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**INTERNATIONAL COMMISSION OF JURISTS' (ICJ) SUBMISSION TO
THE UN COMMITTEE ON THE RIGHTS OF THE CHILD IN ADVANCE OF
THE EXAMINATION OF THE RUSSIAN FEDERATION'S FOURTH AND
FIFTH STATE PARTY REPORTS IN ACCORDANCE WITH ARTICLE 44
OF THE CONVENTION ON THE RIGHTS OF THE CHILD**

Submitted January 2014

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

**ICJ's submission to the UN Committee on the Rights of the Child in advance
of the examination of the Russian Federation's Fourth and Fifth State Party
Reports in accordance with article 44 of the
Convention on the Rights of the Child**

1. The International Commission of Jurists (ICJ) welcomes the opportunity to contribute to the examination by the Committee on the Rights of the Child (the Committee) of the Fourth and Fifth Periodic Reports of the Russian Federation under the Convention on the Rights of the Child (the Convention).¹

EXECUTIVE SUMMARY

2. In this submission the ICJ draws the Committee's attention to concerns related to: (1) the detrimental impact of the extractive and mining companies' activities on children's rights, in particular those enshrined in Articles 2, 3, 6, 12, 16 and 24 of the Convention; (2) the detrimental impact of asbestos production on children's rights, in particular under Articles 3, 6 and 24 of the Convention; and (3) the effects on children's rights, in particular under Articles 3 and 24, of the 2014 Winter Olympics in Sochi.

3. This submission does not purport to be a full alternative report. It focuses exclusively on the State's obligations under the Convention arising in connection with the business sector's activities on children's rights, taking into account the Committee's elaboration of such obligations in its General Comment No. 16.²

4. Within each section, the ICJ concludes with a list of proposed recommendations about the measures the Russian Federation should undertake in order to improve its compliance with the Convention.

(1) THE DETRIMENTAL IMPACT OF THE EXTRACTIVE AND MINING COMPANIES' ACTIVITIES ON CHILDREN'S RIGHTS

5. The authorization by Russian authorities of, at least, two companies to engage in exploration and extraction of oil in areas populated by indigenous peoples and with fragile ecosystems, without ensuring appropriate safeguards, entails a heightened risk that children living in these areas will suffer impairment or nullification of several of their Convention rights. Article 3 of the Convention requires that "[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." According to Article 6 of the Convention, "[s]tates parties recognize that every child has the inherent right to life" and undertake to "ensure to the maximum extent possible the survival and development of the child." Similarly, under Article 24 of the Convention children have the right to the enjoyment of the highest attainable standard of health. As far as indigenous children are concerned, Article 24 should also be read in conjunction with Articles 29 and 32 of the United Nations Declaration on the Rights of Indigenous People.³ In this context, it is also worth recalling that Article 30 of the Convention guarantees that "a child [...] who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture...."

¹ Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49.

² General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, UN Doc. CRC/C/GC/16, 17 April 2013, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11.

³ United Nations General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, UN Doc. A/RES/61/295 (2007). Available Online: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf, Accessed: 15 January 2014

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6. In the Northern regions, Siberia and the Far East of the Russian Federation, there are 41 groups of indigenous peoples represented by the Russian Association of Indigenous Peoples of the North (RAIPON). Nearly 270,000 people belonging to different indigenous groups live in 60 per cent of the Russian Federation's territory from Murmansk to Kamchatka.

7. In recent years, the Russian Federation has reaffirmed its objective to expand oil extraction industries' activities to the shelf of the Arctic Ocean. In 2008⁴ it passed legislation allowing for the transfer of offshore blocks of the Russian Arctic territory to State-controlled oil companies without appropriate environmental impact assessments,⁵ and bestowing other privileges on private investors willing to participate in Arctic offshore drilling.⁶ Under these circumstances, two of the major state-controlled companies in Russia, Gazprom and Rosneft, were given licenses to drill offshore in the Arctic.

