

THE CHILD'S RIGHT TO EXPRESS HIS / HER VIEWS IN THE CONTEXT OF RUSSIAN CULTURE AND DEMOCRACY

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The main focus of this paper is to consider the right of the child to express his / her views and, in particular, to attempt to understand the essence, scope and perspectives on the realization of this right in Russia in the context of the legislation in force, cultural prerequisites and the Russian model of democracy. With this in mind, a discussion will be conducted on the interconnection between the right to express views, partially accepted in Russia, and the right to participate, which has been denied to the child due to the traditional attitude towards minors. The conclusion will be that the right to participation should be considered a broader one which cannot be equated with the right to express views. Nevertheless, the latter is the core and the basis for other related rights.

Further, an overview is provided of the legal framework and practices that implement the child's right to express views and participate in the decision-making process. Finally, traditional perceptions with regard to children and their rights and the specifics of Russian democracy will be explored, as well as the way that they influence the right of the child to express his/her views. It will be argued that Russia is not in favour of the child's right to express views given the revival of 'traditional values' as reflected in the legislation and supported by state policies, and together with a clear rejection of the primacy of international standards in the field.

Observance of the child's right to express his / her views will not only support their formation as active citizens of their country (and of the regional and global community) free of traditional biases but will also promote further child participation.

Key words: Russia; legislation; child rights; views; participation; democracy; culture.

1. Introduction

Until recently, the right of the child to express his / her views was out of the sphere of interest of Russian scholars, legislators and average citizens. The related

studies were mostly concerned with typology, approaches and boundaries of the participation within the social discourse.¹ Another set of studies considers the right to express views exclusively as a procedural right – one of the guarantees to secure a child's access to a court.² One reason for this is that Russia is renowned for having other problems in the field of child rights, such as violence,³ institutionalization and vagrancy. All of these are considered by the child protection bodies (both state and NGO-based, international and domestic) to be far more acute and significant than the right of the child to express his / her views in matters affecting him/her and to participate in the decision-making process.

The second reason for an absence of academic and professional interest lies within the cultural context. Currently, the idea that the child is not, or should not be simply the object of care for parents and authorities but rather the subject of rights, and that this is something which the state is obliged to guarantee, is no longer disputed at the level of international human rights. However, at a societal and familial level the capacity for and appropriateness of child participation in decision-making remains an issue. Traditional paternalistic attitudes towards a child as person with limited capacities, unable to appraise the situation and form the judgment are based on *Domostroy*⁴ and supported by the Russian Orthodox Church. This prevents dissemination of 'Western values' and forms the public policy in this regard. These attitudes influence the legislation and the practice of the realization of the right in question. Moreover, they play a large role in shaping citizens, given that a person who was unable to influence the decision-making in his own family during his childhood

¹ See Калабихина И.Е., Ионцева С.В., Козлов В. Анализ моделей участия детей в процессах принятия решений по вопросам, затрагивающим интересы ребенка (на примере российских городов, присоединившихся к инициативе ЮНИСЕФ «Города, доброжелательные к детям») [Kalabikhina I.E., Iontseva S.V., Kozlov V. *Analiz modeley uchastiya detei v protsessakh prinyatiya reshenii po voprosam, zatragivayushchim interesy rebenka (na primere rossiiskikh gorodov, prisoedinivshikhsya k initsiative YuNISEF)*] [Irina Kalabikhina et al., Analysis of Models of Child's Participation in Decision Making Processes on the Matters, Related to Child's Interests (on the example of Russian cities, joined the UNICEF 'Cities Fit for Children' initiative)] (UNISEF 2010).

² See Эрделевский Э. Ребенок тоже человек // Человек и закон. 1998. № 11–12. С. 75 [Erdelevsky A. *Rebenok tozhe chelovek // Chelovek i zakon*. 1998. Nos. 11–12. S. 75 [Alexander Erdelevsky, *A Child is a Human Too*, 1998(11–12) Human and Law 75]]; Нечаева А.М. Судебная защита прав ребенка [Nechaeva A.M. *Sudednaya zashchita prav rebenka* (Alexandra Nechaeva, Judicial Protection of the Rights of the Child)] 83 (Ekzamen 2003).

³ Only in 2009 more than 108,000 children became victims of violent acts, more than 1,600 of them died (see Защита детей от насилия и жестокого обращения: Межрегиональный тематический доклад [*Zashchita detei ot nasiliya i zhestokogo obrashcheniya: Mezhrregional'nyi tematicheskii doklad*] [Protection of Children from Violence and Child Abuse: Interregional Thematic Report]) 3 (Institut sem'i i vospitaniya RAO 2010)).

⁴ *Domostroy* or *Domostroi* (Domestic Order) is a 16th century Russian set of household rules, instructions and advices pertaining to various religious, social, domestic, and family matters of the Russian society. Core *Domostroi* values tended to reinforce obedience and submission to God, Tsar and Church (see, e.g., <<http://en.wikipedia.org/wiki/Domostroy>>).

will likewise believe that he is unable to influence the decision-making process in the country. This paper argues that this infantilisation of Russian citizens is supported by official policies which aim to alienate citizens from democratic procedures.

State bodies took some interest in this issue several years ago when the Russian authorities conducted a preliminary survey on the realization and protection of this right⁵ due to the need to submit the fourth periodic report to the UN Committee. An analysis of this report shows that the right of the child to express his / her views is seen through the prism of child protection activities or child participation in various 'Child Public Councils' (analogous to Russia's Federal Public Chambers⁶). This is a clear top-down administrative initiative with the emphasis, again, on issues of child protection.

As this paper will seek to demonstrate, both the limitation of the scope of the right of the child to express his / her views to issues of procedure and the limitation of the sphere of its application to child protection activities violate international standards.

2. The Right of the Child to Express His / Her Views and the Right to Participate

Respect for the views of the child was one of the four guiding principles of the UN Convention on the Rights of the Child [hereinafter UNCRC].

Article 12 of the UNCRC reads as follows:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

⁵ See *Участие детей в деятельности по защите своих прав [Uchastie detei v deyatel'nosti po zashchite svoikh prav: Mezhhregional'nyi tematicheskii doklad* [Child Participation in Activities on the Protection of Their Rights: Interregional Thematic Report]] (Institut sem'i i vospitaniya RAO 2010) (hereinafter Child Participation).

⁶ 'One of the Public Chamber's functions is to facilitate coordination between the socially significant interests of citizens of Russia, NGOs, and national and local authorities, in order to resolve the most important problems of economic and social development, to ensure national security, and to defend the rights and freedoms of citizens of Russia, the Russian constitutional system, and the democratic principles of the development of civil society in Russia' (<<http://www.oprf.ru/en/about/>>).

