Supplementary report to the initial report submitted by the Russian Federation on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography regarding

“Sexual Exploitation of Children in the Russian Federation”

For the examination of the implementation of Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography in the Russian Federation

Submitted by

Russian Alliance against CSEC
and
ECPAT International

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Russian Alliance against CSEC

Executive Director: Dr. Maia Rusakova
Address: Mira St., 3A, 521-B, St. Petersburg, 197101, Russian Federation
Phone: +7 812 4935238
Email: info@ngostellit.ru
Website: http://www.ngostellit.ru

The Russian Alliance against CSEC was established in 2004 by Stellit, an NGO in St. Petersburg, and by Sisters, a Russian NGO that helps survivors of sexual violence. The Alliance’s objectives are to combine the efforts of government and NGOs in combating CSEC. In this context, the Alliance works on a number of issues, including prevention, rehabilitation, awareness raising and research.

ECPAT International

Special consultative status
Executive Director: Ms. Dorothy Rozga.
Address: 328/1 Phayathai Road, Ratchathewi, Bangkok 10400, Thailand.
Phone: +66 2 215 3388
Email: info@ecpat.org
Website: www.ecpat.org

ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States’ response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 102 network members operating in 93 countries.
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Context of this supplementary report

1. This report is meant to supplement the information of the initial report submitted by the Government of Russian Federation (GoRF) on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) in 2015. This report contains recommendations to end the sexual exploitation of children (SEC) in Russia.

2. This report is based on the practical experience and research of NGO Stellit as founder of the Russian Alliance against SEC and studies conducted by both Stellit and ECPAT International.

3. The scope of this contribution is limited to SEC and its various manifestations, which includes sexual exploitation of children through prostitution, online sexual exploitation of children (OCSE), child sexual abuse materials (CSAM), trafficking of children for sexual purposes, the sexual exploitation of children in the context of travel and tourism (SECTT) and, child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Russia.

4. The Russian Federation is ranked as a high human development ranking with the 49th place in the global ranking. Children comprise less than one fifth of the total population of over 143 million. The vulnerability to fall victim to SEC varies, with some discernible groups being most at risk, particularly among children from poor families, street children, children from dysfunctional or single parent families, children living in institutions (60,162 children by the end of 2015), mentally disabled, orphans (often not technically orphans, but neglected or abandoned by their parents), sexually abused children, and refugee children.

5. Although exact statistics are unknown, the number of children falling victim to SEC is on the rise, not only through CSAM, but through all sexual crimes committed against children with or without force.

6. Exploitation of children in prostitution is still on the agenda and mostly involves teenage girls between 14 and 17 years old, however boys should not be excluded from the risk group. Prostitution takes place in brothels, hotels and saunas, but has become harder to detect in recent years. Increased police enforcement has moved the exploitation from the public domain since the beginning of the millennium and with the strengthening of the state protection system, many vulnerable children were taken off the streets. Visibility of the crime has thus decreased with new pathways to contact victims or pimps, for example through the Internet, with the crime often taking place in private apartments.

7. The GoRF reported in 2014, 55 crimes against minors under the crime of ‘involving persons in prostitution’ and 36 crimes against minors under the crime of ‘organising prostitution’. Only two people were convicted for the offence of ‘receiving sexual services from a minor’.

8. As in most countries, OCSE and CSAM is a growing issue. Internet creates new pathways for child sex offenders to commit their crimes, obtain CSAM and to approach victims. The population of the Russian Federation is increasingly connected through mobile phones – with 155 mobile phones for every 100 people – and 76% of the population using the Internet. In 2013, the Russian Ombudsman for children’s rights reported that Russia was the second-largest producer of CSAM online, after the United States. According to the Ministry of Internal Affairs, ‘child pornography’ websites increased 12-fold during the four previous years. INHOPE reported that the Russian Federation is second in the top ten hosting countries with 24% of the ‘child pornography’ websites in 2014. In the first half of 2014, Russian law enforcement opened 540 criminal cases related to CSAM. In 2014, the GoRF reported 996 crimes under the Criminal code for offences related to child pornography and the dissemination and production of CSAM and 175 people were convicted.

