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Problems of Preventing Crimes Related to the Killing by a Mother of her Newborn Child in Russia: Geographical and Criminological Analysis

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ABSTRACT

This article focuses on the study of the specifics of crimes committed in the regions of the Russian Federation related to the killing by a mother of her newborn child, and the solution of problems of preventing such criminal acts in urban and rural settlements of the country. It also compares the positions of foreign and domestic scholars on the number of neonaticide in Russia and in Western countries. The uniqueness and novelty of the study lies in the application of geographical methods in the study of neonaticide in the territory of the Russian Federation. These methods allowed us to take a fresh look at such criminal acts and to obtain interesting results. Most often, neonaticide was recorded in those regions with a low level of income and low wages of the population. Geographically, neonaticide has spread in industrial areas of country, areas with a high population density and in areas along which there are main roads and navigable rivers. The article provides an analysis of a number of reasons that impede the prevention of neonaticide both in individual regions and throughout the country as a whole. The authors consider the lack of proper education and family upbringing of the younger generation, the low financial situation of the population and the absence of federal targeted programs for the development and strengthening of the family and the prevention of neonaticide as pressing problems in crime prevention. The authors propose ideas for improving the practice of preventing neonaticide, including taking into account the special geographical conditions of the Russian Federation.

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INTRODUCTION

The Convention for the Protection of Human Rights and Fundamental Freedoms [5] declares that "the right of every person to life shall be protected by law." And no one but judges was given the right to decide on the deprivation of the life of a person, especially of a child. A similar rule is enshrined in the Convention on the Rights of the Child [27], which states that "every child has the inherent right to life". Therefore, no one has the right to deprive a child of life, especially a newborn. However, in Russia, many kids died and die at the hands of adults. Worst of all, when this act is committed by a birth mother.

The killing by a mother of her newborn child differs from other types of killing by its atypical nature and, at times, cruelty towards her own children who did not have time to live properly. It is assumed and presumed that mothers should educate and raise their children. However, the judicial practice that has developed in Russia over the past decades shows a completely different picture, sometimes just the opposite.

The study conducted by the authors clearly showed what mothers do with their newborn children, and what methods of killing their own babies they choose. At the same time, the range of methods and means of killing newborns is wide: from leaving

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them outside in the cold, drowning in a bucket of water and strangling them with their own hands, to sticking them with a ballpoint pen, burning them in an oven or burying them alive in the ground.

In many such cases, new mothers acted intentionally (mostly direct intention prevailed), when they realized the public danger and wished death for their newborns, which is caused by their psychotraumatic situation.

Nevertheless, the question lies elsewhere. How to protect society and, especially, young mothers, from neonaticide? And what problems are barriers to the prevention of such crimes in the regions of Russia?

MATERIALS AND METHODS

Analysis of judicial acts (texts of court decisions in criminal cases provided for in Article 106 of the Criminal Code of the Russian Federation) is the main method of scientific research. The empirical base was composed of 150 studied court sentences imposed by the courts of first instance in the period from 2011 to 2018 based on the results of consideration by the court of these crimes.

An important role in the conducted study was played by the use of the geographical method in examining the area of distribution of neonaticide in Russia, which allowed to obtain certain results. Mapping of neonaticide sites was also used.

When examining local regulatory legal acts governing the implementation of family education courses in educational institutions in urban and rural settlements, the comparative legal method was used.

LITERATURE REVIEW

The theory of criminal law and criminology has repeatedly raised the question of how to prevent violent crimes in the family, including cases of killing by a mother of her newborn child.

Abroad, this problem is studied by scholars systematically and in detail. The issues of killing newborns have received separate independent studies [25, p. 167-174], and the act itself was called "neonaticide" as one of the types of infanticide along with filicide.

Filicide is a general term referring to the act of a parent killing their own child. Cases of filicide include subcategories of newborns and infants, which vary by the age of the child victim. Neonaticide is the killing an infant during the first day of life, while infanticide is most often defined as killing an infant at any time during the first year of life [9, p. 585-597]. Infanticide is also a general term for the killing of children by any subject of a crime [13, p.231-242].

Therefore, it is more reasonable and appropriate in this study to designate the killing of newborns as neonaticide, since in Russia in 99% of cases mothers killed their children during the first days of life.

Foreign studies show that neonaticide is not very common in Western countries, as scholars have repeatedly stated. Thus, in Austria and Finland, between 1995 and 2005, 152 murders of children of different ages were committed (86 in Austria, 66 in Finland), and as regards neonaticide itself, 23 cases were recorded in Austria and 5 cases in Finland [4, p. 159-164]. In the United States, from 1992 to 2009, 55 cases of murders of newborns were recorded [12, p. 263-276]. Since 1997 in Denmark, approximately one murder of a newborn per year was recorded [11, p. 317-321].

For comparison, in the Russian Federation in 2011, 138 crimes of the murder of a newborn child by a mother were recorded, in 2012 and 2013 – 132 crimes a year, in 2014 – 119 crimes, in 2015 – 98 crimes [32].

