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Place where neonaticide was committed as a feature of the objective side of the crime

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Abstract. Is devoted to the study of the place of the murder by the mother of a newborn child as a feature of the objective side of the crime. The paper provides a detailed analysis of the crime scene from the legal, criminological and geographical points of view. Consider separately the place of birth of the child, the place of the murder of the newborn, the places of burial and the discovery of the body of the neonate. Text analysis of court decisions in criminal cases incriminated under Article 106 of the Criminal Code of the Russian Federation is used as the main method of scientific research. Statistical and geographical methods contribute to study the data on crimes under Article 106 of the Criminal Code, as well as comparative-legal method is used in the study of the act from a criminal law point of view. Conclude that most frequent cases of newborns murder are committed by mothers in regions of Russia with high population density – most often in Central Russia, the North Caucasus, the Volga region, the Kama region and Southern Siberia. In almost half of the cases, this crime is committed in rural settlements. The research shows certain consistency between the high number of committed crimes related to the murder of a newborn child by a mother, the level of income of the population and the level of socio-economic development of the regions. Most often, the place of committing the above acts is a dwelling (house, apartment and bathrooms in them), about 1/4 of the crimes are committed in the yard and/or outbuildings located in it. The authors distinguish separately the places where the bodies of murdered neonates are found, since the place of the crime and the place where the corpse of an infant is found differ due to the desire of recently delivered women to conceal the fact of murdering. Apart from the house, the most common places a newborn corpse is found are garbage dumps, containers and garbage cans, as well as pit latrines and abandoned places in the street.

Key words: neonaticide, newborn, objective side, place, crime, infanticide, Russian Federation, court

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Место совершения неонатцида как признак объективной стороны преступления

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Аннотация. Изучаются места совершения убийства матерью новорожденного ребенка как признака объективной стороны преступления. Дается детальный анализ места совершения преступления с уголовно-правовой, криминологической и географической точек зрения. Рассматривается отдельно место рождения ребенка, место совершения убийства новорожденного, места захоронения и обнаружения тела новорожденного. Основным методом научного исследования – анализ текстов судебных решений по уголовным делам, инкриминируемым по ст. 106 Уголовного кодекса Российской Федерации. Дополнительные методы научного исследования – статистический и географический методы при изучении данных о преступлениях, предусмотренных ст. 106 УК РФ, а также сравнительно-правовой метод при исследовании данного деяния с уголовно-правовой точки зрения. Авторы пришли к выводу, что чаще всего убийство новорожденных детей совершалось матерями в регионах России, где наблюдается высокая плотность населения – чаще всего это Центральная часть России, Северный Кавказ, Поволжье, Прикамье и Юг Сибири. Практически в половине случаев данное преступление совершалось в сельских поселениях. Обусловлено тем, что между высоким числом совершенного преступления, связанного с убийством матерью новорожденного ребенка, уровнем дохода населения и уровнем социально-экономического развития регионов прослеживается определенная относительно прямая закономерность. Чаще всего местом совершения вышеуказанных деяний являлось жилище (дом, квартира и ванные комнаты в них), около 1/4 преступлений совершались во дворе или в расположенных в нем дворовых и хозяйственных постройках. Отдельно выделяются места обнаружения тел убитых новорожденных, так как место совершения преступления и место обнаружения трупа младенца отличаются ввиду желания рожениц сокрыть факт убийства новорожденных. Самым частым местом обнаружения трупа новорожденного помимо дома были мусорные свалки, контейнеры и мусорные баки, а равно выгребные ямы уличных туалетов и заброшенные места на улице.

Ключевые слова: неонатцид, новорожденный, объективная сторона, место, преступление, детоубийство, Российская Федерация, суд

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Introduction

Murder of a newborn by a mother under Article 106 of the Russian Criminal Code seems to be quite frequent. Every year, several dozens of criminal cases related to murdering infants are recorded. Such criminal phenomenon has been repeatedly investigated by legal scholars in the field of criminal law and criminology, both in Russia (Dyadyun, 2020:37–40; Kapinus & Dodonov, 2008:231–242) and abroad (Friedman & Resnick, 2012:585–597; Klier, Amon, Putkonen, Arias & Weizmann-Henelius, 2019:159–164; Shelton, Corey, Donaldson & Dennison 2011: 263–276).

