



Russian Federation

May 2017

ANALYSIS OF THE SITUATION

A. General situation

The Russian Federation, which shares borders with 17 States¹, has a population of 144 million people of which 29 million are under 18. Russia is a vast, resource-rich country, with immense diversity. After a difficult crisis related to the collapse of the Soviet Union, which led to political and economic transitional instability in the 1990s, Russia experienced over the last years high and almost uninterrupted economic growth, especially with regards to cycle commodity boom, particularly historically high oil prices. Poverty decreased, and the middle class grew and it seems that people have been positively affected by the economic growth. Since 2012, however, economic growth has slowed, and now with the dual impact of low oil prices and EU economic sanctions, Russia finds itself in a period of prolonged economic stagnation. The remarkable achievements of the previous two decades are now at risk of being erased. At 8.2% (US\$ 5/day 2005 PPP terms), the poverty rate in 2015 was at the 2007 level.

Since 2013 (and for the first time since 1991), there has been demographic growth, although very slight, whilst in 2016, there was a decrease in the number of births. Several governmental programmes, together with legislative strategies, address related issues, which are at the centre of domestic public discussions. Because of unavailable financial budget and restrictions on work of NGOs, however, all remain largely unimplemented. Introduction of the long-delayed juvenile justice system faces strong opposition and there are concerns about the general disregard for children's rights. Yet, it is expected that the newly-created institution of a Children's Rights Ombudsman and the introduction of the long-delayed juvenile justice system will improve the situation.

SUMMARY

ANALYSIS OF THE SITUATION

- A. General Situation **1**
- B. Children deprived of their family and actual responses **2**
Comments of the ISS/IRC **3**
- C. Adoption **4**
Comments of the ISS/IRC **11**

LEGISLATION

- A. International Instruments **12**
- B. Bilateral Conventions **13**
- C. Regional Instruments **13**
- D. Country Legislation **14**

ACTORS

- Competent Authority **14**

APPENDICES

- A. Documents of the Committee on the Rights of the Child **15**
- B. Alternative reports **15**
- C. Other sources of information **15**

¹Norway, Finland, Estonia, Latvia, Lithuania, Poland, Belarus, Ukraine, Georgia, Azerbaijan, Kazakhstan, Mongolia, China, North Korea, Japan, (Abkhazia and South Ossetia, if considered as sovereign States) .

Sources:

- UNICEF Russian Federation, Annual Report, http://www.unicef.org/about/annualreport/files/Russian_Federation_COAR_2010.pdf;
- Better Care Network, UNICEF Child Protection Strategy, <http://www.bettercarenetwork.org/library/social-welfare-systems/child-care-and-protection-policies/unicef-child-protection-strategy-russian>;
- Demographic statistics, http://www.ng.ru/economics/2017-03-07/1_6943_demografy.html, http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/population/demography/#, <http://rusrand.ru/docconf/demograficheskoe-sostojanie-sovremennoj-rossii>;
- Committee on the Rights of the Child, Concluding Observations: Russian Federation, http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC_C_RUS_CO_4-5_16305_E.pdf.

B. Children deprived of their family and actual responses

At the end of 2009, children without parental care represented 2.79% (670,000) of the child population, out of which 18% (130,000) lived in institutional care. Deprivation of parental care cases have decreased slightly, while child abandonment at birth remains stable. A slight and gradual decrease in the inflow of children into state care can be noted between 2013 and 2015 when 1.65% of children were children without parental care.

The National Action Strategy for Children aims at ensuring the respect for international child rights standards, by defining common actions for states and local authorities. Moreover, the Strategy has introduced child-friendly services and systems, in order to eliminate all forms of violence against children, especially vulnerable children.

Due to the global financial recession, economic uncertainties grow and children are more at risk of poverty than the overall population.

As a reminder, the Russian Combined Fourth and Fifth Reports mentioned that, in 2009, 27,000 children left homes or State institutions because they were the victims of illegal acts, and 50,000 juveniles in total were sought by the authorities in this regard. Furthermore, its review put emphasis on the existence of baby boxes, which has caused wide and strong debates within the country, and which may be considered a violation of Articles 6, 7, 8, 9 and 19 of the UNCRC.

Prevention of separation

The Government has adopted policies in the last years to replace institutional care with alternative family-based care via family support services. So far, however, there has not been a significant reduction in the proportion of the child population without parental care.

To protect children separated from their family, the President of the Russian Federation approved the National Action Strategy for Children with Executive Order No. 761 of 1 June 2012, in order to shape the state policy to improve the children's situation in the Russian Federation. Following the latter, implementation of National Projects *Health and Education* and federal target programmes have become tools of action-oriented responses to many child issues. A number of important legislative measures have been taken in order to eliminate any threat to child rights implementation; new state and public institutes were introduced – the position of a Presidential Commissioner for Children's Rights, Ombudsman for children's rights offices in a number of regions of the Russian Federation, the Children in Need Fund. The latter has been done in line with the Council of Europe Strategy on the Rights of the Child 2012-2015, aimed at introducing child-friendly services and systems.

Foster care

In 2015, 148,466 children without parental care were fostered in Russia (31.6% of all children without parental care). Long-term foster care is widely used in Russia, where children might probably spend all their childhood, without being reintegrated and therefore permanently losing family ties.