The authors studied 150 sentences in criminal cases related to the killing by a mother of her newborn committed between 2011 and 2018. In the period from 2010 to 2013, other scholars studied 95 materials of criminal cases for a crime under Art. 106 of the Criminal Code [2, p. 18-20]. However, these indicators are still significantly higher than in Western Europe. It should be said that the above figures are not complete, since due to the high latency of neonaticide, not all murders of newborn children can be detected, investigated and brought to court. And there are reasons for that.

Russian legal scholars have come closer to studying the issue of murder by a mother of her newborn child, examining in detail the criminal law aspects of this criminal activity.

Antonvan Yu.M.. Goncharova Kurguzkina E.B. studied in more detail the criminal nature of the murder by a mother of her newborn child, having analyzed in depth the objective and subjective elements of a crime and having examined the difference between this crime and criminal abortion and murder, provided for in Art. 105 of the Criminal Code [1, p. 94-114]. Domestic scholars also studied the issues of qualification of this act [17; 14, p. 19-22; 3], the criminal legal significance of the legal determination of the time of birth of a child in a murder [26, p. 75-78], characteristics of the objective aspect [6] and the subject of a crime [7, p. 37-40], and analyzed the psychotraumatic situation of a new mother at the time the crime was committed [24, p. 240-244].

Nevertheless, such aspects of neonaticide that are associated with the geographic, economic, criminological and regional characteristics of the state remained poorly understood, which led to the conduct of this scientific study.

RESULTS

The Russian Federation has a heterogeneous concentration of the population throughout its territory. Most of the population lives in the European part of Russia and in the regions of the North Caucasus, in the south of Western Siberia, and in some southern regions of the Far East. The northern territories of the country are sparsely populated and have a low population density. Here,

the country's climatic factors, historical features of the development of territories and the development of industrial centers of Russia played their role.

Therefore, the range of neonaticide is diverse: it is extremely rare in the northern regions of Russia, in contrast to the temperate and southern latitudes of the country. However, mainly the Central Russia, the Volga, Prikamye and Ural regions, i.e. almost the Central part of Russia, remain the main places of concentration of neonaticide (Fig. 1).

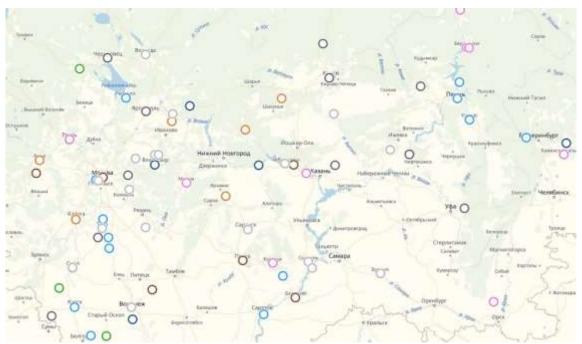


Fig.1: The map of Central Russia with points of neonaticide

On this map, it is conditionally possible to distinguish three large areas (regions) of neonaticide concentration. The first area is conditionally the Moscow-Belgorod-Voronezh region with a concentration center in the Tula Oblast, the second is the Cherepovets-Balakovo line with a crosshair in the Ivanovo region, the third is the Volga-Kama arc from Yaroslavl via Cheboksary, Sarapul and Perm to the city of Berezniki.

Such unusual settlements of concentration, where mothers killed their newborn children, have yet to be explained. However, it is already becoming clear that such areas generally coincide with the industrial centers of Russia and with the areas of mass congestion of urban settlements. With regard to the Volga-Kama arc, this area is determined by a large number of urban settlements located along the basins of two large rivers: Volga and Kama. The map shows that many such crimes were committed not so much in large cities as in small urban

settlements and, mainly, in rural settlements located in the specified area.

A certain role in this is played by the historical development of the above territories, which provided the basis for the emergence of settlements existing to this day, but which have lost at the moment opportunities for independent and successful development from a socio-economic point of view. Therefore, the current poor economic situation in a number of regions and, especially, in some municipalities, suggests that there is a certain relationship between the poverty of the population and the amount of committed neonaticide.

It is the region of the North Caucasus, where cases of neonaticide were also often recorded, that is of considerable interest from the criminal law and criminological points of view. The presented map (Fig. 2) clearly shows the areas of concentration of places of murder of newborn children.