8. By April 2012, Rosneft had concluded a joint-exploration agreement for 3.2 US Dollars with Exxon Mobile Corp. with the purpose of starting exploration and extraction of crude oil in the Russian sectors of the Arctic Ocean and Black Sea.⁷ Moreover, on September 2013 Rosneft and Exxon Mobil hired CB&I UK and Foster Wheeler Energy as contractors for the engineering and design of a liquefied natural gas project on the Far East of the Russian territory, which would include a plant with capacity to produce five millions tons of liquefied gas per year, and a gas pipe line.⁸ The project involves the liquefaction of natural gas extracted from the Far East and the Sakhalin region.⁹

9. The Sakhalin region is known for its summer reindeer pastures used by the traditional Uilta and Evenki herders, and for its rivers on which traditional fishing peoples like the Nivkhi rely for their subsistence.¹⁰ The Rosneft and Exxon Mobil project, Gazprom, Shell Sakhalin Holdings B.V. create a risk to this natural environment by building various facilities that would affect the traditional livelihood of the indigenous peoples living there.

10. The indigenous peoples and communities traditionally depend on the natural resources of their lands. Indeed, hunting in the wild, as well as caring and breeding farm animals, are essential to the livelihood, cultural identity, and food security of at least 20 different Arctic Indigenous peoples.¹¹ Children participate actively in every aspect of community and family life and in the preservation of their traditional ways of life by observing customary practices and the performance of important tasks within the community.¹² The use of land and the protection of animal species on land and at sea are essential for their subsistence and self-determination.

⁴ Amendment to the Federal Law on Subsoil Resources, Law No. 2395-I, 21 February 1992.

⁵ Andrew A. Kramer and Clifford Krauss, "Russia Embraces Offshore Arctic Drilling", The New York Times, 16 February 2011. Available online: <http://www.nytimes.com/2011/02/16/business/global/16arctic.html?pagewanted=all>, Accessed: 9 December 2013

⁶ Oleg Nekhay, "Russia Steps up Oil Production in the Arctic", The Voice of Russia, 13 September 2013. Available online: http://voiceofrussia.com/2013_09_13/Russia-steps-up-oil-production-in-the-Arctic-3732/. Accessed: 9 December 2013.

⁷ Joe Carroll, "Exxon, Rosneft to Outline Arctic Drilling Plan Next Week", Bloomberg News, 13 April 2012. Available Online: <http://www.bloomberg.com/news/2012-04-13/exxon-rosneft-to-outline-arctic-drilling-plan-next-week.html>, Accessed: 18 December 2013.

⁸ Rosneft, "Rosneft and ExxonMobil Selects Contractors for Initial Phase Engineering and Design for Russian Far East LNG Project", Rosneft, 27 September 2013. Available online: <http://www.rosneft.com/news/pressrelease/27092013.html>. Accessed: 17 December 2013.

⁹ Ibid.

¹⁰ Pacific Environment, "Sakhalin I Project Facilities and History of Development", Pacific Environment. Available Online: <http://pacificenvironment.org/article.php?id=3521>. Accessed: 18 December 2013.

¹¹ Anna Degteva and Christian Nellemann, Nenets migration in the landscape: impacts of industrial development in Yamal peninsula, Russia, Pastoralism: Research, Policy and Practice, 2013. Available online: <http://www.pastoralismjournal.com/content/pdf/2041-7136-3-15.pdf>. Accessed: 10 December 2013.

¹² Ibid. p. 8-12

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11. The current oil extraction operations in the North of Russia, Siberia and the Far East, including the Arctic, are likely to pose a risk for the environment¹³ and directly affect the traditional ways of life of indigenous communities, including children, living in those territories.

12. The development of extractive activities in the Arctic region affects the traditional territories of indigenous communities and has an impact on wildlife and herding groups.¹⁴ The construction of massive infrastructure needed to support these projects may not only disrupt the habitat of reindeers and caribous but may also change the migration patterns of nomadic tribes,¹⁵ their traditional use of natural resources,¹⁶ and even damage local indigenous peoples' sacred sites.¹⁷

13. The Russian Federation also has the second largest reserves of coal in the world. Currently, there are 240 coal mining operations throughout Russia, including 96 underground mines and some 150 surface mines, producing around 360 millions tons of coal per year.¹⁸ The Kemerovo region, home of the Shors (Shorians) people, is the most important coal supplier and producer of coal in the country.

14. The development of three coal pits in the Kemerovo Region besides endangering wildlife, contaminating rivers and forests,¹⁹ may also generate adverse ecological impacts with repercussions on the health of pregnant women and children. During the past decade "morbidity rate among pregnant women in Kemerovo Region increased almost 5 times, with maternal mortality being twice as high as on average across Russia."²⁰ Additionally, the concentration of air pollutants in the Kemerovo region is at least two or three times as high as in the rest of Russia. Highly polluted water and rivers²¹ affect the Shor and Teleut indigenous tribes and their ancestral lands and culture.²²

15. Under Article 30 of the Convention, indigenous children have the right to use traditional land of importance to their holistic development; they also have a right to enjoy their culture by practicing and retaining their traditions and customs. In this regard, Article 3 of the Convention sets out States parties' obligation to take into account the best interests of indigenous children and their needs to exercise their rights collectively as members of their group.