A foster family shall be started on the ground of an agreement on giving the child for upbringing into a family. The



agreement on giving the child into a family shall be concluded between the guardianship and trusteeship body and the foster parents (arts. 131 and 152, 153, 153.1).

Residential care/Deinstitutionalisation

In 2009, 150,000 children were living in residential institutions for orphans and children without parental care in Russia, out of which 80% were considered social orphans because their parents were not able to carry out their parental duties. In 2015, this number had reduced to 60,162 children without parental care living in institutional care at the end of the year. Many children are placed in 'infant homes' at birth as a consequence of the relinquishment of their mother due to the child's sickness, financial problems, or because she does not want to take care of the child. These represent institutions for babies aged 0-3 years housing up to 100 or more infants. These institutions are now subject to Government Decree No. 481 of 24 May 2014, which came into effect in 2015, and many are now being reorganised into delivering more outreach or alternative care services. Indeed, the latter also intends to create smaller homes, for less than 100 children, and, importantly, children are to be placed in groups, and the number of children in each group shall not exceed eight children (for those below 4 years of age, these shall not exceed six children in each group) (Para. 35 of the Decree).

Sources:

- Institute of Contemporary development, http://www.insor-russia.ru/en/_priorities/national_priorities;
- Everychild Russia;
- Council of Europe, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806458a4>, <https://wcd.coe.int/ViewDoc.jsp?p=&id=1567777&direct=true>;
- Child Rights Connect, http://www.childrightsconnect.org/wp-content/uploads/2013/10/Russian-Federation_Session-Report_CRC_FINAL.pdf;
- Family Code of 1995.

Comments of the ISS/IRC

The ISS/IRC acknowledges the positive measures of the current **National Action Strategy for Children**, such as the implementation of Ombuds regional offices for children's rights and a juvenile justice system in line with the UNCRC and the COE, on which further consultations take place regularly - [Meeting of Coordination Council for Implementing the National Children's Strategy](#). Important efforts have been noticed through the latter plan vis-à-vis the best interests of child, physical and moral health and development of creative capacities. The National plan extended financial support to vulnerable children, including children with special needs, orphans, children without parental care, as well as to families. Moreover, the important review of institutionalisation of children being progressively replaced by alternative care measures is an important achievement in terms of the UNCRC (art. 20) towards a better access to education and health, right to identity, freedom of religion, placing them as priorities within the strategy of the Government.

The ISS/IRC welcomes the Russian government's efforts to reinforce its child protection system, both at legislative and practical levels, despite the limited support given to NGOs, which play a fundamental role in providing services to families and care to children. The Government has introduced child protection measures (e.g. the National Action Strategy) in line with the UNCRC, by including health and education as priorities, which should be encouraged and supported. Many important institutional roles were established with the latter plan, such as the Ombudsman and the Presidential Commissioner for Children's Rights, in line with the Council of Europe strategies.

However, it is noticed that the reintegration of children in families is not ensured; proof is that many children remain in long-term foster care. With respect to deinstitutionalisation, a lack of available information was encountered, and it seems that only long-term foster care is provided, about which it could be assumed that there is a lack of reintegration of these children.

The efforts of the Government to reduce abuse and violence against children through the child-friendly services, and



the review of institutional care replaced by alternative care measures, are appreciated and encouraged, although there is still an important amount of children, who face acts of violence and violations of their rights. A few cases of baby boxes were pointed out during our research, which were essentially due to insufficient maternity and welfare assistance. In this regard, the ISS/IRC, in line with the UNCRC principles, condemns these practices and looks forward to further welfare solutions from the Government.

The ISS/IRC also noticed the important decline in the number of children without parental care placed in institutional care, although some concerns need to be addressed in relation to the reintegration system. In this regard, the ISS/IRC will look at the further improvement provided by the Decree No. 481 mentioned above and the related review of the institutional care system replaced with other forms of alternative care measures. Lastly, with regards to vulnerable categories, the ISS/IRC acknowledged the benefits of the National Action Plan, although the welfare for children with disabilities needs to be reinforced in terms of inclusion and accessibility. In this regard it has been pointed out by Every Child Russia that family support services should be strengthened and made more effective, by enhancing their cooperation with child protection authorities.

C. Adoption

THEMES	INFORMATION
COMPETENT AUTHORITY	<p>Ministry of Justice 14 Zhitnaya Ulitsa MOSCOW 119991 Russian Federation http://www.minjust.ru (in Russian only)</p> <p>Department of State Policy Ministry of Education and Science of the Russian Federation http://www.adoptinrussia.ru/ Department of the Federal Database of Children without Parental Care, (495) 629-60-30, (495) 629-08-84 – concerning presentation of documents by potential adoptive parents and selection of children in the State Children's Database; Department for regulation in the sphere of protection of the rights of the child, (499) 237-94-11 – concerning the organisation of activities of representative offices of foreign adoption entities in the territory of the Russian Federation.</p> <p><i>Source:</i> https://www.hcch.net/en/states/authorities/details3/?aid=928.</p>
FULL/ SIMPLE ADOPTION	<p>According to art. 137 of the Russian Family Code, the adoption of a child will cause the breakdown of all ties with the biological family, which is assumed as a full adoption. There are exceptions to this rule (art. 137, Paras. 3- 4), in which it is possible to keep relations with the biological a parent/grandparent.</p> <p><i>Source:</i> Art. 137 Family Code.</p>
SUBSIDIARITY PRINCIPLE	<p>The adoption of children by foreign citizens or by stateless persons shall be admitted only in cases when it is impossible to give these children for upbringing into the families of citizens of the Russian Federation, who permanently reside on the territory of the Russian Federation, or for adoption to the children's relatives, regardless of the citizenship or the place of residence of these relatives.</p> <p><i>Source:</i> Art. 124 (4) Family Code.</p>
INTERCOUNTRY	<p>The Russian Federation has not ratified the 1993 Hague Convention, although the Government officially said that the process of ratification would have commenced in 2013. The Russian</p>