The UNCRC was not the first international human rights document to set down this right. In Art. 19, the Universal Declaration of Human Rights⁷ had already declared that: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.' Provision of the corresponding article in the International Covenant on Civil and Political Rights⁸ ('Everyone shall have the right to hold opinions without interference' (Art. 19)) confirmed its primary importance for the realization and protection of human rights and democracy. Article 12 of the UNCRC thus basically reiterates the provision declared in other international instruments. This repetition, however, is of primary importance as it addresses certain cultural perceptions. The UN Committee on the Rights of the Child [hereinafter Committee] has consistently emphasized that a child should be regarded as an active subject of rights and that a key purpose of the UNCRC is to emphasize that human rights extend to children. The Committee has rejected what it terms 'the charity mentality and paternalistic approaches' to children's issues. It invariably raises the implementation of Art. 12 with the States Parties and regularly identifies traditional practices, culture and attitudes as obstacles to this realization.⁹

Another significant feature of Art. 12 is that it not only requires that children should be assured the right to express their views freely but also that they should be heard and that their views be given 'due weight.'¹⁰ The implementation of this provision involves profound and radical reconsideration of the status of children in most societies and the nature of adult / child relationships. It requires us to listen to what children say and to take them seriously. It requires that we recognize the value of their own experiences, views and concerns.¹¹ The important question here is to determine when a child should be trusted to be able to form and express a valid opinion. It is noted that Art. 12 does not set any lower age limit on the child's right to express views freely. It is clear that children can and do form views from a very early age, and the UNCRC provides no support to those States that would impose a lower age limit on the ascertainment or consideration of children's views.¹²

⁷ Российская газета. 1995. № 67 [*Rossiiskaya gazeta*. 1995. No. 67 [1995(67) Russian Gazette]].

⁸ Ведомости Верховного Совета СССР. 1976. № 17. Ст. 291 [*Vedomosti Verkhovnogo Soveta SSSR*. 1976. No. 17. St. 291 [1976(17) Bulletin of the USSR Supreme Council, Art. 291]].

⁹ See Implementation Handbook for the Convention on the Rights of the Child 149 (3rd ed., UNICEF 2007) [hereinafter Implementation Handbook].

¹⁰ As a party to the Convention, Russia is legally obliged to realize this provision for those under 18 years old.

¹¹ See Gerison Lansdown, Promoting Children's Participation in Democratic Decision-Making 1 (UNICEF Innocenti Insight 2001), available at <<http://www.unicef-irc.org/publications/pdf/insight6.pdf>> (accessed Aug. 1, 2014).

¹² See Implementation Handbook, *supra* n. 9, at 153.

In its General Comment No. 7 on 'Implementing child rights in early childhood,' the Committee encourages States Parties to construct a positive agenda for rights in early childhood:

A shift away from traditional beliefs that regard early childhood mainly as a period for the socialization of the immature human being towards mature adult status is required. The Convention requires that children, including the very youngest children, be respected as persons in their own right. Young children should be recognized as active members of families, communities and societies, with their own concerns, interests and points of view.¹³

In deciding how much weight to give to a child's views on a particular matter, age on its own should not be the criterion. The twin criteria of age and maturity must be considered instead. Maturity is not defined by the UNCRC but the word implies the ability to understand and assess the implications of the matter in question. This does not mean that young children's views will automatically be given less weight. There are many issues that very small children are capable of understanding and to which they can contribute thoughtful opinions. Competence does not develop uniformly according to rigid developmental stages. The social context, the nature of the decision, the particular life experience of the child and the level of adult support will all affect the capacity of a child to understand the issues affecting them.¹⁴

It is noted that numerous authors refer to Art. 12 of the UNCRC as one that speaks about participation.¹⁵ They generally note that the UNCRC upholds the rights of children to participate in decisions that affect their lives. However, the text of the Article, which was adopted in 1999, does not contain this particular term. It appears only in the comments given by the Committee in 2006, following its Day of General Discussion on 'The Right of the Child to Be Heard.' The Committee emphasized that:

[R]ecognizing the right of the child to express views and to participate in various activities, according to her/his evolving capacities, is beneficial for the child, for the family, for the community, the school, the State, for democracy.

¹³ UN Committee on the Rights of the Child, *General Comment No. 7: Implementing Child Rights in Early Childhood*, ¶ 5, 40th Sess., U.N. Doc. CRC/C/GC/7/Rev. 1 (2005), at <<http://www.refworld.org/docid/460bc5a62.html>> (accessed Aug. 1, 2014).

¹⁴ See Lansdown, *supra* n. 11, at 6.

¹⁵ See, e.g., Hugh Matthews et al., *Young People's Participation and Representation in Society*, 30(2) *Geoforum*; Daniel O'Donnell, *The Right of Children to be Heard: Children's Right to Have Their Views Taken into Account and to Participate in Legal and Administrative Proceedings* (Innocenti Working Paper No. 2009-04), available at <http://www.unicef-irc.org/publications/pdf/iwp_2009_04.pdf> (accessed Aug. 1, 2014); Brian W. Head, *Why Not Ask Them? Mapping and Promoting Youth Participation*, 33(4) *Children and Youth Services Review* (2011); and others.

To speak, to participate, to have their views taken into account. These three phases describe the sequence of the enjoyment of the right to participate from a functional point of view. The new and deeper meaning of this right is that it should establish **a new social contract**. One by which children are fully recognized as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them, a right which can be considered as the symbol for their recognition as rights holders.¹⁶

With these words the Committee finalized the transformation of the children's rights discourse from child-saving (protecting children) to propagating the personhood, integrity and autonomy of children (protecting their rights).¹⁷

The UNCRC sets out a number of other obligations on the rights of participation by children: Art. 13 (the right to freedom of expression), Art. 14 (the right to freedom of thought), Art. 15 (the right to association and assembly), Art. 17 (the right to appropriate information), and Art. 29 (the right to an education which will encourage responsible citizenship). Although these articles do not contain the term 'participation,' they presuppose active participation of a child in the respective activities. As such, the right to participation should be considered as a broader one which cannot be equated to the right to express views. The latter, nevertheless, is the core, the basis for the other related rights.

It is important to review the scope of the right to participate. Thomas notes that participation can refer generally to taking part in an activity, or specifically to taking part in decision-making. It can also refer either to the process or to an outcome.¹⁸ Matthews et al note that participation implies processes of involvement, shared responsibility and active engagement in decisions which affect quality of life.¹⁹ It is a field of practice which includes initiatives involving young people according to their race, ethnicity, class, gender or other social identity; in education, environment, housing or other issues. It includes efforts by young people to organize around issues of their choice, efforts by adults to involve young people in community agencies, and efforts by youths and adults to join together in intergenerational partnerships. The issue is not necessarily whether the effort is youth-led, adult-led or intergenerational, but rather whether people have some effect.²⁰ Lansdown characterizes participative initiatives as those where the aim is to strengthen processes of democracy, create

¹⁶ UN Committee on the Rights of the Child, *Day of General Discussion on the Right of the Child to Be Heard*, Recommendations (preamble), 43rd Sess. (Sept. 29, 2006).