16. Pursuant to Article 6 of the Convention, the States party should consider the significance of traditional land and the quality of natural environment in order to guaranteeing children's rights to life, survival and development. The Committee's General Comment No. 11 on the rights of indigenous children underlines the importance of the traditions and cultural values of each person for the protection and harmonious development of the child.²³

¹³ Andrew A. Kramer and Clifford Krauss, *op. cit.*, note 5.

¹⁴ *Ibid.* p. 1

¹⁵ *Ibid.* p. 1

¹⁶ Mark Nuttall, Pipeline Dreams, People, Environment and the Arctic Energy Frontier, International Workgroup for Indigenous Affairs, December 2010. Available online: http://www.iwgia.org/iwgia_files_publications_files/0451_Pipeline_dreams.pdf. Accessed: 10 December 2013.

¹⁷ Fardia Shaheed, Special Rapporteur in the Field of Cultural Rights, Report Addendum Mission to the Russian Federation, UN Doc. A/HRC/23/34/Add.1, (2012), para. 62.

¹⁸ Sliviyak, V. Podosenova, O. Russia Coal Industry. Environmental and public health impacts and regional development prospects, Ecodefense, June 2013. Available online at <http://below2c.files.wordpress.com/2013/06/russian-coal-industry-preliminary-english-version.pdf> Accessed: 21 November 2013.

¹⁹ *Ibid.* p. 11.

²⁰ *Ibid.* p. 9.

²¹ *Ibid.* p. 11.

²² Ganswindt Katrin, Rötters Sebastian and Schucking Heffa, English Summary of Bitter Coal - a Dossier on Germany's coal imports, Urgewald & FIAN, April 2013. Available Online: <http://urgewald.org/sites/default/files/bittercoal.summary.pdf>, Accessed: 21 November 2013.

²³ Committee on the Rights of the Child, General Comment No. 11, Indigenous children and their Rights under the Convention, UN Doc. CRC/C/GC/11, (2009), para. 35.

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17. In this regard, environmental impact assessments and adequate consultation of the affected communities, including of children, are critical to the protection of the rights of indigenous peoples that may be affected by external actors,²⁴ including State-controlled companies. Thus, their apparent absence prior to the licensing of any extractive activity occurring within indigenous territories may contribute to the creation of an environment that fosters the occurrence of violations of the rights "to property, culture, religion, and non-discrimination in relation to lands, territories and natural resources, including sacred places and objects; rights to health and physical well-being in relation to a clean and healthy environment; and the right of indigenous peoples to set and pursue their own priorities for development, including with regard to natural resources".²⁵

18. Furthermore, Article 24 of the Convention provides that States shall take appropriate measures to guarantee access to clean drinking water and nutritious food. In its General Comment No. 15 the Committee underscores that States: "should regulate and monitor the environmental impact of business activities that may compromise children's right to health, food security and access to safe drinking water and to sanitation."

19. Moreover, the Committee's General Comment No. 16 underscores that business activities may detrimentally affect the realization of children's rights, in particular, the child's right to life, including the State's obligation to guarantee "to the maximum extent possible the survival and development of the child" (Article 6 of the Convention). This is particularly the case when the activities of business enterprises compromise children's right to health, food security and access to safe drinking water.²⁶ As a result, the rights of indigenous children may be particularly affected by the selling or leasing of land to investors, depriving indigenous communities of access to natural resources critical to their subsistence and cultural heritage.²⁷

RECOMMENDATIONS

20. In light of the above-mentioned concerns, the ICJ urges the Committee to make the following recommendations to the Russian Federation. Consistent with their obligations under the Convention, the ICJ considers that the authorities of the Russian Federations must:

- i.) adopt all the necessary measures, including environmental, social and human rights impact assessment legislation and include a specific component on children's rights, in order to guarantee the enjoyment of indigenous children's rights, in particular the rights to access and protection of traditional land and natural resources, and to guarantee the quality of the natural environment in order to respect the rights to life, self-determination, survival and harmonious development of the child;*
- ii.) provide detailed information concerning whether and the extent to which consultation processes have occurred within the Government and with local communities in the North, Siberia and Far East regions of the Russian Federation, as well as the content and outcome of the consultations, prior to the granting of licenses and permits for extractive or mining operations in the said regions, including information regarding the participation of children in the consultation process, as provided for by Article 12 of the Convention; and*
- iii.) provide information as to any available mechanisms and procedures, including judicial mechanisms, available to monitor the activities of extractive and mining corporations operating in the North, Siberia and Far*

²⁴ James Anaya, Special Rapporteur on the Rights of Indigenous Peoples, Report on Extractive Industries and Indigenous Peoples, UN Doc A/HRC/24/41, 1 July 2013, para. 28.