<p>ADOPTION</p>	<p>Federation concluded important bilateral agreements in order to strengthen international cooperation with other countries².</p> <p>For intercountry adoptions, the requirements of the Family Code (arts. 121 to 139 and 165), with regard to the provisions of an international agreement of the Russian Federation on interstate cooperation in the field of the adoption of children, shall be observed .The adoption by foreign citizens or stateless persons married to citizens of the Russian Federation shall be effected in the procedure established by this Code for citizens of the Russian Federation, unless otherwise provided for by an international agreement of the Russian Federation.</p> <p>The norms of foreign family law shall not be applied if such application would contradict the fundamentals of law and order (of public order) of the Russian Federation. In this case, the legislation of the Russian Federation shall be applied.</p> <p style="text-align: right;"><i>Source:</i> Art. 165 Family Code.</p>
<p>CHILD ADOPTABILITY</p>	<p>The official staff of the institutions (pre-school educational establishments, general educational establishments, medical centres and other institutions) and other citizens dealing with information about the children indicated in Item 1, Article 121 of the Family Code, shall be obliged to report it to the guardianship and trusteeship bodies at the place of the children's habitual residence.</p> <p>The guardianship and trusteeship body shall, within three days from the date of receiving the information, carry out a social economic evaluation of the conditions of the child's life, in order to determine the absence of care on the part of their parents or relatives. In that case, the competent authorities shall establish child protection measures until the issue of their accommodation is resolved. The medical conclusion on the state of health and on the physical and mental development of the adopted child is also required.</p> <p>Adoption is permitted only for the benefit of children, having regard to the ethnic origin of the child, particular religious and cultural affiliation, native language, possibility to ensure succession in fostering and education, and taking into account possibilities to provide the children with adequate physical, mental, spiritual and moral development.</p> <p>The guardianship and trusteeship bodies shall identify children left without parental care; shall register such children and, proceeding from the specific circumstances of the loss of parental care, shall select the forms suitable for the care of such children left without parental care (Article 123 of the Family Code), and shall also exert control over the conditions of their maintenance, upbringing and education. The guardians shall, within a month from the above procedure or from the receipt of the information of a child deprived of parental care, ensure the placement of the child, and if impossible, shall place the child for upbringing with a family (foster care); shall send the information about such a child upon the expiry of the indicated period to the relevant body of executive power of the subject of the Russian Federation for recording in the regional bank of data about children, who have remained without parental care.</p> <p>The registration of foreign citizens and stateless persons, wishing to adopt children, who are citizens of the Russian Federation, shall be effected by the executive power bodies of the Russian Federation or by the federal executive power bodies.</p> <p style="text-align: right;"><i>Source:</i> Arts.122 and 124 Family Code.</p>
<p>PROSPECTIVE ADOPTIVE PARENTS</p>	<p>Adoptive parents can be adult persons of both sexes.</p> <p>A child may be adopted both by a couple, or by an individual, whether married or single. Single persons may not jointly adopt the same child.</p>

² E.g. France, Italy and Spain.

The following persons may not be adoptive parents:

- 1) persons held by a court legally incapable or having limited legal capacity;
- 2) a married couple, held by a court legally incapable or having limited legal capacity;
- 3) persons deprived of parental rights or disqualified by a court;
- 4) persons discharged from tutor (guardian) obligations for improper performance of its statutory obligations;
- 5) former adoptive parents, if the adoption was cancelled by a court due to their fault;
- 6) persons, who, due to their state of health, may not exercise parental rights or who cohabit with persons suffering from a disease which is dangerous for other people around;
- 7) persons who, as of the moment of establishment of adoption, have no income to ensure the child being adopted with a minimum of subsistence established in the subject of the Russian Federation on whose territory the adopters (or adopter) reside;
- 8) persons having no permanent residence;
- 9) persons having, as at the moment of the establishment of adoption, a record of conviction for an intentional crime against the life or health of citizens;
- 10) persons residing in premises which do not comply with sanitary and technical rules and norms.

In addition, the following are also prohibited from adopting Russian children:

- In 2013-2014 various Russian family law acts prohibited adoption of Russian children to countries that permit same-sex marriage;
- Adoptions by US citizens are not allowed by law;
- The age gap between an unmarried adopter and the adopted child shall not be less than 16 years.