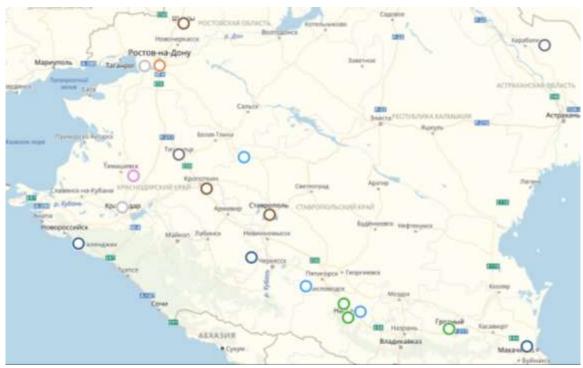


Fig.2: The map of North Caucasus in Russia with points of neonaticide

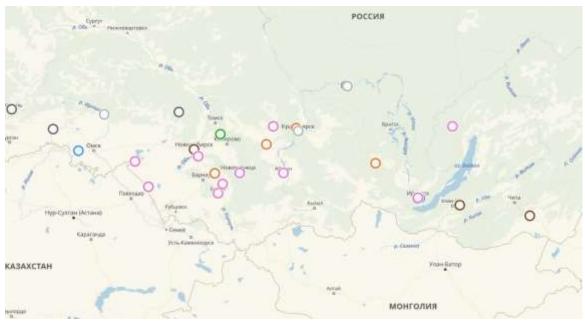


Fig.3: The map of South Siberia in Russia with points of neonaticide

It is noteworthy that the main places of neonaticide in the southern part of Russia are located almost along the E 50 highway, passing from Rostov-on-Don through the cities of Kropotkin, Stavropol, Kislovodsk, Nalchik, Grozny to Makhachkala, while forming a certain chain with separate branch to Gelendzhik. Moreover, such subjects of the Russian Federation as the Karachay-Cherkess Republic, the Kabardino-Balkarian Republic, the Chechen Republic, and the Republic of Dagestan are also affected. As in the Volga-Kama region, many of the "points" of killing newborns are located in the

republics, including those where national and religious traditions are strong in families and in society as a whole.

It seems that family traditions, national characteristics and religious education should play an important role in preventing mothers from killing their newborn children. But, as court practice shows, in such situations, sometimes, a negative attitude from relatives and condemnation from neighbors and relatives push young mothers to kill their babies, especially in cases where the child is illegitimate (either was accidentally

conceived before marriage, or during marriage, but from another man).

A similar case was recorded in 2016 in the Chechen Republic, when a mother with two dependent children had to give birth and kill her premature male infant, as she wanted to hide her extramarital pregnancy and childbirth from close relatives and from her husband, as well as because of fear of public censure and negative consequences for herself [29]. Moreover, this act was committed in a rare form – a form of inaction, when she, having given birth to a child, left it at home, did not call emergency medical personnel and did not render any independent measures to hospitalize the child, as a result of which the newborn died.

Alas, this murder did not remain hidden from law enforcement officers and relatives. When everyone became aware of the murder, the woman had to divorce, and her young children were transferred for permanent residence and education to her exhusband.

In contrast to the central part of Russia and the regions of the North Caucasus, the picture of neonaticide is somewhat different in the regions of Siberia and the Far East (Fig. 3).

The main area for committing the murder of a newborn child is formed in its southern part in the area of developed territories and in places of the majority of the population and covers not only large cities, but also small urban and rural settlements located in the Siberian and Far Eastern Federal Districts. These are the Novosibirsk Oblast, Krasnoyarsk Krai, Irkutsk Oblast, Zabaykalsky Krai, Khabarovsk Krai, Primorsky Krai (Fig. 4).

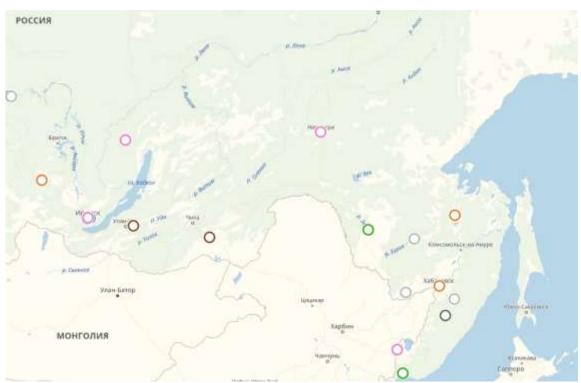


Fig.4: The map of Far East in Russia with points of neonaticide

As noted earlier, predominantly many points of neonaticide are located almost along the Trans-Siberian Railway Network and the highway from Tyumen to Vladivostok. Such a location is due primarily to historical features, the economic development of those areas in past centuries. This explains the southern location of the places of neonaticide, since the northern parts of Russia are sparsely populated and in those parts the facts of killing newborns are practically not recorded.

Now, there is a stagnation in these southern regions of Siberia and the Far East, and many residents of these regions are unable to support themselves financially, as a result of which a difficult financial situation arises, which in turn is one of the motives for committing infanticide.

Thus, in 2016, the Tulunsky district court of the Irkutsk oblast considered a criminal against F. having committed a crime under Art. 106 of the Criminal Code. During the trial, it was confirmed that the defendant consciously and intentionally committed the murder of his newborn child by blocking its airways with her hand. A difficult financial situation was the motive for the murder, since she could not feed the baby, especially since this was her fourth child. In addition, she thereby wanted to hide the fact of pregnancy and the birth of the child from close relatives and other persons,

as a result of which, after the death of the newborn, she carried the corpse of the child to a landfill.