¹⁷ See Michael Freeman, *The Sociology of Childhood and Children's Rights*, 6 Int'l J. Child. Rts. 434 (1998).

¹⁸ Nigel Thomas, *Towards a Theory of Children's Participation*, 15 Int'l J. Child. Rts. 199 (2007).

¹⁹ Matthews et al., *supra* n. 15, at 136.

²⁰ See Barry Checkoway, *What Is Youth Participation?*, 33(2) Children and Youth Services Review 341 (2011).

opportunities for children to understand and apply democratic principles or involve children in the development of services and policies that impact on them.²¹ As can be seen, the scope of the right is unlimited and cannot be narrowed towards the right to participate (to be heard) within the framework of judicial procedures, as it is currently understood in Russia.

It is interesting to note that typologies of child participation²² start from 'non-involvement,' or 'non-participation' of children in social and political activities (which includes a tokenistic participation), thus documenting persistent and widespread practices of not listening to children. Matthews et al suggest three factors which contribute to this culture of non-participation.²³ First, there remain the discourses within society which question the appropriateness of children's political involvement. Second, there are those who doubt the capability of children to participate. Third, even amongst those who believe in the principle of the child's right to have a say, there are uncertainties about the form that participation should take and the outcomes which might result. All three factors reflect the traditional attitudes towards children inherited from the times when children were the property of their parents. Such attitudes, backed by traditions, are reflected in the Russian legislation.

3. Law and Practice in the Field of the Child's Right to Express His / Her Views in Russia

The end of the Communist era was marked by a change in perception of the state's role in a child's life on a political level. Russia ratified the UNCRC in 1990²⁴ and thus undertook an obligation to respect and observe globally-acknowledged children's rights. During next two decades legislators have made significant efforts to bring the Russian legislation concerning the rights of the child directly or indirectly into compliance with the UNCRC.

The Constitution of the Russian Federation,²⁵ which was adopted in 1993, contains several Articles related to the right to express one's views which could be fully applied to a child: on the freedom of conscience and freedom of religion (Art. 28), on the freedom of ideas and speech (Art. 29), on the right to association (Art. 30), on the right to participate in managing state affairs both directly and through their

²¹ Lansdown, *supra* n. 11, at 16.

²² See, e.g., RBM and Children's Participation: A Guide to Incorporating Child Participation Results into CIDA Programs 10 (CIDA 2006), available at <[http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/Childprotection/\\$file/RBM.pdf](http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/Childprotection/$file/RBM.pdf)> (accessed Aug. 1, 2014).

²³ Matthews et al., *supra* n. 15, at 136.

²⁴ Ведомости Верховного Совета СССР. 1990. № 26. Ст. 497 [*Vedomosti Verkhovnogo Soveta SSSR*. 1990. No. 26. St. 497 [1990(26) Bulletin of the USSR Supreme Council, Art. 497]].

²⁵ Российская газета. 1993. № 237 [*Rossiiskaya gazeta*. 1993. No. 237 [1993(237) Russian Gazette]].

representatives (Art. 32), on the right to participate in cultural life (Art. 44). Thus, the UNCRC provides for the basis for the realization of the child's right to participate.

The Family Code of the Russian Federation (1995),²⁶ the key legal act that regulates the status of the child in Russia, stipulates all the main rights of the child in a separate chapter. Article 57 of the Family Code provides for 'the right of the child to contribute his opinion in any family decision concerning his / her interests, and the right to be heard in any court or administrative proceeding.' The law refers to the obligation of the authorities to 'take into account the opinion of the child over 10 years old.' However, in setting out this obligation the Family Code immediately releases the authorities from it by stating that the child's opinion should be ignored when such an opinion contradicts the child's best interests. The reference to the age in the mentioned provision does not directly contradict the UNCRC provision which states that 'the views of the child . . . [should be] . . . given due weight in accordance with the age and maturity of the child.' Studies on the UNCRC note that setting a minimum age on the right of the child to be heard, for example, in custody proceedings following separation or divorce of parents, is a usual practice for the States but the UNCRC provides no support for this and States cannot quote the best interests principle to prevent children from having an opportunity to express their views.²⁷

The concept of 'the best interests of the child' is not identified anywhere in the Russian law and authorities interpret it in accordance with their personal understanding of the child's interests in a particular situation. This often contradicts the very sense of the UNCRC:

Any interpretation of the best interests must be consistent with the spirit of the entire Convention – and in particular with its emphasis on the child as an individual with views and feelings of his or her own and the child as the subject of civil and political rights.²⁸

In its comments, the Committee noted that 'it regrets that the determination of what constitutes the "best interests" seems to be the decision of adults alone involving little consultation with children, even when they are able to state their opinions and interests.'²⁹ This is exactly the way Russian authorities understand the concept of the child's interests: to avoid hearing the child before the court of justice

²⁶ Собрание законодательства Российской Федерации. 1996. № 11. Ст. 939 [*Sobranie zakonodatel'stva Rossijskoi Federatsii*. 1996. No. 11. St. 939 [1996(11) Collection of Legislation of the Russian Federation, Art. 939]].

²⁷ See Implementation Handbook, *supra* n. 9, at 153.

²⁸ *Id.* at 38.

²⁹ UN Committee on the Rights of the Child, *Concluding Observations, Albania*, ¶ 26, U.N. Doc. CRC/C/15/Add.249 (March 31, 2005), at <<http://www1.umn.edu/humanrts/crc/albania2005.html>> (accessed Aug. 1, 2014).

or administrative authority to avoid his / her further emotional stress. The concept, which is universally applied when decisions are made about children, enables courts to individualize decisions for the 'particular child'.³⁰ In Russia, it is used as a general all-purpose reference by a judge or administrative officer who needs to explain why the child was not given the possibility to express his / her opinion. This is done notwithstanding the requests of children themselves to be heard or medical certification confirming that the child is psychologically stable and willing to give testimony. It also ignores the latest surveys stating that most children (91%) said that they should be involved; some of them directly referred to feeling better if they knew what was going on and had some control over the situation rather than being entirely at the 'mercy' of their parents' actions and decisions.³¹

The existing Civil Procedure Code (2002)³² does not ensure the child's participation in the process or access to justice either. According to its Art. 37:

The ability to exercise the procedural rights by their actions, to discharge the procedural duties by their actions and to order the representative to conduct the case in the court (the civil legal capacity to sue) shall belong in full measure to citizens, who have reached the age of eighteen years . . . The rights, freedoms and lawful interests of an underage person and of citizens who are restricted in their legal capacity shall be protected in the proceedings by their legal representatives.

The situation of a conflict of interest between the child and his / her legal representative is referred to in Art. 56 of the Family Code, which stipulates the right of the child to apply for the protection to the state care authorities and, after reaching the age of 14, to the court. The situation of a conflict between the child and the state care authorities is not considered by the legislation.