²⁵ Ibid. para. 28.

²⁶ Committee on the Rights of the Child, General Comment No. 16, State Obligations Regarding the Impact of the Business Sector on Children's Rights, UN Doc. CRC/C/GC/16, (2013), para. 19.

²⁷ Ibid. para. 19.

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East regions of the Russian Federation, so as to ensure their accountability and the prevention of and remedy and redress for abuses of the rights of indigenous children.

(2) THE DETRIMENTAL IMPACT OF ASBESTOS PRODUCTION ON CHILDREN'S RIGHTS

21. The production and export of asbestos by the Russian Federation threaten the enjoyment of a number of rights guaranteed by the Convention.²⁸ Article 3 of the Convention enshrines the principle that the best interests of the child shall be a primary consideration in any action regarding children undertaken by public, or private institutions. Article 6 lays out the obligation of every State party to ensure to the maximum extent possible the survival and development of the child. Additionally, under Article 24 children have the right to the enjoyment of the highest attainable standard of health. General Comment No 16 emphasises that, pursuant to the Convention, States parties have obligations to respect, protect and fulfil children's rights in the context of businesses' extra-territorial activities and operations when there is a reasonable link between the State and the conduct concerned. This is consistent with principle 25 of the Maastricht Principles,²⁹ which underscores the extraterritorial obligation of the State to regulate companies' activities in order to protect human rights.

22. The Russian Federation is one of the largest producers of asbestos in the world,³⁰ it owns "the world's largest geological reserves of asbestos, mines about a million tons of asbestos a year and exports about 60 per cent of it."³¹

23. The commercialization of asbestos is a growing business because other asbestos-producing countries are phasing out its production. In the Russian Federation, however, the asbestos market is still thriving, and according to the Russian Chrysotile Association,³² annual sales of asbestos amount to 18 billion rubles,

²⁸ According to the World Health Organization, all types of asbestos (actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite) are classified as being carcinogenic to humans. "WHO, in collaboration with the International Labour Organization and with other intergovernmental organizations and civil society, works with countries towards elimination of asbestos-related diseases in the following strategic directions: [...] by recognizing that the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos..." Available Online: <http://www.who.int/mediacentre/factsheets/fs343/en/index.html>. Further, ILO Resolution of 1 June 2006, adopted by the 95th Session of the International Labour Conference, June 2006, states, *inter alia*, "The General Conference of the International Labour Organization, Considering that all forms of asbestos, including chrysotile, are classified as known human carcinogens by the International Agency for Research on Cancer, a classification restated by the International Programme on Chemical Safety (a joint Programme of the International Labour Organization, the World Health Organization and the United Nations Environment Programme) [...] Resolves that: (a) the elimination of the future use of asbestos and the identification and proper management of asbestos currently in place are the most effective means to protect workers from asbestos exposure and to prevent future asbestos-related diseases and deaths; and (b) the Asbestos Convention, 1986 (No. 162), should not be used to provide a justification for, or endorsement of, the continued use of asbestos..."

²⁹ The Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, 28 September 2011.

³⁰ Pat Guth, "Asbestos a Way of Life in Russian Town that Bears its Name", Mesothelioma Cancer Alliance, 20 July 2013. Available Online:

<http://www.mesothelioma.com/news/2013/07/asbestos-a-way-of-life-in-russian-town-that-bears-its-name.htm#ixzz2nqXXbwVc>. Accessed: 18 December 2013.

³¹ Andrew E. Kramer, "City in Russia Unable to Kick Asbestos Habit", The New York Times, 13 July 2013. Available Online: <http://www.nytimes.com/2013/07/14/business/global/city-in-russia-unable-to-kick-asbestos-habit.html?pagewanted=1&adxnnl=1&ref=asbestos&adxnnlx=1387385898-TKP8wdXAeB2oVMNgUXo0XA>, Accessed: 18 December 2013.