9. Trafficking of children for sexual purposes is a serious problem. Children from Eastern Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily Vietnam), Africa
(particularly Nigeria), Central Asia and Russia fall victim to sex trafficking in Russia. Russian children are trafficked from rural to urban areas subjected to forced prostitution in Russia’s metropolises, but also trafficked abroad. The city of St. Petersburg is known as a hub. In 2016, the Global Slavery Index estimated the number of trafficked persons in Russia over a million people. 18

10. As the Global Study on Sexual Exploitation in Travel and Tourism found, no country is immune to SECTT. 19 The crime of SECTT is committed by travelling child sex offenders in Russia. With more than 24 million arrivals in 2016, the Russian Federation is in the top ten of international tourist arrivals globally. 20 The number of arrivals is steadily growing and resulted in more than USD 7.7 billion in receipts in 2016. 21 A recent research conducted by NGO Stellit found that, compared to beginning of the millennium, the number of cases of SECTT involving foreign – mostly male – travelling child sex offenders has significantly decreased. Strict police enforcement has reduced SECTT committed by travelling paedophiles and preferential offenders as well as committed by situational offenders travelling without the purpose to offend. However, the research has revealed that domestic travellers are constituting the biggest part of all SECTT crimes. 22

11. Although outbound Russian tourism is declining due to mostly economic factors, there were still 31.6 million Russians travelling abroad in 2016. 23 Statistics on cases of SECTT are not systematically collected by the government, but study and media reports mention cases of Russian travelling child sex offenders in Cambodia, Estonia, Moldova, Monaco and Nepal. 24 In the last twelve years three cases were revealed in Cambodia alone with Russian child sex offenders. 25 Reported cases are only the tip of the iceberg, as most offenders stay well under the police or judicial radar.

12. There is a lack of information and data about CEFM in Russia. In 2016, the Russian Federal State Statistics Service reported that 6825 girls and 705 boys were married before the age of 18. 26

**General measures of implementation**

*Policy and overall strategy*

13. The National Children’s Strategy for 2012–2017 focuses on protecting children in difficult life situations, but does not include specific provisions to prevent and combat SEC. However, in May 2017, the President of the Russian Federation signed a decree declaring the period from 2018 to 2027 as the Decade of Childhood (as a continuation of the aforementioned strategy). Some activities specific to combating SEC may be included in the new National Plan. 27

*Coordination and evaluation*

14. In every district in Russia local multi-stakeholder cooperation is achieved by the Commission on Minor’s Affairs and Protection of their Rights, which includes social workers, representatives of law enforcement, medical staff, psychologists and other stakeholders.

15. The Office of the Ombudsman of children’s rights helps in protecting all child rights, and has often been crucial in cases of severe violations of children’s rights.

16. At the sub-regional level, the Council of Baltic Sea States, comprising of 12 Member States, promotes cooperation to combat violence against children through its Expert Group on *Children at Risk*. In its mandate from 2017-2020 the combat against SEC is one of its key priorities. 28

17. The Commonwealth of Independent States Member States cooperate on counter trafficking measures through an agreement and a program of cooperation against Trafficking in Persons for 2014–2018.
**Dissemination, awareness and training**

18. The GoRF established a legal educational system to disseminate awareness on the OPSC at federal and regional level.  

**Prevention of the sale of children, child prostitution and child pornography (art.9 (par. 1 and 2))**

**Measures adopted to prevent offences prohibited under the Optional Protocol**

19. Long term prevention strategies include improving the status of children who are most vulnerable to SEC by implementing policies to reduce poverty, social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials. The resources, expertise and influence of the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, including awareness raising activities. Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (e.g., users of children forced into prostitution) to promote changes in social norms and behaviour and reduce the demand for sex with children.

20. In 2011, the Saint Basil the Great Charity Foundation founded the Safe Internet League with the support of the GoRF to eradicate dangerous online content through the professional community and IT industry.

21. With support from ECPAT International, Nordic Council of Ministers Information Office in St. Petersburg, General Consulate of Finland, General Consulate of Netherlands, EMpower foundation, and St. Petersburg Government, NGO Stellit has undertaken a number of awareness-raising activities on the risks of Internet use. Several sessions are given to children youth and specialists, including lectures, interactive games and discussions. So far over 740 children and youth, and more than 600 specialists have been involved.

22. With the exception of ACCOR Hotels, Cooperation from the travel and tourism sector to prevent and detect SECTT is still minimal. NGO Stellit promotes the Code of Conduct in Russia, but many representatives of the tourism industry in e.g. St. Petersburg are lacking understanding of their role in prevention of SECTT.

23. NGO Stellit, in cooperation with the governmental organisation ‘House of Studying Youth’, launched a youth volunteer movement called ‘You know the right way? Have it your own way...’ in Saint Petersburg. Volunteers work actively with youth and children on SEC prevention, especially trafficking and online child abuse prevention. Since the movement’s inception in 2009, 216 boys and 354 girls of median age of 19 were involved in the programme. The number of people reached by prevention efforts introduced by the movement since the start of the activities is 45,000.

**Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4(2) and (3), 5 and 7)**

**Existing criminal or penal laws and regulations**

24. With the GoRF’s ratification of the OPSC and the Lanzarote Convention in 2013, the GoRF has committed itself firmly to eradicate SEC. These ratified international standards are directly applicable and – in case of conflict – the rights afforded in international conventions prevail over national laws, apart from the Constitution.

25. In general, the Russian national laws correctly reflect the international standards on child protection from SEC in important areas. The most significant national laws protecting children from SEC in the Russian Federation are:

- The Constitution protects the right to life, dignity and childhood.

• The Criminal Code criminalises the trafficking of children and abusing children in slave like conditions.\textsuperscript{32} Rape and sexual acts against children under threat or force are criminalised.\textsuperscript{33} Coercion is prohibited,\textsuperscript{34} as well as ‘child prostitution’\textsuperscript{35} and CSAM.\textsuperscript{36}

• Federal Law No.436-FZ on Protection of Children from Information Harmful to their Health and Development (2010) prohibits the distribution of e.g. pornography to children.

26. Legal gaps in the international framework and national legislation were identified:

- Russia has not ratified the CoE Convention on Cybercrime.
- Russia has not ratified the CoE Convention on Action against Trafficking in Human Beings.
- The Criminal Code only criminalises sexual intercourse with a person under the age of 16.\textsuperscript{37}
- There is no legal definition of ‘child pornography’ in Russia’s national legislation consistent with the OPSC and the Lanzarote Convention, although a definition is provided in comments to the articles 242.1 and 242.2 of the Criminal Code,\textsuperscript{38} this does not fulfil the legislative requirements of the OPSC.
- There is no legal definition of ‘child prostitution’ consistent with the OPSC and the Lanzarote Convention.\textsuperscript{39}
- Possession or procuring of ‘child pornography’ and grooming are not criminalised.
- Some other gaps in the Criminal Procedure Code mean that the requirements of the Lanzarote Convention are not met. For example, if a criminal complaint regarding certain SEC crimes is withdrawn by the victim, a case can be closed in certain circumstances.\textsuperscript{40} Another example is that the statute of limitations is not providing sufficient time to children to file a criminal complaint after they have reached the age of majority which varies between two and fifteen years.\textsuperscript{41}
- The GoRF does not meet the criteria set out in the OPSC on extradition with a narrow legal framework for extraditions. Although the Criminal Code does require prosecution when a Russian national is suspected of a crime abroad, it does not criminalise all offenses under the OPSC and therefore the legal framework on extradition falls short.
- The GoRF does not have a specific law criminalising SECTT.
- The Russian law sets up the minimum legal marriage age at 18 years old.\textsuperscript{42} However, article 13 of the Russian Family Code also permits the marriage of children of the age of sixteen at minimum upon request. The article also allows subjects of the Russian Federation under circumstances to marry under the age of 16. As an example of this exception, the Republic of Bashkortostan approved the marriage of a person who is 14 years old, a case of legalised child marriage.\textsuperscript{43}

Protection of the rights of child victims (art. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol
Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

27. The GoRF has established a Department of Cybercrime with specially trained experts. Over 550 CSAM offences were registered in Russia in 2012, prompting the Ministry of Internal Affairs to launch a large-scale operation, “\textit{Weed}”, to combat CSAM online, in cooperation with
police more than 50 countries. Also in 2012, the lower house of the Russian parliament passed a bill authorising a blacklist of Internet sites allegedly containing CSAM, drug-related material, extremist material, and other illegal content. More than 90 websites registered in Russia were closed in 2013. 44

28. NGO Stellit has provided trainings for the staff of ACCOR Hotels, but there is a need for systematic training of professionals on identification of victims by staff of child care institutions, social services, law enforcement and the travel and tourism industry.

29. There is a child helpline where SEC cases can be reported and are in high demand. 45 Cases of OCSE can be reported through the Safer Internet Center and the Friendly RUNET Foundation, which are both part of the international reporting network of INHOPE.

Recovery and reintegration of victims

30. There is a lack of adequate recovery and reintegration services available to SEC victims. Usually SEC victims are placed in a temporary child shelters and then sent to a state residential institution. But the institutional care provided does not meet children’s social and psychological needs, nor prepares them for secure livelihoods outside the institution. Children exploited in prostitution are still seen as antisocial. Due to the absence of relevant support, children involved in prostitution are in danger of falling back into prostitution or may even start exploiting other children. 46

31. The GoRF doesn't provide enough financial and human resources for the creation and maintain of governmental shelters dedicated to child victims. However, non-governmental shelters have been created such as the Independent Charity Centre of Assistance to Victims of Sexual Violence or the Centre for Assistance to Victims of Violence and Human Trafficking. 47

Recommendations to the GoRF:

Measures of general implementation

1. Create an interagency working group in charge of combatting violence against children, including SEC, and incorporate its strategy into the next National Children’s Strategy;
2. Integrate SEC provisions into the National Children’s Strategy and integrate appropriate monitoring and evaluation of the plan;
3. Systematically disseminate the OPSC to state agents as well as to all relevant professionals, especially border police officers, judges and prosecutors.