As for her mental state, the commission of forensic psychiatric experts found that the accused F. had not suffered from any chronic or temporary mental disorder, dementia, or other painful state of mind, did not suffer at the time and did not demonstrate the above mental disorders during the period of the investigated legally significant judicial situation [30].

Unfortunately, poverty, coupled with large families, is pushing many mothers with children to kill their newborns because of the banal lack of material resources for their maintenance, development and education.

DISCUSSIONS

Based on the foregoing, it should be noted that at present the issue of preventing neonaticide remains unresolved and there are a number of problems that impede the prevention of killing by a mother of a newborn child.Low socio-economic level of development of areas and regions of Russia.

A study conducted by the authors showed that most often neonaticide was recorded in regions with a low subsistence level, whose residents receive small wages. The inability to provide for themselves and their young children due to low incomes pushes mothers to commit such crimes. Moreover, among the number of mothers-killers, ¾ of mothers already had dependent minor children, usually young children.

Therefore, in court sentences, such a text that one of the reasons for the murder of a newborn child was the difficult financial situation of the defendant can be found. Moreover, in some cases, this motive (or a psychotraumatic situation) was recognized by the court as a mitigating circumstance.

This motive for killing a newborn child has its own economic justification, since in order to give birth and raise one child, a significant amount of money can be spent.

Back in 2017, Russian economists calculated that "from the moment of conception (including the costs of the pregnancy and childbirth program) until the graduation, the child will cost about 13.7 million rubles. About a million under certain circumstances, can be got from the state, that is, net parental investments (not counting the purchase of an apartment for a child) are about 12.7 million rubles" [18].

Based on the fact that the graduation period of a higher educational institution for obtaining a bachelor's degree is 22 years for young people, each year an average of 577,270 rubles is spent on a child, that is 48,105 rubles a month [8]. Moreover, such calculations were taken mainly for wealthy parents, who can afford the additional money for a nanny, leisure and entertainment, expensive

clothes, etc. For low-income families, the indicated amount is unattainable.

If other indicators be considered, in millionaire cities, it is necessary to spend 14,000 rubles a month on average per child per month. Obviously, in other urban and rural settlements, the cost per child will be slightly less – on average between 8,000 and 11,000 rubles per month. But this value is not constant, since the annual increase in prices for food products, basic necessities, clothes, etc. can significantly "shake" the financial well-being of the child's parents. A widespread consumer loan in Russia only exacerbates the situation in families.

In this regard, it is worth emphasizing that in order to solve the problem of preventing neonaticide, it is first necessary to understand the issue of ensuring the economic well-being of many areas and regions of Russia at the state level and to solve the problem of poverty.

It can be noted that most of these crimes were committed in regions with an average and low living wage. Relatively speaking, many new mothers who committed the murder of their newborn children were below the poverty line. In support of this, the fact that the difficult financial situation of the defendant, as previously noted, is a frequent financial motive for the commission of such a crime, can serve as a confirmation.

Thus, in 2018, the Irkutsk District Court considered a criminal case against V. having committed a crime under Art. 106 of the Criminal Code. She was accused of the fact that, being pregnant and not wanting to have children, she did not seek medical help for obstetric care, found a deserted place surrounded by a fence, where she gave birth to a viable female child. After that, she put the child in a plastic bag and left him in a snowdrift near the garage box. The death of a newborn child occurred as a result of deliberate criminal actions by the defendant at the scene of the accident from general hypothermia [28].

As it was established by the court, the difficult financial situation of the defendant was one of the motives for the murder, since she does not work and does not have a permanent legal source of income. And she had to send her first minor child to a social and rehabilitation center for minors, because she was not able to provide proper maintenance and care for her minor child.

This comparative study of the regions, the average wage in these regions and the poverty of the population with the level of murders of newborn children by their mothers conducted by the authors allowed to obtain the following interesting results. Most often, neonaticide was recorded in those regions where the share of the population below the poverty line was 12-18% of the total population, which is generally high for such regions as the Perm Krai, Irkutsk Oblast, Vladimir Oblast, Krasnoyarsk

Krai, Udmurt Republic, Volgograd Oblast, Altai Krai. In these regions, from 2011 to 2018, the largest number of identified crimes related to the killing by a mother of her newborn child was recorded.

Moreover, the share of the working population, whose real wages are less than 10,000 rubles a month (or 154 US dollars), remains high. That is, in each poor region, an average of 12.5% of workers are satisfied with such low wages. And the average salary in the above regions was 338-434 US dollars. Moreover, these indicators over the past 5 years (since 2014) have not changed significantly.

It becomes obvious that such a low income is not able to change the difficult financial situation of the population, including expectant mothers who realize the inability to feed a child at such a low salary, especially if the family already has two or three babies. This explains the high rate of neonaticide in the regions presented on the map.

Thus, it can be stated that a certain relatively direct pattern is observed between a high number of crimes related to the murder by a mother of her newborn baby, the level of income of the population and the level of socio-economic development of the regions: the lower the level of income of the population, the higher the crime rate associated with neonaticide. But this factor is not the only one determining the killing by mothers of newborn children.