Article 37 of the Civil Procedure Code stipulates the obligation of the court to draw into participation persons aged 14 to 17. At the same time, the Code does not contain any provision describing the procedural status of this child. The absence of a law which provides for the procedural status of a child in court proceedings makes this obligation of the court and the right of the child to participate in civil proceedings illusory. The courts allege that they do not have the authority to accept petitions from children. The limited procedural ability of the child *per se* does not,

³⁰ Mark Henaghan, *What Does a Child's Right to Be Heard in Legal Proceedings Really Mean? ABA Custody Standards Do Not Go Far Enough*, 42(1) Family Law Quarterly 118 (2008).

³¹ See Judy Cashmore, *Children's Participation in Family Law Decision-Making: Theoretical Approaches to Understanding Children's Views*, 33(4) Children and Youth Services Review 517 (2011).

³² Собрание законодательства Российской Федерации. 2002. № 46. Ст. 4532 [Собрание законодательства Российской Федерации. 2002. No. 46. St. 4532 [2002(46) Collection of Legislation of the Russian Federation, Art. 4532]].

in any aspect, contradict the child's rights provided for by the Russian Family Code and the UNCRC. The lack of legal capacity is the essence of the concept of 'minority'.³³ The limitations in the procedural status of the child, however, should not influence the level of protection of his / her rights. In addition, the absence of the procedural status leads to the impossibility of the child not only taking an active part in the proceedings but also in initiating proceedings for the protection of his / her right. A vivid example of this is the case of *Kornilin and Kalmykova*³⁴. In this case X, a 17 year old, was not allowed by the court to participate in the proceedings with regard to the termination of the contract between state care authorities and the foster family where he had lived for 13 years and his transfer into a state care institution. This was due to the fact that X was underage and therefore had a limited procedural capacity and could not file any motions himself. The state care authorities, which were his legal representatives, were not interested in having him contribute to the establishment of the facts and did not file the relevant motion with the court. The court itself did not initiate this procedure. As a result, X was not allowed to express his opinion about the level of care provided to him by his foster family and the termination of the contract with this family was supported by the court.

Most countries have taken some steps to ensure the right of children to be heard in legal and / or administrative proceedings, including their capacity to give evidence and initiate legal action to defend their rights. In most cases, the steps are limited in scope and generally not sufficient to protect and ensure this right³⁵ but these measures still allow for a certain level of protection. In a number of jurisdictions, children are able to instruct lawyers to represent them in private as well as public law proceedings³⁶ – these measures are not only useful for the protection of the child's interests but also for the detection of the facts of the violation of the child's right to participate. The case of *S.P., D.P. and A.T. v the United Kingdom*³⁷ which was considered by the European Commission of Human Rights shows how effective the participation of a state appointed lawyer can be in a case of child rights protection. The lawyer in this case was appointed to represent the children in the proceedings at the domestic level but, at a particular stage, he came to the conclusion that the interests of the children required the initiation of proceedings against the state and so he filed the application with the European Commission of Human Rights. Such an independent action by the lawyer acting for the child is an important way to guarantee the realization of the child's right to participate. However, in Russia, currently the law

³³ See O'Donnell, *supra* n. 15, at 2.

³⁴ The interests of 17 year old X were represented by the non-governmental organization YURIX in 2005.

³⁵ See O'Donnell, *supra* n. 15, at 52.

³⁶ See Jeremy Roche, *Children and the Law*, 3 International Encyclopedia of the Social & Behavioral Sciences (Neil J. Smelser & Paul B. Baltes, eds.) (Elsevier 2001).

³⁷ *S.P., D.P. and A.T. v the United Kingdom* Application, no. 23715/94 (Eur. Comm'n H.R., Apr. 11, 1997).

does not provide an obligation on the state care authorities to appoint a lawyer to protect a child's interests in case a conflict arises between himself and his legal representatives or the state itself. Moreover, Art. 26 of the Russian Federal Law of 31 May 2002 No. 63-FZ 'On the Bar'³⁸ does not provide free legal aid to the child unless he / she is kept in a correctional or penitentiary institution.

The absence of any legal basis apart from one provision of a declaratory character, for the realization of the child's right to participation is clear from the overview given above. The absence of a body of law in this regard and the state's tolerance towards the violations of the principles set out in the Constitution stem from cultural attitudes. The fact that such attitudes have a real effect can also be proved by the low level of child participation in legal proceedings in various countries in Europe. The practice of the European Court of Human Rights is very indicative in this regard. It shows that most cases that involve children, particularly where issues of family life are at stake, were introduced by adults claiming their rights and interests in relation to children, rather than the protection of the rights and interests of the children themselves.³⁹

A lack of willingness by the Russian state to promote child participation goes beyond the problem of the right of the child to express opinions within family disputes. Political participation is encouraged only if it is strictly within state policy. Children's participation in public activities is stipulated in the Federal Law of 24 July 1998 No. 124-FZ 'On the Basic Guarantees of the Rights of the Child in the Russian Federation'⁴⁰ [hereinafter Federal Law on the Basic Guarantees], the Federal Law of 19 May 1995 No. 82-FZ 'On Public Associations'⁴¹ and the Federal Law of 28 June 1995 No. 98-FZ 'On State Support to the Youth and Child's Public Associations'⁴² [hereinafter Federal Law on the State Support]. While the first sets down the principles of child participation in accordance with the law and traditions of peoples of the Russian Federation (Art. 4 of the Federal Law on the Basic Guarantees); the second sets down the forms of associations and the principles of state regulation of their activities.

³⁸ Собрание законодательства Российской Федерации. 2002. № 23. Ст. 2102 [*Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 2002. No. 23. St. 2102 [2002(23) Collection of Legislation of the Russian Federation, Art. 2102]].

³⁹ See Isabelle Berro-Lefèvre, *Improving Children's Access to the European Court of Human Rights*, International Justice for Children 72 (Council of Europe Publishing 2008), available at <<http://128.121.10.98/coe/pdfopener?smd=1&md=1&did=676524>> (accessed Aug. 1, 2014).

⁴⁰ Собрание законодательства Российской Федерации. 1998. № 31. Ст. 16 [*Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 1998. No. 31. St. 16 [1998(31) Collection of Legislation of the Russian Federation, Art. 16]].

⁴¹ Собрание законодательства Российской Федерации. 1995. № 21. Ст. 16 [*Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 1995. No. 21. St. 16 [1995(21) Collection of Legislation of the Russian Federation, Art. 16]].

⁴² Собрание законодательства Российской Федерации. 1995. № 27. Ст. 2503 [*Sobranie zakonodatel'stva Rossiiskoi Federatsii*. 1995. No. 27. St. 2503 [1995(27) Collection of Legislation of the Russian Federation, Art. 2503]].