Prevention

4. Raise public awareness about SEC and trafficking, specifically among vulnerable groups, and the sanctions on the crime to all citizens and visitors;
5. Invest in child empowering prevention programmes on SEC in standard school curricula, and to address its root causes and multiple vulnerabilities that endanger children, families and communities;
6. Promote child protective social norms through community development projects, and the media, including social networks;
7. Engage more with the private sector, including Internet Service Providers, to block, remove and report online child sexual exploitation and abuse content;
8. Continue investing in a public education programme to raise awareness on online behaviour and safety, knowledge and reporting of online child sexual exploitation and abuse offences;
9. Ensure that the voice of children is heard and that their views are taken into consideration in all legal and social proceedings affecting the child and support initiatives where children are able to be an agent in the combat against SEC.

**Prohibition**

10. Ratify the Council of Europe Convention on Cybercrime;
11. Ratify the Council of Europe Convention on Action against Trafficking in Human Beings;
12. Bring national legislation fully in line with the rights afforded to Russian children through the OPSC and the Lanzarote Convention;
13. Ensure that the minimum legal age for marriage is 18 across the territory;
14. Provide a legal definition of 'child prostitution' and 'child pornography' consistent with the OPSC and the Lanzarote Convention;
15. Bring the legal framework on extradition in line with the OPSC;
16. Adopt provisions in the Criminal Code to address SECTT.

**Protection**

17. Establish dedicated units in the law enforcement and prosecution office that address SEC and all its manifestations;
18. Cooperate across the country among the police and judiciary to allow exchange of information for investigations and prosecution of every case where a person is suspected or accused of having trafficked and/or sexually exploited a child in another State;
19. Strengthen the cooperation and legal assistance mechanisms with bordering countries and regional countries to prevent trafficking by exchanging information and harmonising legal procedures to prosecute traffickers;
20. Ensure that law enforcement agencies have the resources and skills to identify, investigate and respond to SEC and are able to use victim-centred and child friendly methods when dealing with child victims and witnesses;
21. Ensure that child-friendly services are available and regulated by quality standards, put in place by competent and well-trained staff with adequate resources and easily accessible to all children;
22. Offer or subsidise tailored recovery and reintegration services to SEC victims;
23. Inform and educate child victims of SEC about available recovery and reintegration structures;
24. Take the necessary measures to strengthen and increase the recovery and reintegration services and ensure accessibility to these services for all children victim of SEC. Furthermore, ensure that these children have access to adequate procedures to seek, without discrimination, compensation for the damages they have suffered or are still suffering from those legally responsible for these damages.
25. Mobilise sufficient financial and human resources to create and maintain governmental and non-governmental shelters with integrated services (psychological, legal, medical, etc.) for child victims.


4 Ibid., 54.


21 Ibid., 8.
32 GoRF, Criminal Code, articles 127.1 and 127.2.
33 GoRF, Criminal Code, articles 131 and 132.
34 GoRF, Criminal Code, article 133.
35 GoRF, Criminal Code, articles 240 and 241.
36 GoRF, Criminal Code, articles 242.
37 GoRF, Criminal Code, article 134.
38 Comment: "Materials with pornographic images of minors in this article and in Article 242.2 of this Code shall be understood as materials and objects containing any image or description for sexual purposes:
   • completely or partially exposed sexual organs of a minor;
   • A minor who commits or imitates sexual intercourse or other acts of a sexual nature;
   • Sexual intercourse or other acts of a sexual nature committed against or with the minor;
   • An adult person depicting a minor who commits or imitates sexual intercourse or other acts of a sexual nature."
42 GoRF, Family Code, Article 13.
45 Russian Association of Child Helplines (RACH) registered almost 92,000 reports in 2011. Stellit (draft report to be published in 2017), “The commercial sexual exploitation of children in Eastern Europe and Central Asia, Developments, progress, challenges and recommended strategies for civil society”.

46 Stellit (draft report to be published in 2017), “The commercial sexual exploitation of children in Eastern Europe and Central Asia, Developments, progress, challenges and recommended strategies for civil society”.