The lack of necessary medical support for obstetric care in many urban and rural settlements is the second important problem arising from the first one.

According to the study conducted by the authors, the killing of newborns took place mainly in rural settlements (49.3% of all committed killings of newborns), where there are no relevant medical institutions, and midwife centers have not yet been created everywhere. The nearest medical institutions and maternity hospitals are located either in remote district centers, or in other municipalities located even further. Not every pregnant woman will be able to overcome such a great distance to attend medical facilities. Therefore, the lack of medical care in rural settlements indirectly contributes to the latency of childbirth and killing of newborns.

However, practice shows a completely different picture: many expectant mothers do not go to medical facilities for obstetric care and do not call doctors at home in such situations. And as the study showed, 99% of pregnant women who subsequently killed their newborns do the same. One of the reasons for such latent behavior of a new mother is the desire to hide the fact of childbirth from strangers and relatives, fearing, among other things, the condemnation from relatives.

The panacea for saving newborn babies and at the same time keeping secret the fact of birth for

women who do not want to have them could be the so-called "baby boxes". But there is also a certain problem. First of all, the problem is of legal nature, since at the moment there is still no single federal legislative act regulating the use of "baby-boxes" [15, p. 67-70]. In foreign countries, such a program is operating successfully and is actively used to save newborns. In Germany, 75 baby boxes were installed, in Italy – 36, in Poland – 16, in Hungary – 12. During their existence, a positive result is already visible. In this way, 48 babies were rescued in the Czech Republic, 10 babies in Latvia, and 38 babies in Hamburg [32].

At present, in the Russian Federation there are baby boxes in different cities, but their number is much smaller and not all of them are located where frequent cases of neonaticide are recorded. Thus, baby boxes are located approximately in 15 cities of Russia (their number varies periodically), the main places of concentration of which are the Krasnodar Krai, Central Russia and the Ural.

Obviously, such a small number of baby boxes is not enough for a large territory of Russia and their number should be increased. At least, such tools for saving the lives of newborns should appear in Siberia and the Far East, including in those regions where at the moment killing of newborns was recorded: Tula Oblast, Irkutsk Oblast, Vladimir Oblast, Krasnoyarsk Krai, Khabarovsk Krai, the Udmurt Republic, etc. At the same time, baby boxes should be located not only in regional centers, but also in district centers, expectant mothers do not always have financial and other opportunities to get to a large city in order to leave their children in these "cradles of life" rather than kill them.

But there are opponents who consider the use of baby boxes in the Russian Federation inappropriate, unprofitable and contrary to generally recognized norms of international law [16, p. 75-78], since if applied, the constitutional, social, property, family and other rights of children may be violated, although there are various scientific works proving the benefits and effectiveness of the use of baby boxes both in Russia and abroad [31, p. 55-60].

For comparison, in the USA, great hope rests on laws on the provision of safe haven for young children in different states (analogues of Russian "baby boxes") [19, p. 459-485]. Although laws on safe haven have not completely eliminated neonaticide and infanticide, they encourage the reduction in the number of cases of both of these and can be even more effective if they are better positioned in society.

The lack of necessary information for young and old people about the inadmissibility of infanticide, especially newborns, as well as the lack of proper education of the younger generation are the third problem that impedes the prevention of neonaticide. Moreover, in this case it is worth talking about intellectual development, morality, chastity and the basics of family education.

It is no secret that educational institutions are currently de facto excluded from upbringing, and parents themselves, for objective and subjective reasons, are not able to give their children the basics of family and moral upbringing, falsely relying on the fact that educational institutions will be able to do this.

Although the Federal Law "On Education" stipulates that upbringing is an activity aimed at developing a person, creating conditions for self-determination and socialization of a student on the basis of sociocultural, spiritual and moral values and socially accepted rules and norms of behavior in the interests of a person, family, society and the state. In fact, today, schools are engaged in the provision of educational services, and not in anything else.

An interesting fact is that the Federal State Educational Standard for General Education mentions more than 10 times the word "upbringing". However, this word is mentioned mainly in the context of patriotic upbringing, spiritual and moral upbringing, civic upbringing, aesthetic upbringing, physical upbringing, labor upbringing, environmental upbringing. And there is not a single mention of family upbringing.

This is due to the fact that the current educational standard is applied to pupils in grades 5-8 and does not provide for the acquisition of relevant knowledge due to the young age of the rising generation. The foundations of family upbringing and awareness of the adoption of family values are laid down only in high school, i.e. for those who plan to enroll in higher education in the future and not to only complete their studies in grade 9.

But, as the study conducted by the authors showed, many new mothers convicted of killing their newborns had complete or incomplete secondary vocational education received by students after grade 9. And there were cases when such subjects of crime even had an incomplete general (school) education. Therefore, these individuals were not able to fully obtain relevant information and learn the basics of family upbringing (not to mention legal education), which predetermined their subsequent criminal attitude to their newborn babies. Moreover, in the framework of secondary vocational education for those studying in college, there are no educational disciplines or special courses on the inculcation and development of family values. Therefore, among people with higher education, the percentage of neonaticide tends to zero, while among people with school or secondary special education it is 99.5%.