As a rule, the crime scene is an optional element of the objective side of an offence and is taken into account only if that is expressly specified in the disposition of the norms of the Special Part of the Criminal Code. Article 106 does not contain any direct references to that element of the crime, and focuses on the time of its committing and psychotraumatic situation, defining those as mandatory features of the objective side of the crime.

Nevertheless, there is every reason to believe that the neonaticide scene cannot be overlooked by the law enforcement bodies and requires close attention. Establishing the exact accident scene is not only necessary to find the evidence, but also to verify the suspect's testimony, search for attestors and eyewitnesses, and to verify an alibi (Muslimova, 2008). As some scholars argue, recording regional specifics is of greater practical importance for crime prevention and detection than the non-spatial approach, as it allows to specify and optimize this activity (Vereshchagina, 2016:109–112).

Moreover, the analysis of the crime scene allows establishing both the elements of the objective and subjective sides of the crime due to inseparable connection between the internal and the external in human behavior, therefore, by examining the traces left by the offender, it is possible to get an insight about the internal psychological processes that characterize the committed offence.

The main research method is the analysis of judicial acts (texts of court decisions on criminal cases under Article 106 of the RF Criminal Code). The empirical base comprises 160 texts of judgments issued by the courts of first instance between 2011 and 2020 on the crimes qualified under Article 106. Statistical and geographical methods, as

additional research instruments, were applied to study the data on the crimes under Article 106, and comparative legal method was used to analyze such offence from the criminal law point of view.

In recent years the number of persons convicted under Article 106 of the Criminal Code has slightly decreased: while in 2018, 33 women were convicted for murder of their newborns, by 2021 their number went down to 25. In 2022, 24 women were convicted under this article of the Criminal Code. Judging by the ongoing trend, the number of neonates murdered by their biological mothers does not tend to decrease dramatically. To date, the figures have been “plateauing” and now demonstrate stabilization of the crime type under study.

Generally, the number of women who murdered their newborns makes 3.5% of the overall number of female murderers. The crime rate is low, but behind those figures are the lost lives of infants; over the past five years, 137 newborns were murdered by their mothers (on average, each convicted mother killed one infant). Murders of two or more newborns by their mothers have not been registered recently by the law enforcement bodies.

It should be borne in mind that it is impossible to establish all the facts of murder of newborns by their mothers due to rather high latency of the crime. And as scientists noted in this regard, there exist various factors that contribute to the concealment of such crime: "First, mothers keep their pregnancy a secret as they are psychologically determined to get rid of the fetus upon its birth. Second, they do not register for pregnancy in medical institutions, and the newborns remain unreported and unregistered either in medical institutions or civil registration offices. Third, after killing the newborn, its corpse may be hidden" (Bagmet & Skobelin, 2015:49–53).

The concept of neonaticide

The issue of criminal liability of mothers for killing their newborns has been repeatedly considered by various scientists and practitioners. And this criminal phenomenon has been equally studied by both Russian and foreign scholars thanks to whom the legal term "neonaticide" was introduced.

It is noteworthy that neonaticide has been studied by foreign scientists for quite a long period of time. As early as in the 1960s, the first research papers were published confirming that killing of the newborns was caused by economic hardships in the family or malformation in babies (Shelton, Corey, Donaldson & Dennison, 2011:263–276).

Foreign researchers classify killing of a newborn by the mother into several types, depending on the age of the newborn murdered. They identify three categories of such murders:

Filicide is a general term referring to the actions of a parent killing his or her child. Filicide covers subcategories of newborns and infants, distinguished by the age of the child victim. Neonaticide is the killing of a newborn within the first day of life while infanticide is most commonly defined as the killing of an infant at any time during the first year of life (Friedman, Horwitz & Resnick, 2005:1578–1587). Infanticide is also a general term applied to killing children by any subject of a crime (Friedman, Cavney & Resnick, 2012:585–597).

Therefore, it is more reasonable and expedient to call infanticide in this study a neonaticide, since in Russia, in 99% of cases mothers killed their newborns during the first day of their lives, subject to a reservation that this term in the national science of criminal law should also be extended to the newborns under one lunar month (28 calendar days).

This is why we propose introducing the following concept of neonaticide as applied to the Russian legal system. Neonaticide should be understood as a criminal act of murdering a newborn baby by the mother from the beginning of delivery until it reaches the age of 28 days, committed in a psychotraumatic situation or in a state of mental disorder that does not exclude sanity. All other cases of killing newborns should be classified as child murder.

