

QUESTIONNAIRE CONCERNING THE PRACTICAL OPERATION OF THE 1996 CONVENTION

Wherever your replies to this Questionnaire make reference to domestic legislation, rules, guidance or case law relating to the practical operation of the 1996 Convention, **please provide a copy of the referenced documentation** in (a) the original language and, (b) wherever possible, accompanied by a translation into English and / or French.

Name of State or territorial unit: ¹	Russian Federation
<i>For follow-up purposes</i>	
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PART I – FOR STATES PARTIES

Recent developments in your State

1. Since the 2011/2012 Special Commission, have there been any significant developments in your State regarding the legislation or procedural rules applicable in cases of international child protection? Where possible, please state the reason for the development in the legislation / rules, and, where possible, the results achieved in practice.

- No
 Yes, please specify:

According to the Federal Law adopted on June 5, 2012 № 62-FZ "On the Accession of the Russian Federation to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children" the Russian Federation is the member to the 1996 Convention since June 1, 2013.

The Ministry of Education and Science of the Russian Federation was appointed as the Central Authority for the 1996 Convention by the Government Decree № 1169 dated November 15, 2012. The functions of the Central Authority in the Ministry are carried out by the Department for children rights' protection state policy.

2. Please provide a brief summary of any significant decisions concerning the interpretation and application of the 1996 Convention rendered since the 2011 / 2012 Special Commission by the relevant authorities² in your State including in the context of the 20 November 1989 United Nations Convention on the Rights of the Child and other relevant instruments:

The Russian Central Authority, for the period between 2013 to 2016, received more than 300 requests from citizens and competent authorities on the trans-border family conflicts to which the 1980 Convention or 1996 Convention can be applied. The number of incoming requests is steadily growing. If during the period between 2013 to 2014 there were less than 50 applications, on which further work continued on the execution of the 1980 Convention and 1996 Convention, in 2017 the Central Authority receives monthly from 10 to 15 initial applications on international abduction of children or on the need for urgent trans-border actions to be taken by the Russian Central Authority to protect children on the basis of the 1996 Convention.

Today more than 50 cases are under control of the Central Authority, on which measures of children's protection based on the 1996 Convention continue to be taken, including the following: on the recognition and enforcement within the territory of the

¹ The term "State" in this Questionnaire includes a territorial unit, where relevant.

² The term "relevant authorities" is used in this Questionnaire to refer to the judicial or administrative authorities with decision-making responsibility under the 1996 Convention. Whilst in the majority of States Parties such "authorities" will be courts (*i.e.*, judicial), in some States Parties administrative authorities remain responsible for decision-making in Convention cases.

Russian Federation of foreign courts` decisions regarding the establishment of custody or the determination of the place of residence of the minors, the adoption of urgent and temporary measures of protection of the minors within the territory of the Russian Federation or a foreign state, the search of the minors or his/her relatives who could take care over the child left without care within the territory of Russia or a foreign state as well as the providing of a report about the situation of the child (children) under Article 32 of the 1996 Convention or any other information in the interests of the child.

The Central Authority of the Russian Federation initiates cases under the 1996 Convention at the requests of Central Authorities of foreign states, citizens, social services and other competent Russian authorities and foreign states, diplomatic missions of foreign states in the Russian Federation as well as diplomatic missions of the Russian Federation within the territory of foreign states.

3. Please provide a brief summary of any other significant developments in your State since the 2011 / 2012 Special Commission relating to international child protection:

Decisions on the enforcement of protection measures in the Russian Federation can be taken both by the judiciary bodies (assigning the child`s place of residence with the father or the mother is done in keeping with Article 65 of the Family Code of the Russian Federation), on the recognition and enforcement of the judgment returned by a foreign court on the basis of the 1996 Convention (Articles 409-417 of the Civil Procedural Code of the Russian Federation) and by the administrative bodies of executive power.

Decisions on the need to take specific custody measures shall be taken by the territorial (regional and local) executive authorities of the subjects of the Russian Federation (under the Federal Law adopted on October 6, 1999 186-FZ). During the whole period of the 1996 Convention`s execution a number of decisions were issued to establish custody of children with dual citizenship on the territory of the Russian Federation, including temporary, urgent and other measures of custody over children, taking into account the provisions of the 1996 Convention.