If potential married adoptive parents are citizens of the state permitting same-sex marriage, or permanently reside in such a state, the court ascertains whether the law of such a state permits a new placement for the adoptee in their interests in another family, and whether there is an effective international treaty for cooperation in the sphere of adoption between the Russian Federation and such a state, stipulating that the decision on a new placement of the child in another family, including their adoption by other persons, may not be made without the consent of a competent authority of the Russian Federation.

Compulsory training

Potential adoptive parents failing to undergo training in the territory of a foreign state of their permanent residence may undergo the specified training in the territory of the Russian Federation. Requirements in relation to compulsory training of persons willing to foster a child without parental care do not apply to the following categories of potential adoptive parents:

- the child's stepfather or stepmother;
- the child's immediate relatives;
- persons who are or were adoptive parents and in relation to which the adoption was not cancelled;
- persons who are or were tutors (guardians) of children and who were not discharged from duties vested in them.

Sources: Art. 270 Civil procedural Code and Federal Law No. 272-FZ of 2012.

CONSENTS

According to Art. 272 of the Civil procedural Code and Art. 132 of the Family Code, at any stage of the adoption procedure, but before the final decision of the court, the parent(s) of the child whose consent is required, the adoptive parent and the child to be adopted, if the latter is 10 or above 10 years old, can refuse the adoption.



	<p><u>Consent of the child:</u> According to Russian law, it is prohibited, in fact, to adopt a child aged 10 or above without their consent.</p> <p><u>Consent of the child's parents:</u> To adopt a child, it shall be necessary to obtain the consent of their parents. In the adoption of a child of under-aged parents, who have not reached the age of 16 years, it shall also be necessary to obtain consent of their parents or guardians (trustees), and in the absence of the parents or guardians (trustees), the consent of the guardianship and trusteeship body.</p> <p>The parents' consent to the child's adoption shall not be required if they:</p> <ul style="list-style-type: none"> • are unknown or are recognised by a court as missing; • are recognised by a court as legally incapable; • are deprived by a court of parental responsibility (with the observance of Item 6, Article 71 of the Code); • for reasons recognised by a court as invalid, do not live with the child and have shirked the duties involved in their upbringing and maintenance, for over six months. <p><u>Consent of the child's guardian:</u> To adopt children placed under guardianship (trusteeship), the written consent of their guardians (trustees) shall be required. To adopt children placed into foster families the written consent of the foster parents shall be required. To adopt children left without parental care and maintained at educational establishments, medical centres, the institutions for the social protection of the population, and at other similar institutions, the written consent of the heads of the given institutions shall be required.</p> <p>The court shall have the right to adopt a decision on the child's adoption in the interests of the child without the consent of the persons indicated above.</p> <p style="text-align: right;"><i>Sources:</i> Civil Procedural Code and Art. 130 ff. Family Code.</p>
CHILD'S FILE	<p><u>The necessary documents:</u></p> <ul style="list-style-type: none"> • the surname, name and patronymic and the date of birth of the adopted child, their place of residence or of stay, and information on the parents of the adopted child and on any siblings; • the circumstances substantiating the request of the adopters (of the adopter) for the adoption of the child, and the documents confirming these circumstances; • the request for the change of the surname, name and patronymic and of the birthplace of the adopted child, as well as of the date of his birth (if the child is adopted at an age below one year), and for naming the adopters (the adopter) as the parents (the parent) in an entry of the act on the birth; • the conclusion of the Guardianship authorities about the substantiation and the compliance of the adoption with the interests of the adopted child; • the act of the inspection of the living conditions of the adopters (of the adopter) compiled by the guardianship and trusteeship body at the place of residence or at the place of stay of the adopted child; • the birth certificate of the adopted child; • the consent of the adopted child who has reached the age of 10 years to the adoption, as well as to the probable change of his name, patronymic and surname and to the entry of the adopters (of the adopter) as his parents. <p>All the documents shall be submitted in two copies.</p> <p>Once the above documents are collected, and only upon decision made by a court, the certificate of adoption is issued by the Civil Registry Agency.</p> <p style="text-align: right;"><i>Source:</i> Art. 272 Civil Procedural Code.</p>