Criminal Characteristics of the Murder of a Neonate by Mother (Article 106 of the RF Criminal Code)

The criminal legal norm under review actually comprises three essential elements of the crime: 1) Murder by the mother of a newborn during labor; 2) Murder by the mother of a newborn immediately after delivery; 3) Murder by the mother of a newborn baby (in the absence of evidence of the first two offenses) in a psychotraumatic situation or in a state of mental disorder that does not exclude sanity.

The object of criminal legal protection in the criminal norm under study is the life of a newborn baby. Moreover, when it comes to the murder of a neonate during labor, we can only refer to protection of the victim's right to life. The criminal law protects a baby's life from the beginning of its independent life activities.

The time characteristics in Article 106 of the RF Criminal Code affect the criminal assessment of infanticide. Killing a newborn during labor refers to the period from the beginning of the baby expulsion from the mother's body when she gets an opportunity to influence it, until the birth of the placenta. According to A.N. Popov whose opinion we share, killing immediately after delivery is the period within four hours after the birth of the placenta (Popov, 2001)¹. Substantiating his position, the author relied on medical science stating that the early postpartum period ends after four hours. As for the age limit for a baby to be deemed a newborn, all authors take "pediatric" criteria as basic, but not "obstetric" or "forensic"; however, the opinions concerning the age of the child differ. Some authors argue that this should be a baby under one month of age (Antonyan, Goncharova & Kurguzkina, 2018:94–114), others refer to infants up to 28 full days of age. Order of the Ministry of Health and Social Development of Russia No. 409n dated 01.06.2010, established that the rules of neonatological medical care (medical care for neonates) apply to the period from birth to 28 full days of a baby's life. However, this document lost its force upon publication of Order No. 921n of the Russian Ministry of Health dated 15.11.2012, with no reference to "pediatric" criterion of a newborn's age. The analysis of other normative legal acts allows concluding that this criterion is not included into the current

¹ It should be noted that in 2021 a study guide was published specifically on the contents of Article 106 of the RF Criminal Code, where the author, upon analyzing the views of various scholars on the issue, generally shared the above position. For more detail see: (Popov, 2021:51).

Russian legislation. Our survey of pediatricians showed that when determining the maximum age of a newborn they are guided by the WHO recommendations describing a newborn infant as a 3- or 4-week-old baby. In our opinion, the criterion of a child's newborn period should be fixed in the note to Article 106 of the Criminal Code and it may read as follows: “By a newborn this Article means a baby under the age of 28 full days”.

The objective side of this crime is defined as any action or inaction connected with the biological death of a newborn baby. According to Russian researchers, such murders are most often committed by strangulation (40.7%), leaving a baby in a helpless state (25.9%), and by drowning (14.8%) (Pchelkina & Malysheva, 2019:63-66). The greater social danger, in our opinion, is represented by special recidivism, i.e., committing another murder of a newborn by a mother with a previous criminal record for a similar crime or a previous conviction for murdering a minor (qualified under Article 106 of the Criminal Code). Although this is a very rare crime, the analysis of forensic statistics shows that, on average, one infanticide, committed by a woman previously convicted under Article 106 of the Criminal Code, is recorded annually. Therefore, we believe that the absence of such qualifying feature in Article 106 is a deficiency of the Russian criminal law that should be rectified.

It is also appropriate to consider the murder of two or more newborns as a *qualified corpus delicti*. All the more so as such cases have been encountered in judicial practice.

For example, back in 2011, B., being alone in the bathroom, gave birth to a live female baby whom she immediately strangled by winding a sock around her neck. After that her labor progressed and B. delivered a second live baby of unidentified sex, whom she also strangled in a similar manner². The investigation classified those criminal acts as two separate offences under Article 106 of the Criminal Code and cumulatively, she was sentenced to three years and four months of imprisonment to be served in a penal colony.

Additionally, as part of improving the norms that establish liability for neonaticide, criminal liability may be introduced for mothers causing intended severe or moderate bodily harm to a newborn, if the elements of crime specified in Article 106 of the RF Criminal Code are in place. The logic behind introducing that component in the Special Part of the Criminal Code is that acting with indeterminate or alternative intent the mother of a newborn may cause the victim both death and harm to health. If in the case of intended death, the actions of the perpetrator may be qualified under Article 106 of the Criminal Code, in the case of infliction of serious harm to health they may be qualified under Article 111 of the Criminal Code, i.e., she will be criminally liable on general grounds.