³² The Chrysotile Association is a Russian Association established with the purpose of coordinating activities of enterprises and organizations interested in the safe and controlled

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or approximately 540 million US Dollars.³³ The company Uralasbest is the largest producer of chrysotile in the world, with a production of 450 thousand tons per year.³⁴ The 78 per cent of its total production is exported³⁵ to countries such as India, Thailand and the Philippines.³⁶ The production, export and use of asbestos create risks to the health of workers and their children alike, particularly those who work or live in the vicinities of production areas, and also for those living in countries other than the Russian Federation, affecting their right to life, survival and development (Article 6) and the right to the highest attainable standard of health (Article 24).

24. The risks created in the asbestos production process are well illustrated by reports of ill-health of those living and working in the town of Asbest, located in the Ural Mountains, which is the centre of the asbestos industry in the Russian Federation, and whose economy strongly depends on Uralasbests' extraction and production of chrysotile. Indeed, 17 percent of the town's population works in the industry.³⁷

25. The Russian government and the Russian asbestos industry claim that asbestos is mined under safe and controlled conditions.³⁸ Nevertheless, workers and residents of the town report long-term, persistent cough and skin conditions, which are symptoms of exposure to asbestos.³⁹ Moreover, the residents explain that the explosions required to extract the mineral produce a cloud of asbestos dust that covers everything,⁴⁰ from the windows of inhabited buildings to laundry lines in backyards.⁴¹

26. Constant exposure to asbestos increases the risk of developing a multiplicity of fatal diseases, chiefly asbestosis, lung cancer and mesothelioma.⁴² The World Health Organization has estimated that more than 107,000 people die each year from asbestos-related lung cancer, mesothelioma and asbestosis and that all forms of asbestos are carcinogenic to humans.⁴³ Additionally, children who have been exposed to any form of asbestos are more likely to develop this kind of diseases in their lifetime, than those who were first exposed to asbestos in their adulthood.⁴⁴

27. Article 3 of the Convention provides that the best interests of the child shall be a primary consideration when adopting measures that could have an impact on children. Children are particularly vulnerable to long term harm due to their limited physical and psychological development. In these circumstances, authorities must take measures that would afford adequate protection to children against existing or potential risks. The extraction and exploitation of Chrysotile in the Russian Federation, as well as the production and export of asbestos, generate actual and potential

production and use of chrysotile asbestos and chrysotile-containing materials and products in the Russian Federation.

³³ Andrew E. Kramer, "City in Russia Unable to Kick Asbestos Habit", *op. cit.*, note 31.

³⁴ Uralasbest, available online: <http://www.uralasbest.ru/ve.php>. Accessed: 18 December 2013.

³⁵ *Ibid.*

³⁶ "Russia urged to stop trade in deadly asbestos", Leigh Day, 30 April 2013, available online: <http://www.leighday.co.uk/News/2013/April-2013/Russia-urged-to-stop-trade-in-deadly-asbestos>. Accessed: 13 January 2014.

³⁷ *Ibid.*

³⁸ Kathleen Ruff, "Layer of asbestos covers homes near Uralasbest mine in Russia. Signs of disease reported" RightOn Canada, 13 July 2013. Available Online: <http://www.rightoncanada.ca/?p=2126>. Accessed: 18 December 2013.

³⁹ Andrew E. Kramer, "City in Russia Unable to Kick Asbestos Habit", *op. cit.*, note 31.

⁴⁰ Kathleen Ruff, "Layer of asbestos covers homes near Uralasbest mine in Russia. Signs of disease reported", *supra* note 48.

⁴¹ Andrew E. Kramer, "City in Russia Unable to Kick Asbestos Habit", *op. cit.*, note 31.

⁴² World Health Organization, "Air Quality Guidelines: Asbestos", Chapter 6,2, Second Edition, WHO Regional Office for Europe, Copenhagen, Denmark, 2000. Available Online: http://www.euro.who.int/_data/assets/pdf_file/0015/123072/AQG2ndEd_6_2_asbestos.PDF. Accessed: 19 December 2013.

⁴³ World Health Organization, "Asbestos: elimination of asbestos-related diseases", Fact sheet N°343, July 2010. Available Online: <http://www.who.int/mediacentre/factsheets/fs343/en/>, Accessed: 19 December 2013.

⁴⁴ Agency of Toxic Substances & Disease Registry.