<p>PROSPECTIVE ADOPTIVE PARENTS' FILE</p>	<p>Application for adoption must be accompanied with:</p> <ol style="list-style-type: none"> 1) copy of the birth certificate of the adoptive parent, when the child is adopted by a single person; 2) copy of the marriage certificate of the adoptive parents (parent), when the child is adopted by married persons (person); 3) in the case of an adoption of a child by one of the spouses, consent of the other spouse or a document confirming termination of marital relations and separation of the spouses for more than a year. In the case of impossibility to attach the appropriate documents to the application, the application must specify evidence of such facts; 4) the medical opinion of the state of health of the adoptive parents (parent); 5) an employment reference with specification of the position and salary or copy of income statement or other document confirming income; 6) document confirming the right to use residential premises or the ownership of residential premises; 7) document certifying registration of the citizen as a potential adoptive parent; 8) the opinion of a competent public authority of the State of nationality of the adoptive parents (State of their permanent residence) of the living conditions and ability to be adoptive parents; 9) entry permit issued by competent authority of the appropriate State for the adoptee and permit of residence in the territory of such state. <p>As appropriate, a court may request other documents, including duly legalised documents certifying the contents of rules of foreign Family Law, to which the potential adoptive parents refer in substantiation of their requests or objections.</p> <p style="text-align: right;"><i>Source:</i> Art.271 Civil Procedural Code.</p>
<p>PROCEDURE</p>	<p><u>Judicial procedure</u></p> <p>The adoption of a child shall be subject to state registration in accordance with the procedure laid down for the state registration of civil status acts.</p> <p>The adoption shall be effected by the Court upon the application of the persons (a person), wishing to adopt a child. Adoption cases shall be considered by the Court as special proceedings, according to the rules, stipulated by the civil procedural rules:</p> <p>The citizens of the Russian Federation permanently residing outside the territory of the Russian Federation, foreign citizens or stateless persons wishing to adopt a child who is a citizen of the Russian Federation, shall lodge an application for the adoption, respectively, to the Supreme Court of the Republic, the territorial or regional court, the court of a city of federal importance, the court of the autonomous region, and to the court of an autonomous area at the place of their residence or at the place of stay of the adopted child.</p> <p>An application from the citizens of the Russian Federation permanently residing outside the territory of the Russian Federation, from foreign citizens and stateless persons for the adoption of a child who is a citizen of the Russian Federation shall include the documents mentioned in the first part of Article 271 Civil Procedural Code as well as the conclusion of a competent body of the state, of which the adopters are the citizens (if the child is adopted by stateless persons - of the State in which these persons have their permanent place of residence), about their living conditions and about the possibility for them to act as adopters; the permit from a competent body of the corresponding State for the admittance of the adopted child to this State, and an indication of their permanent place of residence on the territory of this State.</p> <p>When a case is prepared for court investigation, the judge shall oblige the guardianship and trusteeship bodies of the place of residence or of the place of stay of the adopted child to submit to the court the conclusion about the substantiation and the compliance of the adoption with the interests of the adopted child.</p>

	<p>If the request for the adoption is accepted, the Court shall acknowledge the child as adopted by the particular persons (person) and shall indicate in the decision of the Court all the data on the adopted child and on the adopters (on the adopter) necessary for the state registration of the adoption in the registry offices of the civil status acts.</p> <p><i>Sources:</i> Art.125 Family Code; Arts. 269 ff. Civil Procedural Code.</p>
<p>ADOPTION ACCREDITED BODIES (AAB)</p>	<p>Representative offices of adoption organisations may:</p> <ul style="list-style-type: none"> a) submit documents of potential adoptive parents to the operator of the State Children's Database for selection of the adoptee, and to a Court for adoption; b) on the basis of the application of potential adoptive parents, receive information about a child (transfer of information about a child received for the purpose of presentation to a particular foreign citizen, as well as other uses are prohibited); c) execute invitations and render visa support to prospective adoptive parents; d) arrange reception and accommodation of prospective adoptive parents; render necessary assistance in the execution of the adoption; e) participate in legal proceedings when trying adoption cases, receive court decisions in relation to adoption, and render assistance to adoptive parents in execution of a child's birth certificate and their passport for leaving the Russian Federation; f) undertake other activities in the Russian Federation related to representation of interests of potential adoptive parents and adoptive parents, not prohibited by Russian laws. <p>The activities of adoption authorities and organisations specifically authorised by foreign states undertaken in the territory of the Russian Federation pursuant to an international treaty of the Russian Federation or on the basis of reciprocity principles are not regarded as adoption agencies. Moreover, adoption organisations are prohibited to pursue commercial objectives in their activities.</p> <p>Any activity aimed at the selection and fostering of children on behalf and in the interests of persons wishing to adopt children are prohibited, including collection, transfer, publication in the mass media, public data and communications networks (including on the Internet) and other distribution of information about a child, photographing and video filming of children and additional medical examination of the adoptee.</p> <p><i>Source:</i> Art. 126 Family Code.</p>
<p>ADOPTION DECISION & TERMINATION</p>	<p>The decision on the adoption of a child by foreign citizens is made by the Supreme Court of a republic, territorial Court, regional Court, Federal City Court, Autonomous Region Court, Autonomous District Court at the place of habitual residence of the adoptee upon the application of the potential adoptive parent. The court decision on the adoption becomes effective upon expiration of the period of appeal, unless appealed, i.e. 10 days.</p> <p>If the request for the adoption is satisfied, the Court shall acknowledge the child as adopted by the particular persons (person) and shall indicate in the decision of the Court all the data on the adopted child and on the adopters (on the adopter) necessary for the state registration of the adoption in the registry offices of the civil status acts.</p> <p><i>Source:</i> Arts. 269 and 274 Civil Procedural Code.</p>
<p>ADOPTION EFFECTS</p>	<p>If the application for the adoption is satisfied, the rights and duties of the adopters (of the adopter), and of the adopted child shall be established as from the day of the entry into legal force of the court decision.</p>