Thus, it is appropriate to add Article 113.1 to the Criminal Code that would establish criminal liability for inflicting moderate or severe harm to health to a neonate by its mother during labor, immediately after delivery or in a psychotraumatic

² Judgment sustained by the Yasnogorsk District Court of the Tula Oblast on August 8, 2011. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc/1am3VcfcOUNX/> [Accessed 30th October 2022].

situation. However, this issue requires separate research and is beyond the scope of this article.

Regarding the subject of this crime, it should be noted that historically, in domestic scientific and educational publications, it has been the mother of a newborn, who has reached the age of 16 (Pimakova & Kolesova, 2019:51–55). However, we believe that the issue requires clarification in case of surrogacy. When a newborn is killed during labor or immediately after the delivery, the childbirth can only be considered a psychotraumatic situation for the woman who gave birth to that baby. The biological mother of the baby may only be the subject of that crime if another psychotraumatic situation is in place, or a mental disorder that does not exclude sanity. When a newborn is killed by its mother who is under 18 years of age, she should be checked for mental retardation unrelated to a mental disorder, and if such condition is determined, exempting her from criminal responsibility should be considered under Article 20.3 of the Criminal Code (age-related insanity).

Speaking briefly about the subjective side of this crime, it should be noted that this offence may be committed with both direct and indirect intent. Our study of criminal cases shows that only 25% of such murders are committed with indirect intent, all the rest (75%) were committed with direct intent. There is an opinion among Russian scholars that all murders of neonates, including those committed by the mothers, should be qualified under part 2 of Article 105 of the RF Criminal Code (Khatuev, 2019:83-95). In our opinion, it is not quite correct since in a psychotraumatic situation or mental disorder that does not exclude sanity even a murder with direct intent that arose after the delivery should be qualified under Article 106 of the Criminal Code. However, if the direct premeditated intent to kill a newborn arose in a pregnant woman before the delivery, this means that it was pre-formed and is not directly related to the childbirth and subsequent psychologically traumatic situations or mental disorders. Therefore, such murders should be qualified under part 2 of Article 105 of the Criminal Code. This issue could be reflected in the Resolution of the Plenum of the Supreme Court of the Russian Federation on this category of criminal cases, but there is no such Resolution available, which is, in our opinion, a serious shortcoming of the Russian judicial practice in terms of official judicial interpretation of the peculiarities of applying Article 106 of the Russian Criminal Code.

It should be noted that back in the 30-s of the previous century, the statutory acts of the Soviet state did not consider life hardships of the perpetrator of infanticide a mitigating circumstance (Piontkovsky, 1938:29).

Further in the research we should dwell in more detail on the analysis of such feature of the objective side of neonaticide as the scene of the crime, investigating its peculiarities not only from the legal but also from the geographical point of view. Although in terms of criminal law characteristics of the offence, the crime scene under Article 106 of the Criminal Code is not an attribute of the objective aspect of the crime affecting the qualification of the deed but, objectively speaking, in certain cases it plays a key role, especially in the investigation (Komarov & Parubov, 2021 a, b) and activities aiming at detecting and preventing such criminal acts (Abdulvaliev, Morozov & Pavlenko, 2020:75-85). The latter is one of the tasks of criminal law as stipulated by Article 2 of the Criminal Code. Moreover, the characteristic of that crime scene and the

place of concealment of a newborn's corpse affect the establishment of subjective orientation of the acts of the perpetrator.

Geography of neonates' murders by mothers in Russia

The geography of crime scenes, by region, as a legal phenomenon, has rarely been a core topic of academic legal research, including in criminology. However, it seems interesting to find out where mothers most often kill their newborn babies and what the reasons behind it are.

