participation in the criminal case, if there are grounds to believe that the actions of the legal representative are contrary to the interests of the child. See *Criminal Procedural Code, Articles 426 and 428*.
- Upon a court ruling or resolution, judicial proceedings concerning crimes committed by a child accused who has not reached 16 years old will not be open to the public. See *Criminal Procedure Code, Article 241*.
- The court may determine that a child defendant should be removed from the courtroom if the proceedings may have a

negative effect on the child. If this occurs, the judge should inform the child of what took place during his or her absence and give the child the opportunity to put questions to the persons interrogated in his absence. See *Criminal Procedure Code, Article 429*.

Specific procedural measures

- When sentencing a child, the court takes into consideration the child's life and educational background, the child's level of mental development, other distinctive personal characteristics, and the influence of older people on the child. See *Criminal Code, Article 89*.

Diversion and alternatives to detention

- Generally, detention of children is a measure of last resort and for the shortest period of time. Other penalties include fines, compulsory work, and corrective labour. See *Criminal Code, Articles 88 and 89* and *Criminal Procedure Code, Articles 105 and 423*.
- Children who are less than 16 years old at the time of the offence, may be deprived of liberty for a term of no longer than six years. Children in the same category who have committed especially grave crimes may be deprived of liberty for a term of no longer than 10 years. The term shall be served in educational colonies. Deprivation of liberty may not be imposed as a sentence on a child who is less than 16 years old at the time of the offence if the crime is of low or medium severity and a first-time offence. See *Criminal Code, Article 88*.
- Children must be detained separately from adults. See the *Federal Law No. 103-FZ, Article 33*.

Child victims and witnesses in criminal proceedings

Implementation of EU Directive 2012/29

As Russia is not a Member of the European Union, there is no transposition into Russian Law of **EU Directive 2012/29** establishing minimum standards on the rights, support and protection of victims of crime.

Cross-cutting safeguards

- A pedagogue must be present during the interview of a victim or witness who is less than 14 years old. At the

investigator's discretion, a pedagogue may be present during the interviews of victims or witnesses aged 14 to 18 years old. Additionally, the child's legal representative shall also have the right to attend the interview. See *Criminal Procedure Code, Article 191*.

- Other procedural safeguards, such as the right to avoid contact with the offender, right to psychosocial assistance, and the right to be protected from discrimination, exist in Russian law.

Focus on status offences

Russia does not address behaviour which is typically deemed a status offence through the criminal justice sector. These include offences such as truancy, running away from home, curfew violations, and possession of alcohol or tobacco. In some cases, a **prevention council** is convened in an educational institution, and the child's behaviour is addressed. However, a disciplinary measure cannot be applied to children in school grades 1-4 and children with disabilities. Upon reaching 15 years of age, and if the child has repeated violations, the child may be expelled from school based on a decision of the Juvenile Commission. Depending on the severity of the act, it will be decided whether the child should be placed in a special closed-type educational institution. Furthermore, if the child is beyond the control of the parent(s), then, taking into account the interests of the child, the social service may decide to take the child away from the parent(s) without depriving them of their parental rights (or restricting their parental rights).

Other relevant information

Lawyers in Russia receive training on child friendly justice issues through the **Bar Association**. This training includes topics such as "Actual issues in the field of protecting the rights of the child" and "Psychological aspects of investigative actions involving minors and witnesses". Furthermore, there is a list of lawyers who provide **free legal assistance to children**.

A survey by the Guardianship Authority, Juvenile Commission, and Juvenile Department on the conditions of the child criminal liability system in Russian federation found the following: 1) The age of children who commit crimes is decreasing; 2) Suggestions are made to tighten the responsibility of parents / legal representatives in relation to children; 3) It is emphasized that punishment in the form of deprivation of liberty is almost never imposed on children, despite the gravity of the crimes they commit (probably due to the fact that courts are guided by the unspoken rule that the child should live in the family); and 4) There is a complex bureaucratic procedure for the removal of a child from the family, however, it is emphasized that due to this, there is a low level of deprivation of parental rights.