	<p>Adoptive parents, within three months of the date of entry of the adoptee into the State of their place of residence, must register the child with a Consular office of the Russian Federation located within the Consular district of the territory of such State, or in the absence of such office, at a diplomatic mission of the Russian Federation.</p> <p>The child's adoption may be cancelled if the adopters shirk the discharge of parental duties imposed upon them, abuse parental rights, treat the adopted child cruelly or suffer from chronic alcoholism or drug addiction.</p> <p style="text-align: right;"><i>Source:</i> Art. 141 Family Code and 275 Civil Procedural Code.</p>
<p style="text-align: center;">POST ADOPTION REPORTS</p>	<p>The competent authority or agency of the foreign State, on the territory of which an adoptee lives, shall prepare reports on the living and upbringing conditions of a child in the adoptive family and submit the specified reports to the executive bodies of the Russian Federation. The reports must include information about a child's state of health, their education, emotional and behavioural development, autonomous skills, appearance and relations in the family (find it via http://www.usynovite.ru/en/). The reports are accompanied by photos of the family and the child at the time of the preparation of the reports.</p> <p><u>Living and upbringing conditions of the child:</u></p> <ul style="list-style-type: none"> ▪ The first examination is carried out upon the expiration of two months from the effective date of the court decision; the report is presented at the end of the 4th month from the effective date of the court's adoption decision at the latest. ▪ The second examination of living and upbringing conditions of the child is carried out upon the expiration of five months from the effective date of the court decision; the report is presented at the end of the 7th month from the effective date of the court's adoption decision at the latest. ▪ The third examination of living and upbringing conditions of the child is carried out upon expiration of 11 months from the effective date of the court decision; the report is presented at the end of the 13th month from the effective date of the court's adoption decision at the latest. ▪ The fourth examination of living and upbringing conditions of the child is carried out upon expiration of 23 months from the effective date of the court decision; the report is presented at the end of the 25th month from the effective date of the court's adoption decision at the latest. ▪ The fifth examination of living and upbringing conditions of the child is carried out upon expiration of 35 months from the effective date of the court decision; the report is presented at the end of the 37th month from the effective date of the court's adoption decision at the latest. ▪ Upon expiration of 3 years from the effective date of the court's adoption decision and until the child's majority, living and upbringing conditions of the child are examined upon the expiration of 23 months from the date of preparation of the previous report. The report is presented at the end of the 25th months from the date of preparation of the previous report. <p style="text-align: right;"><i>Source:</i> http://www.adoptinrussia.ru/.</p>
<p style="text-align: center;">SEARCH OF ORIGINS</p>	<p>The secret of the child's adoption shall be protected by law. The judges who have passed a decision on the child's adoption, or the official persons who have effected the state registration of the adoption, as well as the persons who have learned about the adoption in another way, shall be obliged to keep the secret of the child's adoption, unless inversely wished by the adoptive parents (art. 139 (2)).</p> <p>To ensure the secret of adoption, the date of the adopted child's birth may be changed, but not</p>



	<p>by more than three months, as well as the place of their birth.</p> <p>The change of the adopted child's date of birth shall be admitted only if the child is adopted at the age of less than twelve months. For reasons recognised by a court as valid, the change of the date of birth of the adopted child can be permitted when adopting a child who has reached the age of one year or older. The change of the date and (or) of the place of birth of the adopted child shall be indicated in the court decision on their adoption.</p> <p style="text-align: right;"><i>Source:</i> Art.139 Family Code.</p>																																																																														
SANCTIONS IN CASE OF IRREGULARITIES	<p>Acceptance of remuneration by public or municipal officers in connection with the performance of their official duties (gifts, money award, loans, services, and payment for entertainment, recreation, transportation costs and other remuneration) is prohibited. Acceptance of bribes by an official, directly or indirectly, as well as giving bribery entails criminal liability.</p> <p style="text-align: right;"><i>Source:</i> http://www.adoptinrussia.ru/.</p>																																																																														
ADOPTION COSTS	<p>The procedure of adoption of children in the Russian Federation, regardless of nationality of adoptive parents, is free of charge.</p> <p>The cost of services of foreign adoption organisations is fixed by the law of the appropriate foreign State. Activities of the specified organisations and the services provided by the same must not facilitate receipt of unreasonable commercial benefit.</p> <p style="text-align: right;"><i>Source:</i> http://www.adoptinrussia.ru/.</p>																																																																														
STATISTICS	<table border="1"> <thead> <tr> <th>Receiving country</th> <th>2013</th> <th>2012</th> <th>2011</th> <th>2010</th> <th>2009</th> </tr> </thead> <tbody> <tr> <td>Belgium</td> <td></td> <td>6</td> <td>10</td> <td>8</td> <td>4</td> </tr> <tr> <td>Canada</td> <td>66</td> <td>52</td> <td>67</td> <td>102</td> <td>121</td> </tr> <tr> <td>Finland</td> <td>19</td> <td>23</td> <td>37</td> <td>35</td> <td>41</td> </tr> <tr> <td>France</td> <td>185</td> <td>235</td> <td>286</td> <td>301</td> <td>288</td> </tr> <tr> <td>Germany</td> <td></td> <td></td> <td>165</td> <td>168</td> <td>202</td> </tr> <tr> <td>Ireland</td> <td>17</td> <td>49</td> <td>124</td> <td>80</td> <td>100</td> </tr> <tr> <td>Israel</td> <td>67</td> <td>86</td> <td>95</td> <td>78</td> <td>76</td> </tr> <tr> <td>Italy</td> <td>730</td> <td>749</td> <td>781</td> <td>707</td> <td>704</td> </tr> <tr> <td>Spain</td> <td></td> <td>479</td> <td>712</td> <td>801</td> <td>868</td> </tr> <tr> <td>Sweden</td> <td>21</td> <td>33</td> <td>26</td> <td>20</td> <td>21</td> </tr> <tr> <td>Switzerland</td> <td></td> <td>23</td> <td>17</td> <td>15</td> <td>15</td> </tr> <tr> <td>USA</td> <td>250</td> <td>748</td> <td>970</td> <td>1082</td> <td>1,586</td> </tr> </tbody> </table> <p>In 2015, 89% of the children deprived of their families were adopted by Russian nationals and 11% by foreign nationals.</p> <p style="text-align: right;"><i>Sources:</i> http://www.aican.org/statistics.php?region=0&type=birth; http://www.usynovite.ru/statistics/2015/4/; http://www.supcourt.ru/second.php.</p>	Receiving country	2013	2012	2011	2010	2009	Belgium		6	10	8	4	Canada	66	52	67	102	121	Finland	19	23	37	35	41	France	185	235	286	301	288	Germany			165	168	202	Ireland	17	49	124	80	100	Israel	67	86	95	78	76	Italy	730	749	781	707	704	Spain		479	712	801	868	Sweden	21	33	26	20	21	Switzerland		23	17	15	15	USA	250	748	970	1082	1,586
Receiving country	2013	2012	2011	2010	2009																																																																										
Belgium		6	10	8	4																																																																										
Canada	66	52	67	102	121																																																																										
Finland	19	23	37	35	41																																																																										
France	185	235	286	301	288																																																																										
Germany			165	168	202																																																																										
Ireland	17	49	124	80	100																																																																										
Israel	67	86	95	78	76																																																																										
Italy	730	749	781	707	704																																																																										
Spain		479	712	801	868																																																																										
Sweden	21	33	26	20	21																																																																										
Switzerland		23	17	15	15																																																																										
USA	250	748	970	1082	1,586																																																																										