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adverse impacts on the rights of children, in Russia and abroad, including the rights to life, survival, development and health as guaranteed by articles 6 and 24 of the Convention. They expose children to the risk of developing different diseases, and affect the environment by scattering clouds of asbestos dust over a relatively extensive area.

28. General Comment No. 16 clarifies that, pursuant to the Convention, States must ensure the survival and development of the child, taking all the necessary measures to guarantee the child's rights to health, which may be affected by environmental degradation and pollution arising from business activities.⁴⁵ Furthermore, the State party must take all the appropriate measures to ensure the full enjoyment of the rights of the child, which include mechanisms and procedures to prevent further damage to health and development of the child, and repair the damage already done. These measures may include the phasing out of public investment on business activities harming the rights of the child, and the requirement that businesses undertake assessment and effective measures to prevent any activity that may cause negative impacts on the full enjoyment of children's rights. They also must provide for accountability mechanisms and access to effective remedies and redress in respect of human rights abuses.

RECOMMENDATIONS

29. In light of the above-mentioned concerns, including in particular the detrimental impact of asbestos exposure on children's health, and given the Russian Federation's strong support for and involvement in asbestos production and commercialization, the ICJ urges the Committee to make the following recommendations to the Russian Federation. Consistent with their obligations under the Convention, the ICJ considers that the authorities of the Russian Federations must:

i.) provide information regarding any environmental, social and human rights impact assessment measures undertaken by the State in order to evaluate the impact of the asbestos industry on child rights to health;

ii) adopt the necessary monitoring measures to protect children from the environmental impact of the production and selling of asbestos, both inside the Russian Federation and abroad; and

iii.) ensure that procedures, mechanisms, including judicial mechanisms, are in place to provide for effective remedies and redress for abuses arising out of the asbestos industry's practices.

(3) THE IMPACT OF THE 2014 WINTER OLIMPICS IN SOCHI ON CHILDREN'S RIGHTS

30. The preparations of the 2014 Winter Olympics, taking place in the city of Sochi, Russian Federation, have given rise to allegations of abuses such as forced evictions of residents of the town of Sochi.⁴⁶ There have also been complaints relating to environmental damage resulting from construction waste dumped in illegal landfills affecting water protection zones in the north part of the region. In turn, such damage poses threats to the right to health and to access to water sources.⁴⁷ It appears that

⁴⁵ Committee on the Rights of the Child, General Comment No. 16. *Supra* note 18, para. 18 – 19.

⁴⁶ Human Rights Watch, "Russia: As Olympics Launch, Sochi Abuses Loom", Human Rights Watch, 17 July 2012. Available Online: <http://www.hrw.org/news/2012/07/17/russia-olympics-launch-sochi-abuses-loom>. Accessed: 13 December 2013.

⁴⁷ Joana M. Foster, "For Sochi Olympics, Russia Dumps Tons Of Construction Waste In Illegal Landfills", Climate Progress, 30 October 2013. Available Online:

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the way in which these development projects have been undertaken has not fully taken into account the child's best interests principle enshrined in Article 3 of the Convention and may have undermined the right to the enjoyment of the highest attainable standard of health (Article 24) and "the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development" (Article 27).

31. Recent comparative research shows that there are actual and potential risks of abuse of children's rights associated with major sporting events.⁴⁸ Although there is no sufficient data to determine whether, how and to what extent those risks translate into harm, absence or insufficiency of data should not lead to inaction about or willful ignorance of the potential problems. "Risks to children are clearly evident in the context of MSEs [Mega Sport Events], so there is a need to mitigate these risks, to prevent and to respond to harm. Good protective interventions need not wait for research to catch up but the long-term prospects for funding and political support for such work depend crucially on demonstrating that such interventions are effective."⁴⁹ A preventive approach is critical to identifying the risks and mitigates the possible harm to the rights of the child that may arise in the context of MSE. The Russian Federation does not seem to be adopting such preventive approach, which is necessary to the realization of the rights of the child under the Convention.

32. The preparations for the Winter Olympic games of 2014 in Sochi have given rise to a series of allegations of abuses against migrant workers, including practices of "withholding of wages, excessively long working hours with only one day off per month, and overcrowding and unsanitary employer-provided housing."⁵⁰ These charges may need further investigation to identify their possible impact on the realization of children's rights.