In this regard, it is proposed (in addition to the disciplines of the basics of family education in general and secondary vocational education

systems) to introduce additional courses on criminal liability for the killing of newborn children. Considering that the existing mass media within the framework of television and the Internet, from which the majority of the younger generation draws information, are not entirely interested in the prevention of violent crimes, we can have high hopes for special courses or classes that could be held among students 9-11 classes, especially if these classes are to be done off-site, that is in various urban and rural settlements. Such mobility is necessary if these courses will be taught by university teachers and practitioners working in law enforcement. And the geography of the classes should include educational institutions not only of large urban settlements, but also of remote rural settlements, in order to cover those areas where the presence of representatives of science, government authorities and law enforcement agencies is poorly expressed.

The implementation of the Federal Program for the Preventing and Combating Crime in the Russian Regions, which would allow to prevent the commission of such violence on newborns should be an important tool for preventing neonaticide in urban and rural settlements of Russia. However, at the moment, there is no such federal criminological program, which only exacerbates the current situation and contributes to the growth of violent crime

In Russia, there is another legal instrument that exists in various regions and represents the so-called social code that provides for various elements of support to citizens, families, minors and children left without parental care [20, p. 65-84]. Such social and legal acts at the regional level could be effective in the prevention of neonaticide and philicide, provided that they include appropriate mechanisms for the prevention of killing of newborns and the provision of preventive care for pregnant women, and especially for those living in remote urban and rural settlements, and lacking quality access to medical and social services.

Indeed, today, the solution to the task of preventing violent crimes has been shifted to the regional and municipal levels, which in turn does not adequately prevent the killing of newborns throughout Russia. Moreover, regional and municipal programs do not contain high-quality and necessary measures to prevent such crimes. And the proposed work of child protection inspectors is aimed mainly at minors and at families where children grow up, and not at those families where a child is planned to be born.

At the moment, instead of the missing federal target program, other programs and projects are being implemented through the Ministry of Health of the Russian Federation aimed at developing perinatal centers in the regions of Russia, for example, the Program on developing perinatal centers in the Russian Federation and improving the organization of medical care for newborns [21]. In particular, these documents suggest "providing patients, including those living in rural areas and remote areas, if clinically indicated, with medical care in the conditions of a three-level system in perinatal centers" [23]. There is also a project "Ensuring the timely provision of emergency medical care to citizens living in remote areas of the Russian Federation" [22], which involves the development of air ambulance for medical assistance and medical evacuation of patients living in remote and inaccessible areas and regions of our country.

But it is worth repeating that many expectant and new mothers try to hide the fact of pregnancy and childbirth from unauthorized persons, and especially from employees of medical institutions due to unwillingness to have a child or because of fear of conviction of relatives and close people.

CONCLUSION

Summing up the conducted study, the following relevant points can be distinguished:

Compared with the studied foreign countries, in the Russian Federation there are significantly more murders of newborn children by mothers, and this indicator is significantly higher than in Europe.

Most of the crimes related to the killing by a mother of her newborn child were recorded mostly in Central Russia, the North Caucasus, the Middle Ural, and the south of Western Siberia. Basically, these criminal acts were committed in historically developed areas, industrial areas and in areas with a high population density.

Neonaticide was predominantly recorded in regions with low wages, and the lower the income of the population, the more often neonaticide was recorded in certain poor regions. Judicial practice materials also confirmed the fact that the difficult financial situation and the inability to feed their offspring pushed mothers to kill their newborn children.

As for existing "baby boxes" for saving newborn babies, although they do not allow combatting the root causes of neonaticide, but at least they allow babies to save their lives. And they cannot be underestimated due to the low frequency of their use. One of the reasons for the mass killing of newborns is The lack of an established system of legal and family upbringing of the younger generation, especially in the secondary education system, since such courses are taught by students only in the upper grades of general educational institutions and only by those who remain for further admission to higher education institutions. The various social programs, regulations and projects existing in Russia are not able to fully resist the massive spread of neonaticide due to the lack of an effective measure of exhortation among expectant mothers, especially among those who live in urban and rural settlements far from the center and who do not have access to necessary knowledge and information about the consequences of committing the murder of a newborn child.

The following can be noted as measures for the prevention of neonaticide:

It should be recognized as effective the use of such powers of child protection inspectors as conducting mass campaigns among the population on the issues of raising children and legal protection of childhood in the form of conversations, consultations. clarifications of the legislation, and press statements regarding future mothers and on criminal liability for the murder of newborn babies, on the inadmissibility of a negative attitude towards children, on the need for raising children regardless of the level of material wellbeing.

It should be recognized as appropriate to organize and conduct small mobile lecture courses for the younger generation in remote urban and rural settlements in order to prevent them from committing crimes related to the murder of a newborn child. Moreover, to implement such courses, it is preferable to involve not only law enforcement officers, but also representatives of higher educational institutions who are specialists in the field of criminal law, criminal procedure and criminology.