Comments of the ISS/IRC

The Russian Federation remains one of the main countries of origin, despite two situations: a) it appears that intercountry adoptions have consistently decreased over the past years, including to receiving countries with high numbers of ICA from Russia (e.g. USA, Spain); and b) some countries stopped ICA from Russia.

Some concerns were expressed with regards to some aspects of the adoption process related to child's rights. Firstly, the secrecy over the origins of the adoptee, which would violate his right of identity. Secondly the Dima Yakovlev law (Federal Law No. 272-FZ of 2012) prohibiting US citizens to adopt Russian children, by knowing in that specific case



the adoption process was already in place, and taking into consideration the potential general violation against all children deprived of their family to whom a new family environment could be envisaged. To this end the European Court of Human Rights stated in its judgment AH and others v. Russia on 17th of January 2017 that the law and its related prohibition was disproportionate and discriminatory vis-à-vis those perspective parents who were about to adopt Russian children with whom family ties and bonds were previously established during the adoption process. Particularly, with regards to the elements of retroactivity and disregard of individual circumstances related to each of the adoption processes, which followed discrimination. According to the Court, the Russian Government failed to justify the general ban against all US perspective adoptive parents, therefore, acting via joint violation of arts. 8 (family life) and 14 (prohibition of discrimination).

The compulsory training mentioned by Russian law is a step forward towards the improvement of the professional work force and monitoring capacity in the best interests of the child. In addition, it is worth mentioning the importance of the bilateral agreements that the Russian Federation has signed with other countries in respect of the 1993 Hague Convention on international cooperation vis-à-vis intercountry adoption.

However, the current non-ratification of the 1993 Hague Convention causes gaps in terms of research and monitoring vis-à-vis official information on the intercountry adoption procedures. Some concerns are raised in terms of part of the pre-adoption process, particularly regarding the consent of a child for adoption, which is not required if a child has been living with the prospective adopters and believes they are his or her parents.

Source: UNCRC Periodic Report CRC/C/RUS/CO/4-5.

LEGISLATION

A. International instruments

INTERNATIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession(A) / In Force (F)	Web Site
United Nations Convention on the Rights of the Child (1989)	16 August 1990 (R) 26 January 1990 (A)	http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2013 (R/A) 2012 (S)	http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx
Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993)		https://www.hcch.net/en/instruments/conventions/full-text/?cid=69
Hague Convention on Civil Aspects of Child Abduction (1980)	1 October 2011 (F)	https://www.hcch.net/en/instruments/conventions/status-table/?cid=24
Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and	1 June 2013 (F)	http://www.hcch.net/index_en.php?act=conventions.status&cid=70



Measures for the Protection of Children (1996)		
---	--	--

B. Bilateral Conventions

BILATERAL CONVENTION	Signature (S) / Ratification (R) / Accession(A) / In Force (F)	Web Site
Treaty between the Russian Federation and the Italian Republic on cooperation in the sphere of international adoption	6 November 2008 (S)	http://www.commissioneadozioni.it/it/per-una-famiglia-adoptiva/paesi/europa/federazione-russa.aspx
Treaty on Cooperation with France	27 December 2013 (F)	http://www.diplomatie.gouv.fr/fr/adopter-a-l-etranger/comment-adopter-a-l-etranger/les-fiches-pays-de-l-adoption-internationale/fiches-pays-adoption/article/adopter-en-federation-de-russie
Russian-Spanish agreement	9 July 2014 (S)	http://www.exteriores.gob.es/Portal/en/SalaDePrensa/NotasdePrensa/Paginas/NOTAS_P_2014/20140709_NOTA163.aspx