The executive bodies of the subjects of the Russian Federation, including local custody and guardianship authorities (Russian social services), have an important role in deciding whether to obtain or transfer jurisdiction. Within the framework of interaction between Russian and foreign social services, decisions were taken on the return of children to the territory of permanent residence, on the basis of the 1996 Convention.

In their activities, the Russian custody and guardianship authorities are guided by the Family Code of the Russian Federation (including Article 61 establishing equal rights of parents in regard to the child), the Federal Law "On guardianship and guardianship" № 48-FZ (defining, among other things, aims and principles of the procedure of the custody and guardianship authorities), by the Government Decree 275 (establishing the procedure for the training of guardians, as well as the rules for consular registration and control by the custody and guardianship authorities of the children removed outside the Russian Federation) and by the Government Decree 423 (on certain issues of custody and guardianship for minors).

During the period of the 1996 Convention`s application the legal instruments listed above were amended so as to substantially improve the procedure for applying the measures of protection for children in Russia.

In their activity the Russian social services (the custody and guardianship authorities) are also taking guidance from the regional legislation of the Russian Federation`s subjects.

Scope

4. Have competent authorities in your State experienced any challenges, or have questions arisen, in determining the scope of the Convention under **Article 2** (meaning of "child")_or **Article 3** (meaning of "protective measures")?

- No
 Yes, please specify:
Please insert text here

Jurisdiction

5. Have competent authorities in your State experienced any challenges, or have questions arisen, in making a determination whether to exercise jurisdiction under **Articles 5, 6, 7 or 10**?

- No
 Yes, please specify:
[Please insert text here](#)

6. Have competent authorities in your State experienced any challenges, or have questions arisen, in implementing and / or applying **Articles 8 and 9**?

- No
 Yes, please specify:
[Please insert text here](#)

7. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Articles 8 and 9**?³

- No
 Yes, please describe them and also provide a link or attach them, preferably translated into English or French:
[Please insert text here](#)

8. Have competent authorities in your State had experience with urgent measures of protection taken under **Article 11**? (See also Question No 35.)

- No
 Yes, please describe in which situations a competent authority in your jurisdiction has applied Article 11:

[The federal and regional legislation in the Russian Federation envisages a possibility to enforce custody over a child on the temporary basis.](#)

[In certain regions of the Russian Federation it is possible to assign a relative as the child's guardian for the period of up to 6 months as a preliminary arrangement that antecedes the establishment of permanent custody. The Government Decree 432 "About temporary transfer of the children who are in the organizations for orphan children and the children without parental support to families of the citizens who are constantly living in the territory of the Russian Federation" lays down the possibility for putting children under "partial" care by citizens for a period that does not exceed two years.](#)

[According to Article 56 of the Family Code, the Russian custody and guardianship authorities must take urgent measures for protecting the child, if it becomes known that there is a risk of threat to the child's life and health.](#)

[Other measure of temporary and urgent character aimed to protect children can be taken by the Russian administrative and judiciary bodies in keeping with the Family Code, the Code of Civil Procedure and other Russian Federal Laws and the legislation of the subjects of the Russian Federation.](#)

9. Have competent authorities in your State experienced any challenges, or have questions arisen, with respect to the application of **Article 11**?

- No
 Yes, please describe:
[Please insert text here](#)

10. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Articles 12, 13 or 14**?

- No
 Yes, please describe:
[Please insert text here](#)

Applicable law

11. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Articles 15, 16, 17 or 18**?

- No
 Yes, please describe:

12. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying the other articles in **Chapter III**?

- No

³ See, e.g., Direct Judicial Communications - [Emerging Guidance regarding the development of the International Hague Network of Judges and General Principles for Judicial Communications \(2013\)](#).

Yes, please describe them:

Recognition and enforcement

13. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 23** from the perspective of the requested State?

- No
 Yes, please describe:

14. Have judicial or administrative procedures, guidelines or protocols been adopted in your State to facilitate the application of **Article 24**?

- No
 Yes, please describe and also provide a link or attach them, preferably translated into English or French:

15. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 24** (e.g., in terms of procedure, formalities, time frames, etc.)?

- No
 Yes, please describe:

16. Please describe the "simple and rapid procedure" (see **Article 26(2)**) in place in your State for declaring enforceable or registering for the purpose of enforcement measures of protection taken in another State Party and enforceable there, in particular:

- a) Which authority declares enforceable or registers a measure of protection taken in another State Party?
- b) What time frames are applied to ensure that the procedure is rapid?
- c) Is legal representation required?