It should be recognized that it is necessary to develop a federal targeted program aimed at developing and applying legal instruments for the prevention of neonaticide, filicide, infanticide in urban and rural settlements of Russia, including the regions of the Ural, Siberia and the Far East. Moreover, it would be wiser to combine a similar target program with other federal programs aimed at the sustainable intellectual development of the population and at increasing their material wellbeing.

It should be recognized as urgent the further spread of the "baby box" system throughout the Russian Federation, even despite its poor effectiveness. Their significance will increase significantly if such "cradles of life" are placed precisely in those regions and in those district centers where the murder by the mother of her newborn child is most often recorded: Perm Krai, Irkutsk Oblast, Vladimir Oblast, Krasnoyarsk Krai, Udmurt Republic, Volgograd Oblast, Altai Krai.

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REFERENCES

- 1. Antonyan Yu.M., Goncharova M.V., Kurguzkina E.B. (2018). Ubiystvo mater'yu novorozhdennogo rebenka: ugolovno-pravovye i kriminologicheskie problem [Killing by a mother of a newborn child: criminal law and criminological problems]. *Lex russica*. No.3. P. 94-114.
- Bagmet A.M., Troshchanovich A.V. (2014) K voprosu ob otvetstvennosti za prestuplenie, predusmotrennoe st. 106 UK RF [On the issue of liability for a crime under Art. 106 of the Criminal Code]. Rossiyskiy sledovatel'. No.11. P. 18-20.
- 3. Bavsun M., Popov, P. (2009). Problemy kvalifikatsii ubiystva vo vremya rodov [Problems of qualification of murder during childbirth]. *Ugolovnoye pravo*, No.3.
- Claudia M. Klier & Sabine Amon & Hanna Putkonen & Paula Fernandez Arias & Ghitta Weizmann-Henelius (2019) Repeated neonaticide: differences and similarities to single neonaticide events. Archives of Women's Mental Health. 22: 159-164.
- 5. Convention for the Protection of Human Rights and Fundamental Freedoms (Concluded in Rome 04.11.1950) // Meeting of the legislation of the Russian Federation, 08.01.2001, No.2, Art. 163
- Dyadyun K.V. (2013) Ubiystvo mater'yu novorozhdennogo rebenka: voprosy ob"ektivnoy storony sostava [Killing by a mother of a newborn child: questions of the objective side of the components of crime]. Advokat. 2013. No.11.
- 7. Dyadyun K.V. (2017) K voprosu o sub"ekte prestupleniya, predusmotrennogo st. 106 UK RF [On the subject of the crime under Art. 106 of the Criminal Code]. *Rossiyskiy sledovatel'*. No.23. P. 37-40.
- 8. Ezhemesyachno roditeli v gorodakh-millionnikakh tratyat na detey 47 mlrd rub [Monthly parents in millionaire cities spend 47 billion rubles on children] (May 30, 2013). Website of the Vedomosti online version. URL: https://www.vedomosti.ru/business/articles/2013/05/30/ nedetskie_milliardy (date of access: 31.08.2019).
- 9. Friedman, Cavney J., & Resnick, P. J. (2012) Mothers Who Kill: Evolutionary Underpinnings and Infanticide Law. *Behavioral Sciences and the Law*, 30: 585-597.
- 10. Friedman, S. H., Horwitz, S. M., & Resnick, P. J. (2005). Child murder by mothers: a critical analysis of the current state of knowledge and a

- research agenda. *The American Journal of Psychiatry*, 162, 1578-1587.
- 11. Gheorghe A., Banner J., Stolborg U., Lynnerup N. (2011) Abandonment of newborn infants: a Danish forensic medical survey 1997-2008. *Forensic Sci Med Pathol*, 7: 317-321.
- 12. Joy Lynn Shelton & Tracey Corey & William H. Donaldson & Emily Hemberger Dennison (2011). Neonaticide: A Comprehensive Review of Investigative and Pathologic Aspects of 55 Cases. *J Fam Viol.* 26: 263-276.
- 13. Kapinus O.S., Dodonov V.N. (2008). Ubiystvo mater'yu novorozhdennogo rebenka v sovremennom ugolovnom prave: otechestvennyy i zarubezhnyy opyt [Killing by a mother of a newborn child in modern criminal law: domestic and foreign experience]. *Modern criminal law in Russia and abroad: some problems of liability: Collection of articles.* M.: Bukvoved. P. 231-242.
- 14. Karlov V.P. (2011). Problemy kvalifikatsii pri ubiystve mater'yu novorozhdennogo rebenka, sovershennom v souchastii s drugim litsom [Qualification problems of the killing by a mother of a newborn child committed in complicity with another person]. *Rossiyskiy sledovatel'*. No.7. P. 19-22.
- 15. Kondrashova M.A. (2016). Institut «bebiboksov» dlya novorozhdennykh kak odin iz sposobov osushchestvleniya semeynykh prav i ispolneniya obyazannostey [The institute of "baby boxes" for newborns as one of the ways to exercise family rights and obligations]. *Bulletin of the Saratov State Law Academy*. No. 3 (110). P. 67-70.
- 16. Kovalevsky V.I. (2015) «Yashchik dlya rebenka», ili Nekotorye aspekty realizatsii v Rossii proekta «bebi-boks» ["A box for a child", or Some aspects of the implementation of the "baby box" project in Russia]. *Sovremennoye pravo*. No.10. P. 75-78.
- 17. Lysak N.V. (2008). Nekotorye spornye voprosy kvalifikatsii ubiystva mater'yu novorozhdennogo rebenka [Some controversial issues regarding the qualification of a murder by a mother of a newborn child]. *Rossiyskiy sledovatel'*. No.18.
- 18. Mama dorogaya! Skol'ko stoit vyrastit' rebenka v Rossii: po sledam odnoy infografiki [Mom, dear! How much does it cost to raise a child in Russia: in the wake of one infographic] (09/29/2017). *Banki.ru website*. URL: https://www.banki.ru/news/daytheme/?id=1 0032879 (accessed 31.11.2019).
- 19. Margaret Ryznar. (2013) A Crime of Its Own? A Proposal for Achieving Greater Sentencing Consistency in Neonaticide and Infanticide Cases. *University of San Francisco Law Review*. Vol 47. P. 459-485.