33. There are also allegations that the construction of the Olympic buildings in the city of Sochi affected the right to adequate housing for children and their families living in the region. The State-owned Corporation Olympstroy is the principal contractor for the construction of Olympic venues and the development of Sochi as an alpine resort.⁵¹ The need for space to construct the enormous Olympic infrastructure has caused many families to be relocated to other housing facilities built by Olympstroy and apparently of lower quality.⁵² Many families may have been forcibly evicted without redress or just compensation.⁵³ Some of these families, with young children, have reportedly been forced out from their homes and placed on the street.

34. Not all evicted persons have been relocated to other housing facilities. The authorities have issued an order by which only those with legal title over land and housing are able to access alternative housing. Those unable to prove their ownership have not been able to obtain compensation, even if they had been paying taxes over the years.⁵⁴ Many families are unable to prove their ownership rights over housing

<http://thinkprogress.org/climate/2013/10/30/2862451/sochi-sustainable-olympics/>. Accessed: 13 December 2013.

⁴⁸ Child Exploitation and the FIFA World Cup: A review of risks and protective interventions, Brunel University London, 2013 Available Online: http://www.brunel.ac.uk/_data/assets/pdf_file/0008/316745/Child-Protection-and-the-FIFA-World-Cup-FINAL.pdf. Accessed: 13 December 2013

⁴⁹ Ibid. p. 8

⁵⁰ Human Rights Watch, "People and Power: The 2014 Sochi Olympics", Human Rights Watch, 2013. Available Online: <http://www.hrw.org/people-and-power-2014-sochi-olympics>. Accessed: 13 December 2013.

⁵¹ Olympstroy, Available Online: <http://www.sc-os.ru/en/about/>. Accessed: 15 January 2014

⁵² The Other Russia, Only Happy Evictees Allowed to Meet with Putin, 14 October 2010. Available Online: <http://www.theotherussia.org/2010/10/14/only-happy-evictees-allowed-to-meet-with-putin/>. Accessed: 15 January 2014.

⁵³ Human Rights Watch, "Russia: As Olympics Launch, Sochi Abuses Loom". Supra Note 59.

⁵⁴ Jane Buchanan and Yulia Gorbunova, "Sochi Olympics have an ugly side", The Washington Post, 10 August 2012. Available Online: http://articles.washingtonpost.com/2012-08-10/opinions/35493593_1_sochi-olympics-olympic-glow-olympic-construction. Accessed: 13 December 2013.

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and land because since the 1990s many of them had received land plots from the government without any formal documents.

35. For example, government officials reportedly evicted Tatiana Samokval from the home where she had lived for 15 years with two young children, without any resettlement option or monetary compensation.⁵⁵ In another case, Human Rights Watch reports that during September 2012 local authorities, accompanied by someone purporting to be an Olympstroy official,⁵⁶ demolished a storage shed next to the house of Sergei Khlitov, threatened his family with the destruction of their house and forcibly evicted them the following week⁵⁷ without paying any compensation. His family, composed of his wife, daughter, and two grandchildren had been living in the District of Adler in Sochi for the past sixteen years. Local authorities argued that the home was illegal and as such they could not pay any monetary compensation, or relocate the family.⁵⁸ Similarly, Valentina Volkova, a 71-year-old retired teacher living with her grandchildren in Sochi, was evicted from her apartment to make way for the construction of Olympic infrastructure by Olympstroy. Later on, the company sued her in order to avoid paying any compensation. On December 2012, Volkova won an appeal regarding compensation, but the company refuses to comply with the Court's order.⁵⁹

36. Impact assessment procedures shall take into account the particularly detrimental impact of forced evictions on children,⁶⁰ since they endanger family stability,⁶¹ and give rise to a hazardous environment for the child's development. The overall wellbeing of children directly depends on the quality of housing in which they live; as a matter of fact, forced evictions endanger the specific needs of the child and the enjoyment of his or her rights.⁶² The adverse psychological impact of forced evictions is substantial,⁶³ impairing the rights of the child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development, as set out in Article 27 (1) of the Convention.

37. The construction of the Olympic facilities has also given rise to complaints concerning environmental damage that may have been caused by waste disposal of construction companies, particularly the waste produced by the company Russian Railways, which is constructing a 30-mile highway linking the airport with the Olympic facilities.⁶⁴ This disposal of construction waste not only fails to fulfill the "zero waste" policy of the International Olympic Committee, but also could contaminate the water supply of the city, and the nearby rivers that reach the Black Sea. The law forbids dumping construction waste in the region where Sochi is located, due to the fact that the moisture that the waste may produce once dumped into landfills could seep into

⁵⁵ Jane Buchanan and Yulia Gorbunova, "Sochi Olympics have an ugly side", *op. cit.*, note 54.