The Federal Law on State Support identifies which children's organizations receive particular state support. It sets out the measures taken by the state to promote children's associations and 'policies aimed at social making, development and self-realization of children and youth as well as for the protection of their rights' (preamble). The scope of activities of such associations can best be characterized by their rights, set out in Art. 5(1) of the Federal Law on State Support:

[They] have a right to . . . prepare reports to the President and the Government of the Russian Federation on the situation with children and youths, participate in discussions of reports of federal bodies of executive power on the said issues, and to make suggestions on the state youth policy; to make suggestions to the subjects of law initiative with regard the laws related to the interests of children and youth, participate in preparation and discussion of the draft federal programs in the field of state youth policy.

In considering the practice of the political participation of children, it should be noted that almost all the initiatives have been initiated (openly, as a state initiative, or through other persons) by bureaucrats at different levels. A good example is a new structure for the Child's Public Counsel, instituted by the Child's Ombudsman under the RF President in 2009 'with the aim to hear and to consult children on different matters.'⁴³ Russian regional powers have undertaken similar initiatives such as Youth Parliaments, Child's Public Legal Chamber, and Child's Ombudspersons instituted in various Russian regions. Although these might be effective from the point of view of child rights protection, they cannot be seen as the realization of the child's right to participate as they are not allowed to influence the real decision-making. Even if they contribute to children's awareness of their right to express their views, they are not designed to expand the culture of responsible decision-making.

Several problems relating to children's participation were noted in the 2010 report of the Child's Ombudsman under the RF President.⁴⁴ These are believed to obstruct the further development of child participation in Russia:

- *legislative shortcomings* that allow authorities wide discretion when taking a decision with regard to whether the child's opinion should be or should not be taken into account;
- *lack of information* about the child's right to actively participate in the life of his / her family, and the public and political life of their country;
- *lack of professional staff* trained to implement the principle of child participation in practice; and
- *lack of state funding* of initiatives on child participation.

⁴³ Child Participation, *supra* n. 5, at 18.

⁴⁴ *See id.* at 16.

The UN Committee on the Rights of the Child stressed the need to address these structural deficiencies in its comments on Russia's third report in 2005:

[That] further efforts be made to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child, including children who are members of vulnerable and minority groups, to participate in the family, at school, in other institutions and bodies and in society at large. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children.⁴⁵

However, this recommendation was ignored by the Russian authorities. In its concluding observations on the combined fourth and fifth periodic reports of the Russian Federation the Committee had to address this issue again in the part entitled 'Main Areas of Concern and Recommendations.' The Committee urged Russia to:

Make further efforts to ensure the implementation of the principle of respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child . . . to participate in the family, at school, in other institutions and bodies and in society at large. These rights should be incorporated in all laws, judicial and administrative decisions, policies and programs, related to children.⁴⁶

Whether or not Russia will follow this recommendation is an open question. However, if the latest developments in the field of state family policy (described below) are anything to go by, one would not expect there to be legislation reform aimed at bringing Russia into conformity with the international standards in the field.

4. Cultural Context Affecting the Right of the Child to Express Views in Russia

The right of children to have rights is no longer a matter of dispute.⁴⁷ It is hard to imagine now that less than a couple of hundred years ago this question was completely absent from the public discourse. For centuries, children were viewed

⁴⁵ UN Committee on the Rights of the Child, *Concluding Observations, Russian Federation*, ¶ 31, U.N. Doc. CRC/C/RUS/CO/3 (Nov. 23, 2005), at <<http://www.refworld.org/docid/45377eb50.html>> (accessed Aug. 1, 2014).

⁴⁶ UN Committee on the Rights of the Child, *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of the Russian Federation*, ¶ 7(c), U.N. Doc. CRC/C/RUS/CO/4-5 (Febr. 25, 2014), at <<http://www.refworld.org/docid/52f89e2b4.html>> (accessed Aug. 1, 2014).

⁴⁷ See Michael Freeman, *The Moral Status of the Child* (Martinus Nijhoff Publishers 1997).

as non-persons, the property and responsibility of their parents who had a right to control their upbringing, even their very existence.⁴⁸ While legitimate children were seen as the property of the father, illegitimate children were in an even worse situation – they were seen as nobody's property. Such a child was *nullius filius* and had no legal relationship with his or her parents. Accordingly, nobody had any obligation to care or protect them. The early bastardy laws were aimed at preventing illegitimate children from becoming a burden on society.⁴⁹ In the mid-1800s, many industrialized countries began assuming state responsibility for promoting and protecting children's well-being. The developments were focused on the care of children with no parents, or parents who were too poor to support and protect them,⁵⁰ or protection of children from severe physical abuse by their parents.⁵¹ Wald notes that laws affecting the status of children that were adopted over the next 100 years in the Western industrialized countries focused on their protection, not their autonomy or fuller integration into the economic and political life of their countries. Except where parental behaviour was seen as inimical to the social order, parents continued to have virtually total authority over their children's upbringing.⁵²

At present, despite the acceptance of the concept of children's rights, the idea that these rights could take a practical form of a claim enforceable against others (including parents) remains problematic both in philosophical and practical terms. In many countries, giving children any autonomy within the family would be incomprehensible. Moreover, priority to parental or family authority over child's rights and interests may be demanded by a society's political, cultural or religious traditions. In some countries, supporting parental autonomy is seen as critical to supporting political and cultural diversity. In others, the proper role of parents may be seen as one that teaches children to accept national cultural values and traditions, and not one that helps children to develop into 'autonomous' adults.⁵³

In Russia as well as in other Western countries, a child was traditionally seen as an object of property rights rather than a subject of any rights. The old Russian

⁴⁸ Western legal systems of parental rights were largely influenced by the Roman civil law under which a doctrine of *patria potestas* was formed prescribing an unlimited father's control over his children (see Roche, *supra* n. 36).

⁴⁹ See *id.*

⁵⁰ See Susan Bennett et al., *The Need for a General Comment for Article 19 of the UN Convention on the Rights of the Child: Toward Enlightenment and Progress for Child Protection*, 33(11) *Child Abuse & Neglect* 784 (2009).

⁵¹ See Michael S. Wald, *Children, Rights of: Cultural Concerns*, 3 *International Encyclopedia of the Social & Behavioral Sciences* 1721.

⁵² In the United States, for example, the U.S. Supreme Court ruled that parents had a constitutional right to control their children's upbringing (*Meyer v. Nebraska*, 262 U.S. 390 (1923)) (see Wald, *supra* n. 51, at 1721).