Please explain:

In accordance with Article 409 of the Civil Procedural Code of the Russian Federation (hereinafter - the CPC RF) the decisions returned by the foreign courts, including those on approving settlement agreement, shall be recognized and enforced in the Russian Federation, if this is stipulated in the international treaty of the Russian Federation. The decision of a foreign court may be presented for compulsory execution within three years from the date of entry into legal force of the decision of the foreign court. According to Article 410 of the CPC RF a petition of the claimant for compulsory execution of the decision of a foreign court is considered by the supreme court of a republic, the territorial or regional court, the court of a city of federal importance, the court of an autonomous region, the court of an autonomous area at the place of residence or location of the respondent in the Russian Federation, and in case the respondent has not place of residence or location in the Russian Federation or the location of his location is unknown, at the location of his property. At the same time, a petition for compulsory execution of a foreign court decision is considered in an open court hearing with the respondent`s notice of the time and place of consideration of the petition (part 3, Article 411 of the CPC RF).

According to part 1 of Article 413 of the CPC RF the decisions of foreign courts that do not require enforcement are recognized without any further proceeding unless objections to this are raised by the interested party. The interested person within one month after he became aware of the decision of a foreign court may raise objections regarding the recognition of this decision to the supreme court of a republic, the territorial or regional court, the court of a city of federal importance, the court of an autonomous region, the court of an autonomous area at the place of residence of the person concerned or the location of his property, and if the person concerned does not have a place of residence, at the location or property in the Russian Federation - to the Moscow City Court (part 2 of Article 413 of CPC RF). In accordance with part 1 of Article 154 CPC RF, civil cases are reviewed and resolved by the court until the expiration of two months from the date of receipt of the claim to the court, unless other periods for consideration and resolution of cases are established by this Code. Participation in the proceedings of a lawyer is not required.

17. Are you aware of any challenges, or have questions arisen, in applying **Article 26** in your State?

- No
 Yes, please describe:

18. Are you aware of any challenges, or have questions arisen, in applying **Article 28** in your State?

- No
 Yes, please describe:

Co-operation

19. Are you aware of any challenges, or have questions arisen, in applying **Article 30** in your State (e.g., in relation to the timeliness of responses to requests)?

- No
 Yes, please describe:

20. In your view, would it facilitate the task of Central Authorities under **Article 30(2)** if States Parties provided information as to their laws and available services in relation to the practical implementation of the 1996 Convention, e.g., in the form of a Country Profile or a similar tool published on the HCCH website?

- No
 Yes, please describe the type of information that would be useful to include (e.g., information with respect to the availability of certain protective measures under internal law (e.g., in relation to **Article 3(e)**), or the procedures applied under, e.g., **Articles 23, 24, 26, 31 or 33**, or information on Central Authority services provided):

The Central Authority of the Russian Federation provides all the required information on the legislation of the Russian Federation and on the practical application of the provisions of the 1996 Convention within the framework of addressing specific proceedings as well as on the inquiries of general character submitted in writing by the Central Authorities of foreign states, as well as by the diplomatic missions of foreign states in the Russian Federation. At the same time, regular bilateral meetings are held with representatives of the Central Authorities of foreign states, which also provide any necessary clarifications on the relevant Russian legislation. All this information is accompanied with translation into English.

21. How does your Central Authority (either directly or through public authorities or other bodies) take appropriate steps under **Article 31(b)** to facilitate, by mediation, conciliation or similar means, agreed solutions for the protection of the person or property of the child in situations to which the 1996 Convention applies? Please explain:

As part of fulfilling its obligations under the 1996 Convention, the Central Authority of the Russian Federation interacts with all the competent authorities, including the custody and guardianship authorities, the Federal Bailiff Service, the judicial bodies, and other competent authorities of the Russian Federation. The location of the child in the territory of the Russian Federation is determined by the Federal Bailiff Service of the Russian Federation (FBS of Russia) on the basis of the request of the Central Authority of the Russian Federation to search for a child. If it is necessary to protect the child or establish the child's living and upbringing conditions, the Central Authority shall request the competent custody and guardianship authorities at the place of residence of the child. If necessary, the court is entitled to request the Central Authority of the Russian Federation to provide additional information on the case. In its turn, the Central Authority of the Russian Federation may request a foreign Central Authority to provide additional information on the case. On family disputes concerning children, which fall under the 1980 Convention and the 1996 Convention, mediation services are provided for free by the Federal State Budget Institution "Federal Institute of Mediation" of Russia (hereinafter - FIM of Russia), which was established under the Ministry of Education and Science of the Russian Federation. One of the tasks of the FIM of Russia is to assist in the work of the Central Authority of the Russian Federation in organizing and ensuring the conduct of mediative procedures in resolving family disputes of citizens raising children if they apply to the Ministry of Education and Science of the Russian Federation and with the consent of both parties.

22. Have authorities in your State experienced any challenges, or have questions arisen, in applying **Article 33** (e.g., has your State been requested to accept a child under a certain type of placement or institutional care that is not available under your internal law, or was insufficient information provided to you as the Requested State)?

- No
 Yes, please describe:

23. Have authorities in your State experienced any challenges, or have questions arisen, in providing or obtaining reports or information under **Articles 32, 33 or 34**?

- No
 Yes, please describe:

24. Do authorities in your State use a standard template when providing a report on the (situation of the) child under **Article 32 or 33**?

- No
 Yes, please attach the template to your response (preferably translated into English or French):

25. Have competent authorities in your State experienced any challenges, or have questions arisen, in applying **Article 35**?

- No
 Yes, please describe:

26. Does your State impose charges, as provided under **Article 38(1)**, for the provision of services under **Chapter V** (Co-operation)?

- No
 Yes, for the following types of services (e.g., translation, legal assistance):

27. Have authorities in your State experienced any challenges, or have questions arisen, with regard to charges provided under **Article 38(1)**?

- No
 Yes, please describe:

28. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, does your Central Authority provide assistance to **individuals** habitually resident in your State who request it in connection with the following matters? If so, please specify the nature of the assistance provided.

a) A request to organise or secure effective exercise of **rights of access** in another State Party (requested State)⁴

1. None
 2. Assistance in obtaining information on the operation of the 1996 Convention
 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
 6. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access
 7. Assistance in providing or facilitating the provision of legal aid and advice

⁴ See in this context, e.g., the [Practical Handbook](#) on the Operation of the 1996 Child Protection Convention, sections 11(E)(d) and 13(B) (2014).

- 8. Assistance in obtaining private legal counsel or mediation services, where needed in the requested State
- 9. Referral to other governmental and / or non-governmental organisations for assistance
- 10. Provision of regular updates on the progress of the application
- 11. Other, please specify:

b) A request to secure the return to your State of a child subject to **parental abduction** where the 1980 Convention is not applicable

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained
- 7. Assistance in taking provisional / urgent measures of protection to prevent further harm to the child
- 8. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue
- 9. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 10. Assistance in providing or facilitating the provision of legal aid and advice
- 11. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 12. Assistance in obtaining private legal counsel or mediation services
- 13. Referral to other governmental and / or non-governmental organisations for assistance
- 14. Regular updates on the progress of the application
- 15. Other, please specify:

c) A request to secure the return to your State of a **runaway child** (see **Article 31 c)**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in discovering the whereabouts of a runaway child
- 7. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 8. Assistance in providing or facilitating the provision of legal aid and advice
- 9. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 10. Assistance in obtaining private legal counsel
- 11. Referral to other governmental and / or non-governmental organisations for assistance
- 12. Regular updates on the progress of the application
- 13. Other, please specify:

- d) A request for a **report on the situation of a child** habitually resident in another State Party (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see **Article 32 a)**)

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Other, please specify:

- e) A request that the competent authorities of another State Party decide on the **recognition or non-recognition** of a measure taken in your State (see **Article 24)**

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in obtaining private legal counsel
- 7. Regular updates on the progress of the request
- 8. Other, please specify:

- f) A request that the competent authorities of another State Party **declare enforceable or register for the purpose of enforcement** measures taken in your State (see **Article 26)**

- 1. None
- 2. Assistance in obtaining information on the operation of the 1996 Convention
- 3. Assistance in obtaining information on the relevant laws and procedures in the requested State
- 4. Establishment of contact with the Central Authority and / or the competent authorities in the requested State to find out the kind of assistance such authorities could provide
- 5. Transmission of the request to the Central Authority or to the competent authorities in the requested State
- 6. Assistance in obtaining private legal counsel
- 7. Regular updates on the progress of the request
- 8. Other, please specify:

29. With the understanding that services provided by Central Authorities under the 1996 Convention may vary, if your Central Authority were to receive a request of assistance from **another Central Authority** on behalf of an individual residing abroad, in connection with the following matters, please specify the nature of the assistance that your Central Authority provides or would provide if the situation was to arise.