C. Regional instruments

REGIONAL INSTRUMENTS	Signature (S) / Ratification (R) / Accession(A) / In Force (F)	Web Site
European Convention on Human Rights (ECHR)	5 may 1998 (R)	http://merlin.obs.coe.int/iris/1998/6/article6.en.html
Council of Europe Recommendation REC(2005)5 on the Rights of children living in institutions		http://www.crin.org/Law/instrument.asp?InstID=1137
Council of Europe Recommendation 1601 (2003): Improving the lot of abandoned children in institutions		http://www.crin.org/Law/instrument.asp?InstID=1134



D. Domestic legislation

DOMESTIC LAWS / REGULATIONS	Available at ISS/IRC Hard copy (h) Electronic version (e)	Web Site
The Constitution of the Russian Federation of 1993 amended 2008	English (e)	http://www.constitution.ru/en/10003000-01.htm
Family Code of the Russian Federation No. 223-FZ of 1995	English (e)	http://www.refworld.org/docid/5492cbf64.html
Regulations on the Activity of Bodies and Organisations of Foreign States Engaged in Adoption of Children in the Territory of the Russian Federation and Control Over Conduct of Such Activity, approved by Decision of the Government of the Russian Federation No. 654 of November 4, 2006.		
Federal Law of 31 May 2002 No. 62-FZ	English (e)	http://www.refworld.org/docid/3ed72d964.html
National Action Strategy for Children 2012-2017	English and Russian (e)	http://childhub.org/en/system/tdf/library/attachments/1465_russian_child_strategy_russian_original.pdf?file=1&type=node&id=6344
Civil Procedural Code No 138-Fz Of November 14, 2002	English (e)	http://www.wipo.int/edocs/lexdocs/laws/en/ru/ru081en.pdf
Federal Law No. 272-FZ of 2012	English (e)	https://en.wikipedia.org/wiki/Dima_Yakovlev_Law
Government Decree No. 481 of 24 May 2014	English (e)	http://www.refworld.org/docid/3ed72d964.html

ACTORS

Ministry of Justice
14 Zhitnaya Ulitsa
MOSCOW 119991
Russian Federation
<http://www.minjust.ru>

Ministry of Education and Sciences
M. Evgueny Alexandrovitch SILYANOV,
Head of Department Child Protection Policy
M. V.L. KABANOV, Deputy Director
Tverskaia Ulitsa 11 - 125009 MOSKOW
Tel. (00 7 095) 229 04 38

Source:
<https://www.hcch.net/en/states/authorities/details3/?aid=928>.



APPENDICES

A. Documents of the Committee on the Rights of the Child

Convention on the Rights of the Child

- Concluding Observations on the Combined Fourth and Fifth Periodic Reports of the Russian Federation (CRC/C/RUS/CO/4-5)
http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/CRC_C_RUS_CO_4-5_16305_E.pdf
- Fourth and fifth periodic reports of States parties due in 2011 (CRC/C/RUS/4-5)
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fRUS%2f4-5&Lang=en

Source: Documents available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&TreatyID=10&TreatyID=11&DocTypeID=29&DocTypeCategoryID=4

B. Alternative Reports to the Committee on the Rights of the Child and other

- *State party examination of the Russian Federation's fourth and fifth periodic report*
Child Rights Connect, January 2014
http://www.childrightsconnect.org/wp-content/uploads/2013/10/Russian-Federation_Session-Report_CRC_FINAL.pdf

Source: Documents available at:

https://www.crin.org/en/library/custom-search-un?field_un_subtype=852.

C. Othersources of information

- ❖ **Council of Europe/European Court of Human Rights**
<http://hudoc.echr.coe.int/eng?i=001-170390>
Case of A.H. and v. Russia
- ❖ **UNICEF**
<https://www.unicef.org/russia.html>
<http://www.unrussia.ru/en/taxonomy/term/56>
https://www.unicef.org/about/annualreport/files/Russian_Federation_COAR_2010.pdf
Information on the situation of children and the activities of UNICEF in Russia.
- ❖ **EveryChild**
<http://www.familyforeverychild.org/?s=russia>
Information on the situation of children and the activities of Everychild in Russia.



❖ **CRIN**

<https://www.crin.org/en/library/countries/russian-federation>

Information on the situation of children and the activities of Save the Children in Georgia.

❖ **Agence Française de l'Adoption (France)**

<http://www.agence-adoption.fr/russie/>

Information on the adoption procedure.

❖ **Better Care Network**

<http://www.bettercarenetwork.org/library/the-continuum-of-care/residential-care/russia-country-report>

❖ **SOS Children's villages**

<http://www.sos-childrensvillages.org/where-we-help/europe/russia>

❖ **Commissione Adozioni Internazionali**

<http://www.commissioneadozioni.it/it/per-una-famiglia-adottiva/paesi/europa/federazione-russa.aspx>

❖ **US Department of State**

<https://travel.state.gov/content/adoptionsabroad/en/country-information/learn-about-a-country/russia.html>