⁵³ See *id.* at 1722.

language used the same word for 'children' and 'slaves' (*chad'*).⁵⁴ Between the 15th and the 18th centuries, the core *Domostroy* values tended to reinforce obedience and submission to God, the Tsar and the Church. The main way to treat the child, according to *Domostroy*, was to 'teach him / her with fear.' In para. 21 entitled 'How to Teach Children and to Save Them with Fear,' parents were advised 'not to pity a youngling while beating him: if you punish him with a rod, he will not die, but become healthier,' 'not to smile in vain playing with him,' 'not to give him liberty at youth.' It was only in the middle of the 17th century that the state began to form its childcare structures. By the 19th century, the state system of childcare and protection was fully formed but it was still too early to speak about a child's right to have any views not to mention the right to express them. Neither was Soviet ideology particularly amenable to the idea that a person should be brought up with independent opinions and judgment. It was the view of the Soviet State that a child should live and receive education within the state care institutions. An average child in the overwhelming majority of families would start his / her education at the age of one at a nursery, continue on to a kindergarten and, at the age of 7, go to school where, after regular classes (from 9 a.m. till 1 p.m.), many children had to stay for 'prolonged hours' (until 6 p.m.) in order not to be left at home without family supervision. By the time a child reached the age of maturity, he / she had limited emotional contact with his / her parents and was largely influenced by the official / soviet ideology which restricted independent thinking and promoted state / group values – one of which was that the majority opinion was always the correct one.⁵⁵

The break-up of the Soviet Union was followed by the emergence of modern Russia – a state with considerable international influence. It is directed towards the further centralization of power and puts the restoration of traditional values and attitudes as a national idea. Values such as family, children, love and friends were positioned as the antithesis of 'market' values, such as money and a career.⁵⁶ The latter were presented as 'Western values,' heterogenous to average Russian people. A considerable revival of interest in religion, namely, Orthodox Christianity started after *perestroika*⁵⁷ and still continues as a trend.⁵⁸ According to public opinion

⁵⁴ It is interesting to note that a term 'chado' – a child, used today does not in any sense correspond to this meaning. In contrast, it has rather positive, endearing connotations.

⁵⁵ See Natasha Kravchuk, *Children in Post-Communist Russia: Some Aspects of the Child's Right to Protection*, 17(4) *The International Journal on Children's Rights* 612 (2009).

⁵⁶ See Варламова С.Н., Носкова А.В., Седова Н.Н. Семья и дети в жизненных установках россиян // Социологические исследования. 2006. № 11. С. 62 [Varlamova S.N., Noskova A.V., Sedova N.N. *Semya i deti v zhiznennykh ustanovkakh rossiyan* // *Sotsiologicheskiye issledovaniya*. 2006. No. 11. S. 62 [Svetlana Varlamova et al., *Family and Children in Life Attitudes of Russians*, 2006(11) *Sociological Studies* 62]].

⁵⁷ For the aim of this paper under *perestroika* we mean the whole period of reforms (1985–1991).

⁵⁸ See Бауэр Е.А. Духовно-нравственное воспитание детей и подростков: Германия и Россия // Педагогика. 2010. № 8. С. 107 [Bauer E.A. *Dukhovno-nravstvennoe vospitanie detei i podrostkov: Germaniya i Rossiya* // *Pedagogika*. 2010. No. 8. S. 107 (Elena Bauer, *Religious and Moral Education of Children and Youth: Germany and Russia*, 2010(8) *Pedagogics* 107]].

polls,⁵⁹ 75% of Russian citizens consider themselves Orthodox Christians. The majority support the main postulates of the Church with regard to social and family life. Another important development of the last 10 to 15 years is that, in spite of the declared separation of religious associations from the state and their equality before the law (Art. 14 of the Russian Constitution), a clerical ideologization of power is taking place.⁶⁰ The Orthodox Church is presently active not only in the field of education where it has a definite preference, manifested, among other ways, by the adoption of state sponsored programs of orthodox religious education in schools, and family protection (opposing the introduction of the juvenile justice under the pretext that it will give the state the possibility to take away children without a proper reason), but also in the political field as well. Obedience to the Church and to state power as a main postulate of this church is largely supported by the governing officials. Civil servants demonstrate support and respect for the Orthodox Church approaches, including on issues of child protection.⁶¹ Russia maintains a paternalistic attitude towards children despite the fact that it is now the 21st century and we have access to the international community's experience of child participation, brought to our attention in comments by the international or regional human rights bodies or within the framework of international dialog. Children are denied their right to participate due to a traditional 'Russian' understanding of this issue.

The study of models of child participation in Russia conducted by UNICEF noted that the discussion on whether it is feasible to involve children in the decision-making is still ongoing in Russia.⁶² Those against child participation refer to the lack of capacity of children to effectively participate in the decision-making process due to their particular developmental level, their susceptibility to influence by adults, their legal status and the communicational barrier between children and adults to name but a few. In addition to scientifically based arguments, there are myths preventing child participation practices from spreading. Among these are: 'obligations for children come first and rights after,' 'our traditional culture does not presume consideration of the child's views,' 'to give children their civil rights would

⁵⁹ Верим ли мы в Бога? [*Verim li my v Boga?* [Do We Trust in God?]], *VTsIOM* (Press-Issue No. 1461, March 30, 2010), <<http://wciom.ru/index.php?id=268&uid=13365>> (accessed Aug. 2, 2014).

⁶⁰ See Бурянов С.А. Свобода совести в Российской Федерации [Buryanov S.A. *Svoboda sovesti v Rossiiskoi Federatsii. Spetsializirovannyi doklad za 2010 god* [Sergey Buryanov, *Freedom of Conscience in Russian Federation. Specialized Report on the Year 2010*]], *Portal-Credo.Ru* (2011), <<http://www.portal-credo.ru/site/?act=lib&id=2910>> (accessed Aug. 2, 2014).

⁶¹ See При принятии решений по ювенальной юстиции Павел Астахов руководствуется благословением патриарха Кирилла [*Pri prinyatii reshenii po yuvenal'noi yustitsii Pavel Astakhov rukovodstvuetsya blagosloveniem patriarkha Kirilla* [Taking Decisions on the Juvenile Justice Pavel Astakhov is Ledged by the Blessing by Patriarch Kirill]], *Interfax* (Jan. 13, 2011), <<http://www.interfax-religion.ru/?act=news&div=39063>> (accessed Aug. 2, 2014).

⁶² See Kalabikhina et al., *supra* n. 1.

mean to deprive them of their childhood,' and 'child participation in the political processes decrease their parents' influence on them.'⁶³

European researchers note that in spite of a growing lobby in favour of the child's right to participate, there remains an intransigence in some quarters over whether such political involvement is appropriate. Lansdown identified several reasons why some adults are reluctant for children to take part in decision-making that would impact on their own lives and the lives of others.⁶⁴ Interestingly enough, his research was conducted 15 years earlier than that of Kalabikhina et al., but was phrased in almost the same words as 'specific Russian' cultural attitudes were formulated. These are the 'traditional' perceptions of many countries, including Russia, and represent a shared approach towards children and children's participation.