- a) A request to organise or secure effective **exercise of rights of access**

- 1. None

- 2. Providing information on the operation of the 1996 Convention and / or the relevant laws and procedures in your State
- 3. Assistance in initiating judicial or administrative proceedings with a view to making arrangements for organising or securing the effective exercise of rights of access
- 4. Assistance in providing or facilitating the provision of legal aid and advice
- 5. Assistance in obtaining private legal counsel or mediation services available in your State
- 6. Referral to other governmental and / or non-governmental organisations for assistance
- 7. Regular updates on the progress of the application
- 8. Other, please specify:

The Central Authority of the Russian Federation provides shall information on the lawyers specializing in the relevant sphere and recommended by the Federal Chamber of Lawyers for all categories of trans-border family conflicts. Likewise, the list of practicing lawyers working with the Russian citizens abroad has been published by the Russian Ministry of Foreign Affairs.

- b) A request to secure the return to the State of habitual residence of a child subject to parental abduction where the 1980 Convention is not applicable

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or the relevant laws and procedures in your State
- 3. Assistance in discovering the whereabouts of a child who has been wrongfully removed or retained
- 4. Assistance in taking provisional measures of protection to prevent further harm to the child
- 5. Assistance in securing the voluntary return of the child or in bringing about an amicable resolution of the issue
- 6. Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 7. Assistance in providing or facilitating the provision of legal aid and advice
- 8. Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 9. Assistance in obtaining private legal counsel or mediation services
- Referral to other governmental and / or non-governmental organisations for assistance
- 10. Regular updates on the progress of the application
- 11. Other, please specify:

- c) A request to secure the return of a runaway child (see **Article 31 c)**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or on the relevant laws and procedures in your State
- 3. Assistance in discovering the whereabouts of a runaway child
- Assistance in initiating judicial or administrative proceedings with a view to obtaining the return of the child
- 4. Assistance in providing or facilitating the provision of legal aid and advice
- Assistance in providing such administrative arrangements as may be necessary and appropriate to secure the safe return of the child
- 5. Assistance in obtaining private legal counsel
- 6. Referral to other governmental and / or non-governmental organisations for assistance
- 7. Regular updates on the progress of the application
- 8. Other, please specify:

- d) A request for a report on the situation of a child habitually resident in your State (e.g., a child returned as a result of child abduction proceedings or a child who has moved as a result of a relocation) (see **Article 32 a)**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or on the relevant laws in your State
- 3. Preparing and transmitting the requested report
- 4. Transmission of the request to the competent authorities in your State
- 5. Other, please specify:

e) A request that the competent authorities of your State decide on the recognition or non-recognition of a measure taken in another State Party (see **Article 24**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or relevant laws in your State
- 3. Transmission of the request to the competent authorities in your State
- 4. Assistance in obtaining private legal counsel
- 5. Other, please specify:

f) A request that the competent authorities of your State declare enforceable or register for the purpose of enforcement measures taken in another State Party (see **Article 26**)

- 1. None
- 2. Providing information on the operation of the 1996 Convention and / or relevant laws in your State
- 3. Transmission of the request to the competent authorities in your State
- 4. Assistance in obtaining private legal counsel
- 5. Other, please specify:

30. Where the habitual residence of a child present in your State cannot be established, have authorities in your State used any of the provisions of **Chapter V** in determining the child's place of habitual residence?

- No
- Yes, please specify:

At the request of the Central Authority of the Russian Federation the custody and guardianship authorities carry out the necessary measures in order to establish the living and upbringing conditions of the child, if necessary, take measures to protect the child's identity or property. At the same time, the Central Authority of the Russian Federation interacts with the Central Authority of a foreign state to exchange information and to achieve most comfortable solution for the child's interests.

31. Are you aware of any challenges, or have questions arisen, in applying any other provisions under **Chapter V** in your State?