- 20. Narutto S.V. (2017) The problems of determining the competence of the subjects of the Russian Federation in the field of family protection. *Pravoprimeneniye*. 2017, vol. 1, No. 2, pp. 65-84.
- 21. Order of the Government of the Russian Federation dated December 9, 2013 No. 2302-r (as amended on December 28, 2016) "On Approving the Program for the Development of Perinatal Centers in the Russian Federation". Collected Legislation of the Russian Federation, December 16, 2013, No.50, art. 6641.
- 22. Passport of the priority project "Ensuring the timeliness of emergency medical assistance to citizens living in hard-to-reach areas of the Russian Federation" (approved by the Presidium of the Presidential Council for Strategic Development and Priority Projects, Minutes No. 9 of October 25, 2016) // This document has not been officially published.
- 23. Passport of the priority project "Improving the organization of medical care for newborns and women during pregnancy and after childbirth, including, inter alia, developing a network of perinatal centers in the Russian Federation" (approved by the Presidium of the Presidential Council for Strategic Development and Priority Projects, Minutes dated 10/25/2016 No. 9) // This document has not been officially published.
- 24. Pomnina S.N. (2017) Otvetstvennost' za ubiystvo mater'yu novorozhdennogo rebenka: voprosy teorii i praktiki [Responsibility for the killing by a mother of a newborn child: questions of theory and practice]. *Probely v rossiyskom zakonodatel'stve*. 2017. No.6. P.240-244.
- 25. Sabine Amon & Hanna Putkonen & Ghitta Weizmann-Henelius & Maria P. Almiron & Anton K. Formann & Martin Voracek & Markku Eronen & Jenny Yourstone & Max Friedrich & Claudia M. Klier (2012) Potential predictors in neonaticide:

- the impact of the circumstances of pregnancy. *Arch Womens Ment Health*, 15: 167–174.
- 26. Sharapov R. (2012). Ugolovno-pravovoe znachenie yuridicheskogo opredeleniya momenta rozhdeniya rebenka [Criminal value of the legal determination of the time of birth of a child]. *Ugolovnoye pravo*. No.3. P. 75-78.
- 27. The Convention on the Rights of the Child (approved by the UN General Assembly on November 20, 1989) // Collection of international treaties of the USSR, No. XLVI, 1993.
- 28. The verdict of the Irkutsk District Court of the Irkutsk Oblast of July 20, 2018 in the criminal case No.1-361/2018. *Site of judicial and regulatory acts Sudact.ru*. URL: https://sudact.ru/regular/doc (date of access: 29.12.2019).
- 29. The verdict of the Leninsky District Court of the city of Grozny of the Chechen Republic of February 3, 2017 in criminal case No.1-24/2017. *Site of judicial and regulatory acts Sudact.ru*. URL: https://sudact.ru/regular/doc (date of access: 18.12.2019).
- 30. The verdict of the Tulunsky district court of the Irkutsk region of 10.11.2016, in the criminal case No.1-289/2016. *Site of judicial and regulatory acts Sudact.ru*. URL: https://sudact.ru/regular/doc (date of access: 19.12.2019).
- 31. Ustinova N.V. (2015) Mezhdunarodnyy opyt profilaktiki zhestokogo obrashcheniya s novorozhdennymi det'mi [International experience in the prevention of abuse of newborns]. *Rossiyskiy pediatricheskiy zhurnal*. No.1. P. 55-60.
- 32. Zhivodrova N.A., Bezrukov A.V., Abramova E.A. (2018) Problems of qualification of murder by other of a newborn baby and possible solutions. *Elektronnyy nauchnyy zhurnal "Nauka. Obshchestvo. Gosudarstvo"*, vol. 6, No.1.