What makes the public discourse outside Russia so different from the one inside the country is the continuing discussion on the impermissibility of treating children as 'adults-in-waiting or human becomings.' The idea that not listening to children not only fails to acknowledge that they are the citizens of today (not tomorrow) but also undervalues their true potential within society and obfuscates many issues which challenge and threaten children in their 'here and now' started to form more than 10 years ago.⁶⁵ The link between observing the rights of children within society and within a closer circle – the family, and the future self-perception of the young as citizens able to influence the authorities' decisions, *i.e.* a child's ability to be something other than act as the obedient subordinate of state power was confirmed by a study of young people's transitions to citizenship. This found that identification with citizenship reflected a number of factors, including not just age but also social class, experience of paid work and community involvement, and more subjective factors such as feeling that one had been treated respectfully and had been able to have an effective say. This suggests that, while it is unlikely that citizenship will be a primary element in children's emergent fluid identities, it is more likely to be salient where they have experience of being treated respectfully as citizens and have had the opportunity to participate.⁶⁶ The experience of being the subject of rights, in particular, a right to express views within the family and having the opportunity to participate in deciding on some family issues, is even more important than training in political participation.

The family is the first and the most influential environment for the child and his / her ability to realize rights and protect them depend on the particular values and attitudes cultivated within it. A modern Russian family holding even partly

⁶³ *Id.* at 26.

⁶⁴ Lansdown, *supra* n. 11, at 20.

⁶⁵ See Matthews et al., *supra* n. 15, at 137.

⁶⁶ See Ruth Lister, *Why Citizenship: Where, When and How Children?*, 8(2) *Theoretical Inquiries in Law* 700 (2007), available at <<http://www.adcl.org.pt/observatorio/pdf/Whycitizenshipwherewhenandhowchildren.pdf>> (accessed Aug. 2, 2014).

traditional ideas on 'submission to God, Tsar (President) and Church' will not be a friendly environment for a child to express his views. It will also not be the most fertile ground for the development of an active citizen able to form a judgment and to stand up for his rights. Recent developments in the field of state family policy, however, confirm that the state is more than satisfied with the situation.

In 2013, the 'Concept of the Russian state family policy for the period until 2015 (public project)' was developed under the guidance of the infamous Elena Mizulina, Chair of the State Duma Committee on family, women and children.⁶⁷ The foreword to the Concept paper states that the report includes 'a set of suggestions aimed at realization of the main goals of state family policy, strengthening and development of family values traditional for Russia.' It is noted that one of the reasons why these values, connected with relations between parents and children, were undermined was because of the 'introduction into the contemporary Russian family culture of the principle of the priority of child rights, understood as priority of his / her rights over the rights of parents.'

Moreover, the voices against the principle of the supremacy of international law have become louder. If previously these were individual voices of state officials,⁶⁸ now this idea is making its way into laws. For example, the Concept of the Russian state family policy was developed 'in correspondence with the Constitution of the Russian Federation, generally recognized principles and norms of the international law in the field of family relationships, which take into consideration the importance of the preservation of the traditional family values' and with 'due regard to the domestic experience.'

5. Russian Democracy and Participation

In-depth research of democratic forms and concepts is not within the scope of this study. However, this paper will go beyond simply separating the term into 'demos' and 'kratos' and stating that the principle of rule by the people is the essence of democracy⁶⁹ in order to comment on the main trends of the political regime in Russia and the obstacles to the realization of the child's right to express his / her views.

William Cobbett stated that 'the great right of every man, the right of rights is the right of having a share in the making of laws.'⁷⁰ For Russia, this means participation

⁶⁷ As it was stated in the Concept paper, it was drafted by Working Group No. 1 of the Coordinational Council under the President of Russian Federation on the realization of National strategy of actions in the interests of children for the period 2012–2017.

⁶⁸ See Bill Bowring, *Law, Rights and Ideology in Russia: Landmarks in the Destiny of a Great Power* 195 (Routledge 2013).

⁶⁹ See Anton Oleinik, *Institutions And Democracy In Russia (A Critical View)*, 16 *Papeles del Este* 13 (2008).

⁷⁰ Jeremy Waldron, *Participation: The Right of Rights*, 98 *Proceedings of the Aristotelian Society* (1998).

in elections for the President, deputies to the State Duma, lower chamber of the Federal Assembly – Parliament of the Russian Federation, deputies to the regional parliaments, heads of the municipal unit (in some regions). Elections of the members of the Council of Federation (the upper chamber of the Parliament) and heads of the regions were replaced with their appointment – a clear sign of the limitation on the political participation of citizens.

Competitive elections are seen as the core element of a democracy. It is the main component of the ‘minimalist’ definition according to which democracy implies competitive elections held on a regular basis.⁷¹

The definitions of democracy in Russia include:

– a non-liberal democracy (a combination of relatively competitive elections and the absence of the rule of law);

– a sovereign democracy (‘people vested with power, governmental bodies and their policies are elected, formed and guided exclusively by the Russian nation in all its diversity and integrity’);⁷²

– an over-managed democracy (a system with highly centralized state authority concentrated in the executive branch, formal institutions of democracy, including room for at least some candidates to oppose incumbent authorities on the ballot in elections to powerful posts and the systematic functional replacement of these institutions by substitutions).⁷³

Participation of adult citizens in political processes, including elections, is a right not an obligation. A long list of authors points to the problem of a democratic society with insufficient citizen involvement and support.⁷⁴ When taking a decision on whether or not to participate in elections in Russia, people are influenced by, among other things, certain political trends.

An important trend is the systematic dismantling of existing democratic institutions and their frequent replacement by substitutions, further strengthening their dependence on the central authorities. The tendency is towards further centralization and there are ever-increasing efforts by the state to control (‘manage’) a political system that had previously been more liberal rather than liberalize

⁷¹ See Oleinik, *supra* n. 69, at 11.

⁷² See Сурков В. Национализация будущего: параграфы про современную демократию // Эксперт. 2006. № 43(537) [Surkov V. *Natsionalizatsiya budushchego: paragraphy pro suverennuyu demokratiyu* // *Expert*. 2006. No. 43(537) [Vladislav Surkov, *Nationalization of the Future: Paragraphs pro the Sovereign Democracy*, 2006(43) *Expert*]], available at <http://expert.ru/expert/2006/43/nacionalizaciya_buduschego/> (accessed Aug. 2, 2014).

⁷³ See Nikolai Petrov et al., *Overmanaged Democracy in Russia: Governance Implications of Hybrid Regimes 3* (Carnegie Endowment for International Peace 2010), available at <http://carnegieendowment.org/files/overmanaged_democracy_2.pdf> (accessed Aug. 2, 2014).

⁷⁴ See R. Brian Howe & Katherine Covell, *Engaging Children in Citizenship Education: A Children's Rights Perspective*, 43(1) *The Journal of Educational Thought* 21 (2009).

a previously more authoritarian system.⁷⁵ The efforts to push citizens further and further away from decision-making is another reason why citizens no longer participate in political processes.