- No
- Yes, please describe:

32. Have judges in your State used direct judicial communications in cases falling under the 1996 Convention?

- No
- Yes, please specify in relation to which specific matters (e.g., transfer of jurisdiction, placement of a child):

General provisions

33. Has your State experienced any challenges, or have questions arisen, in relation to requests under **Article 40** for the delivery of a certificate indicating the capacity in which a person having parental responsibility or entrusted with protection of the child's person or property is entitled to act and the powers conferred upon him or her?

- No
- Yes, please describe:

34. Which authorities in your State are competent to issue such certificates? Please specify:

According to paragraph 1 of Article 14 of the Federal Law of November 15, 1997 № 143-FZ "On the Acts of Civil Status" the state registration of birth is made by the civil registry offices at the place of birth of the child or at the place of residence of the parents (one of the parents).

Information about the civil status (marriage, divorce, acknowledgement of paternity) shall be submitted by the civil registry offices to the custody and guardianship authorities. Territorially relevant custody and guardianship authorities and the civil registry offices can confirm the relevant information at the request of the applicant.

In the Russian Federation the rights and responsibilities of parents in regard to their children are regulated by Chapter 12 of the Family Code. According to part 1 of Article 61 of the Family Code parents have equal rights and bear equal responsibilities in regard to their children (parental rights). In the event of a restriction or termination of parental rights of a parent by the court ruling relevant information is submitted to the territorial custody and guardianship authorities.

In accordance with part 2 of Article 65 of the Family Code all issues related to the upbringing and education of children shall be settled by their parents by their mutual agreement taking account the interests of children and with due account for the children`s opinion. Parents (one of them), if there are differences between them, have the right to apply for the settlement of these differences to the custody and guardianship authority or to the court.

According to part 3 of Article 65 of the Family Code the children`s place of residence in the event of the parents` separate residence shall be determined by an agreement between the parents.

In the absence of an agreement the dispute between the parents is resolved by the court on the basis of the interests of the children and taking into account the opinion of the children. In this case, the court takes into account the attachment of the child to each of the parents, brothers and sisters, the age of the child, the moral and other personal qualities of the parents, the relationship existing between each parent and the child, the possibility of creating the child`s conditions for upbringing and development (activity, working pattern of the parents, material and marital status of parents, etc.).

At the request of the parents (one of them), in accordance with the procedure established by the civil procedural law and taking into account the requirements of the second paragraph of this part, the court with the obligatory participation of the custody and guardianship authority has the right to determine the place of residence of the children for the period until the entry into legal force of the court decision on determining their place of residence.

In accordance with Article 66 of the Family Code, a parent who lives separately from the child has the right to communicate with the child, to participate in his upbringing and to resolve issues of obtaining a child`s education.

The parent with whom the child lives should not prevent the child from communicating with the other parent, if such communication does not harm the child`s physical and mental health, or his moral development.

Parents have the right to conclude in writing an agreement on the procedure for the exercise of parental rights by a parent living apart from the child.

If the parents can not come to an agreement, the dispute is resolved by the court with the participation of the custody and guardianship authority at the request of the parents (one of them). At the request of the parents (one of them) in the order established by the civil procedural legislation, the court with the obligatory participation of the custody and guardianship authority is entitled to determine the procedure for exercising parental rights for the period until the court decision comes into force.

If the court decision is not fulfilled, the measures imposed by the legislation on administrative violations and legislation on enforcement proceedings are applied to the guilty parent. In case of malicious failure to comply with the court`s decision, the court, at the request of a parent who lives separately from the child, may decide to transfer the child to him on the basis of the interests of the child and taking into account the opinion of the child.

A parent who lives separately from the child has the right to receive information about his or her child from educational institutions, medical organizations, social service organizations and similar organizations. The provision of information can be denied only if there is a threat to the life and health of the child by the parent. Refusal to provide information may be contested in the court.

In accordance with Article 4 of the Law of 2008, the custody and guardianship

authorities ensure the timely identification of persons in need of establishing the custody or guardianship over them and their arrangements; protection of the rights and legitimate interests of the patients; ensuring a decent standard of living for wards, etc. According to paragraph 2 of Article 56 of the Family Code, a child has the right for protection from abuse by parents (persons who replace them). In case of violation of the rights and legal interests of the child, including failure to fulfill or due to improper fulfillment by the parents (one of them) of the responsibilities of upbringing and education of the child or abuse of parental rights, the child has the right to independently apply for their protection to the custody and guardianship authority and reaching the age of fourteen years - apply to the court.