⁵⁶ Human Rights Watch, *Russia: Halt House Demolition for Olympics*, 6 June 2012. Available Online: <http://www.hrw.org/news/2012/09/14/russia-halt-house-demolition-olympics>. Accessed: 15 January 2014.

⁵⁷ *Ibid.*

⁵⁸ Human Rights Watch, "Russia: As Olympics Launch, Sochi Abuses Loom". *Supra* Note 59.

⁵⁹ Human Rights Watch, *Human Rights Watch*, available online: <http://humanrightswatch.tumblr.com/post/49337400092/local-authorities-evicted-valentina-volkova-71-a>, 1 May 2012. Accessed: 13 December 2013.

⁶⁰ United Nations General Assembly, *Basic Principles and Guidelines on Development-based Evictions and Displacement*, UN Doc. A/HRC/4/18 (2007), para. 33. Available Online: http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf Accessed: 15 January 2014.

⁶¹ UN-Habitat, *The Right to Adequate Housing*, Office of the High Commissioner for Human Rights, November 2009. Pg. 20. Available Online: http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf. Accessed: 13 December 2013.

⁶² *Ibid.* pg. 20.

⁶³ T. Rahmatullah, *The Impact of Evictions on Children: Case Studies from Phnom Penh, Manila and Mumbai*, United Nations Economic and Social Commission for Asia and the Pacific and The Asian Coalition for Housing Rights, 1997, cited by Un-Habitat, *The Right to Adequate Housing*, pg. 20.

⁶⁴ Joana M. Foster, "For Sochi Olympics, Russia Dumps Tons Of Construction Waste In Illegal Landfills", *op. cit.*, note 47.

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the ground contaminating the springs that feed the Mzymta River, which is the principal water source in Sochi.

38. Under Article 24 paragraph 2 (c) of the Convention, States parties must take into consideration the risks of environmental pollution to safe drinking water and nutritious food as appropriate measure to combat diseases and malnutrition. As the Committee emphasized in its General Comment 15, pursuant to the Convention, States should take measures addressing effective waste management and the disposal of litter from living quarters and the immediate surroundings.⁶⁵ Likewise, General Comment 16 affirms that, pursuant to the Convention, unsound business activities may compromise children's right to health, food security, and access to safe drinking water.⁶⁶ The waste disposal practices of the Russian Railways create risks for the enjoyment of the rights to life, survival, and development of the child, as provided under Article 6 of the Convention, and for the right to the highest attainable standard of health in Article 24.

39. States must regulate and monitor the environmental impact of business activities, especially of state-owned companies, in order to guarantee the rights to health, food security, and access to safe drinking water and to sanitation. As affirmed in General Comment 16, "States should lead by example requiring all State-owned enterprises to undertake child rights due diligence..."

RECOMMENDATIONS

40. In light of the above-mentioned concerns, and given the detrimental impact on children's rights resulting from the activities of State-owned companies in the construction of Olympic venues in Sochi, the ICJ urges the Committee to make the following recommendations to the Russian Federation. Consistent with their obligations under the Convention, the ICJ considers that the authorities of the Russian Federations must:

- i.) provide detailed information regarding the measures taken to protect the rights of children and their families affected by eviction and relocation during the construction of the Olympic facilities;*
- ii.) provide information regarding the measures required of construction companies to take into account the likely impact of their activities on the rights of the child, especially of those of their workers, and, in view of the abuses reported in relation to the Sochi Olympics, undertake to require such measures from companies involved in any such events in the future;*
- iii.) require businesses to undertake "child rights due diligence" to identify, prevent and mitigate their impact on children's rights and make public support and services such as Development finance, and investment insurance conditional on business carrying out child rights due diligence; and*
- iv.) investigate any complaints of waste disposal of construction companies near the springs that feed the Mzymta River, and take remedial action to guarantee the enjoyment of children's rights, including, in particular, the rights to access safe drinking water.*

⁶⁵ Committee on the Rights of the Child, General comment No. 15, The Right of the Child to the Enjoyment of the Highest Attainable Standard of Health (art. 24), UN Doc. CRC/C/GC/15 (2013), para. 49.

⁶⁶ Committee on the Rights of the Child, General Comment No. 16, State Obligations Regarding the Impact of the Business Sector on Children's Rights, UN Doc. CRC/C/GC/16, (2013), para. 19.