The mentioned trends cannot be analyzed without taking into consideration the cultural specifics of the country. In characterizing the power in Russia, Mezhujev⁷⁶ correctly pointed out that:

[T]he secret of this power – in its attitude towards the people as a foolish child – an object not only of exploitation, but constant ‘father’s care’ for the sake of preservation of its moral purity and child’s innocence. People can touch you, but it should be punished in case of the bad behavior. How can you give this foolish child a complete freedom? Democracy for this power is a synonym of the political freedom without morals, the source of moral dissoluteness and moral spoiling.

This is an ideal description, for our purposes, of the relationship between those in power and the people in Russia. This paternalistic attitude is similar to the traditional attitude of a father towards his children; it leads to the passiveness and ‘infantilization’ of citizens.

Polls consistently demonstrate that Russians are not deluded about the true nature of the Russian authorities; and their inefficiency, corruption and widespread violations of human rights. According to a poll conducted in the middle of 2010, 80% of the citizens believed that ‘many civil servants practically defy the law.’⁷⁷ Interest in participation in public and political life is decreasing. Russians were the most active politically in the years 2004 and 2007, when only one third of its citizens did not express themselves at all (32 and 39% respectively). At present, two thirds (61%) of Russians ignore the public and political life of the country.⁷⁸ Participation of the remaining is limited to participation in elections (27%). The biggest of these were the presidential elections in 2004.⁷⁹ The willingness of young people to participate

⁷⁵ See Petrov et al., *supra* n. 73, at 4.

⁷⁶ Межуев В.М. Традиция самовластия в современной России // Свободная мысль-21. 2000. № 4. С. 97 [Mezhuev V.M. *Traditsiya samovlastiya v sovremennoi Rossii // Svobodnaia Mysl'*-21. 2000. No. 4. S. 97 (Vadim Mezhujev, *Tradition of Autocracy in Contemporary Russia*, 2000(4) Free Thought-XXI 97)].

⁷⁷ Masha Lipman, *Putin’s No-Participation Pact*, The Moscow Times (Apr. 1, 2011), <<http://www.themoscowtimes.com/opinion/article/putins-no-participation-pact/434182.html>> (accessed Aug. 2, 2014).

⁷⁸ See Массовое политическое участие в России: только выборы или что-то еще? [*Massovoe politicheskoe uchastie v Rossii: tol'ko vybory ili chto-to eshche?*] (Mass Political Participation in Russia: Elections only or Anything else?), VTsIOM (Press-Issue No. 1728, Apr. 11, 2011), <<http://wciom.ru/index.php?id=459&uid=111514>> (accessed Aug. 2, 2014) [hereinafter *Mass Political Participation in Russia*].

⁷⁹ Vladimir Putin was reelected in 2004.

in the work of political organizations has also declined. In 2006, twice as few young people were willing to become members of a party or political organization than in 2006. Interestingly enough, the difference between youths and seniors which was quite significant in 2005 (youngsters were much more active politically) practically disappeared.⁸⁰ The key reasons that people give for ignoring political life have changed during the last several years. Previously, the usefulness of participation (29%) and the lack of qualifications to do so (27%) were the main reasons; in 2011, the usefulness of participation is the second most quoted reason (25%), while the main one is a principled lack of interest in the political sphere (36%).⁸¹

People have willingly abandoned the political realm and have shifted their interest towards the private sphere. It is a model best described as a no-participation pact.⁸² Despite opportunities for self-expression, community and activism remain marginal and do not alter or weaken the state's dominance over society as Russians would rather use their skills and talents for self-fulfillment abroad than to be the driving force of Russia's modernization. This political alienation is accepted by an overwhelming majority of Russians.⁸³ The surveys have found that nearly three-fifths of adult Russian citizens felt 'absolutely no' responsibility for what happens in the country, with an additional one quarter feeling only a very small amount of responsibility.⁸⁴ By acting within the non-participation pact, Russians have basically transferred their right to decide to the government, feeling not able or not interested in participating but altogether happy that the state will be able to proceed without them, thus ensuring basic economic and social needs.

It might be argued that Russian passiveness is rooted in more than 70 years of a communist regime which did not give people any opportunity to decide who would rule, where they would live, what they would wear and new generations of Russians living in a globalized world will be able to change the country. The polls and the above research show that this strategy has proved to be flawed. Young people's lack of interest in political life and, generally, in the future of their mother country was nurtured in their families. Although they follow the changes that are occurring in the country, this is done more as interested observers rather than active participants. Further infantilization of the population will lead to a further

⁸⁰ See База данных ФОМ. Молодежь в политике. Опрос населения 13 апреля 2005 г. [*Basa dannykh FOM. Molodezh v politike. Opros naseleniya 13 aprelya 2005 g.* [FOM Database. Youth in Politics. Public Opinion Poll of Apr. 13, 2005]], <<http://bd.fom.ru/map/projects/dominant/dom0615/>> (accessed Aug. 2, 2014).

⁸¹ See *Mass Political Participation in Russia*, *supra* n. 78.

⁸² See Lipman, *supra* n. 77.

⁸³ The then Prime Minister Vladimir Putin has enjoyed high and steady approval ratings for years. About 70 percent of respondents in a February 2010 poll said they approved of Putin's performance. President Dmitry Medvedev's approval ratings are only slightly lower.

⁸⁴ See Petrov et al., *supra* n. 73, at 12.

autocratization of the country. The only way to change this is to put in place urgent measures aimed at promoting the culture of enjoyment of rights, including the right to express views, for the children of today because these will be able to take part in elections in the very near future. Children are a significant part of civil society and have much to contribute to the governance of the country they live in not only in the future but now, by influencing the social politics of the state. This could be done by expressing their views through democratic mechanisms created by the state or through their parents. The participation of boys and girls in family decision-making would represent the broadening and deepening of how democracy is practised or, in the case of Russia, how it is built.

Reflecting on how to raise an assertive citizen, specialists agree that simply providing children with the opportunity to experience democratic decision-making will help them to acquire respect for their own views, the capacity and the willingness to listen to others and thus begin to understand the processes and value of democracy.⁸⁵ Schools and local communities were identified as the most appropriate spheres for a child's participatory development. This paper argues that the first and the most important environment for a child is the family environment. This is the place where truly 'transformative, dialogical and participatory'⁸⁶ practices can teach a child that his / her opinion really matters. This does not imply that citizenship education in schools or their participation in state initiatives is not important. However, the study of the traditional perceptions supported by the family confirms that this should be the focal point for efforts. Observance of the right of the child to express views will not only support their formation as active citizens of their country (and of the regional and global community) free of traditional biases but will also start the chain reaction of child participation.

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⁸⁵ See Lansdown, *supra* n. 11, at 6.

⁸⁶ Barrow, Wilma. (2010) Dialog, participation and the potential for Philosophy for Children. *Thinking Skills and Creativity*, 5. P 87.

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