In accordance with paragraph 2 of Article 68 of the Family Code if the court establishes that neither the parents nor the person who has the child is able to ensure his proper upbringing and development, the court will transfer the child to the care of the custody and guardianship authority.

The concept of "custody rights" in the version in which it is understood in the text of international conventions and practice does not exist in Russian legislation. If one of the parents is not deprived of parental rights in accordance with Article 69 of the Family Code, or is not limited in the parental rights on the bases provided by Article 73 of the Family Code, mainly because of improper care for the child, the parents are equal in their rights. In this case, when parents live separately, the child`s place of residence is determined with one of them, and the conditions of communication is determined with the other parent. Determining the residence of the child with one of the parents is similar in meaning to the concept of "custody rights".

According to part 1 of Article 8 of the Law of 2008, the custody and guardianship authorities are competent to establish custody in regard to the minors.

Special categories of children

Children subject to international parental abduction

35. Have authorities in your State experienced any challenges, or have questions arisen, in relation to the application of the 1996 Convention in cases of child abduction where the 1980 Convention was not applicable (see Question Nos 28 b) and 29 b) above)?

- No
 Yes, please describe:

36. In cases of child abduction where both the 1980 Convention and the 1996 Convention were applicable, have authorities in your State made use of provisions under the 1996 Convention in addition to or instead of provisions of the 1980 Convention?

- No
 Yes, please specify the provisions and explain:

37. In cases of parental child abduction, whether or not the 1980 Convention is applicable, have authorities in your State used the co-operation provisions in **Chapter V** of the 1996 Convention to determine whether adequate measures of protection are available in the State of the habitual residence of the child (e.g., to facilitate the safe return of the child)?

- No
 Yes, please explain:

For the purpose of the best application of the provisions of the 1980 Convention and the 1996 Convention, including in determining the child protection measures, all competent authorities, including the Central Authority of the Russian Federation, custody and guardianship authorities, the relevant courts, and the Federal Bailiff Service of the Russian Federation.

38. In cases of parental child abduction, have competent authorities in your State taken measures of protection under **Article 11**, as an alternative to measures of protection in the form of mirror orders or undertakings, to facilitate the safe return of the child? (See also Question No 5.)

- No
 Yes, please explain:

Children subject to international relocation

39. Are you aware of any use being made of provisions of the 1996 Convention in cases where a parent wishes to relocate with his or her child to another State?

- No
 Yes, please explain:

International access / contact cases involving children

40. Are you aware of any use being made of provisions of the 1996 Convention, including those under **Chapter V**, in lieu of or in connection with an application under **Article 21** of the 1980 Convention?⁵

- No
 Yes, please explain:

Unaccompanied, separated, and internationally displaced children

41. Are you aware whether authorities in your State have used the provisions of the 1996 Convention in relation to the protection of internationally displaced children (such as refugee children, trafficked children, sexually exploited children, or unaccompanied children) and / or children whose habitual residence cannot be established?

- No
 Yes, please specify:

Miscellaneous

42. Is there any other comment that your State wishes to make relating to the practical operation of the 1996 Convention? If so, please specify:

PART II – FOR NON-STATES PARTIES

43. Is your State currently considering signing and ratifying or acceding to the 1996 Convention?

- No
 Yes

44. In considering how your State would implement the 1996 Convention, have you encountered any issues of concern?

- No
 Yes, please explain:

PART III – FOR BOTH STATES PARTIES AND NON-STATES PARTIES

45. Are there any particular issues that your State would like the Special Commission meeting to discuss in relation to the 1996 Convention? Please specify and list in order of priority:

46. Do you have any observations or comments to share concerning the Practical Handbook on the Operation of the 1996 Child Protection Convention? Please specify:

⁵ The [Explanatory Report](#) (Lagarde) on the 1996 Convention notes that co-operation under Article 35(1) between authorities of States Parties with respect to rights of access “serves in a certain way to complete and reinforce the co-operation, which is not always effective, provided for the same purpose between Central Authorities” under Article 21 of the 1980 Convention. Explanatory Report, paragraph 146 (1997).