The research allows establishing a correlation between the neonaticide crime scene and population density in Russia, by region. Most crimes were committed in southern and central Russia, in a zone of favorable climatic conditions with relatively high population density. At the same time, in several Russian regions with low population density, an insignificant number of crimes related to murder of a newborn by a mother have been detected and brought to trial. Moreover, there are regions where no such crimes were officially recorded in the period from 2011 to 2020, or their number is negligent. For example, those regions include the Republic of Kalmykia, the Republic of Karelia, Murmansk Oblast, Nenets Autonomous Okrug, Yamalo-Nenets Autonomous Okrug, Khanty-Mansi Autonomous Okrug – Yugra, Chukotka Autonomous Okrug and others. This is due to the fact that the above regions are sparsely populated, therefore the probability of murders committed by mothers of newborn babies is low. The high latency of those crimes cannot be ruled out either; the thing is that there is not any reliably recorded information about such acts with the preliminary investigation authorities.

A large “concentration” of neonaticide crime scenes is observed in the North Caucasus (Makhmudova, 2007), the Volga Region, the Middle Urals, and central Russia, from Belgorod to Vologda³.

Beyond the Urals, the region with the highest neonaticide rate is Kuzbass with adjacent areas and other centers are Primorye and Khabarovsk Krai. However, the number of detected offences related to the murder of newborns by their mothers in Siberia and in the Far East is much lower than in the European part of Russia.

The research allows identifying the regions where criminal cases under Article 106 of the Criminal Code were most often recorded, investigated and prosecuted. Those are: Vladimir Oblast, Irkutsk Oblast, Krasnodar Krai, Krasnoyarsk Krai, Perm Krai, and Udmurt Republic. What is significant about the latter in terms of criminal law, is that in the city of Sarapul located there at least three criminal cases under Article 106 of the Criminal Code were brought to court between 2012 and 2015. Such regularity of neonaticide in the same location is a rare phenomenon that requires additional academic investigation.

³ It should be noted that the religious aspect does not always deter parents from infanticide. Though the main monotheistic religions prohibit murdering children, in those regions of the Russian Federation where religious beliefs and traditions are strong, murders of newborn babies by their mothers were recorded multiple times.

Therefore, there is every reason to assume that apart from geographic conditions, there are others that directly or indirectly influence the development and perpetration of neonaticide. To this end, it is worth examining such phenomenon from socio-economic and regional perspective. First, it is necessary to understand how the neonaticide locations are correlated from the urban point of view. After all, those crimes were committed not only in large cities and regional centers, but also in small towns and remote rural settlements.

The research shows that in 24% of cases the crime was committed by women in administrative centers of the Russian regions, i.e., in regional centers, in 36.4% of cases – in rural settlements (in the countryside), and in 39.5% of cases – in large cities and small towns of the Russian Federation.

A relatively high percentage of crimes committed in rural settlements is determined by several objective and subjective factors. The objective factors comprise underdeveloped sanitary and housing conditions, lack of adequate social support, lack of access to certain health care services, remoteness of many rural settlements from major regional centers, etc. Subjective factors include poor upbringing, education and culture, troubled family, negative attitude of fellow villagers and relatives, etc.

The rest of the crimes related to the murder of a newborn by the mother were committed in urban settlements (more than 1/3) other than regional centers. An interesting fact is that crimes under Article 106 of the Criminal Code were also committed in cities with the population exceeding one million. At least eight criminal cases of neonaticide committed in those cities were brought to trial. Two crimes were committed in Moscow. As the study shows, they were committed by the women who had come to the capital to work and had made casual acquaintances with males there. One of the women gave birth to her child right in the street behind the litter bins because she did not have enough time to reach home. She left her baby there to die for fear of publicity and negative reaction from relatives. And the abandoned newborn died at the scene from general body hypothermia⁴.

Another factor in committing such crimes either in urban or rural settlements is related to the standard of living and low incomes of the population. The low subsistence minimum established for the population also plays an important role.

If we do not consider the cities of federal significance, it can be noted that most of those crimes were committed in the regions with medium and low subsistence level. With certain reservations, most of the new mothers who murdered their newborns lived below the poverty line. This can be confirmed by the fact that economic hardship was often the motive of the defendant, and in certain cases it was recognized by the court as a psychotraumatic situation.

It becomes evident that low income, financial hardships of the people including recently delivered women, who realize that they are unable to support the baby, especially if the family already has two or three children, explain the high rate of neonaticide in the aforementioned regions.

⁴ Judgment of the Solntsevsky District Court of Moscow in case No. 1-270/2013 dated October 2, 2013. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 30th October 2022].

Thus, we can assert that there is a certain correlation between the high number of crimes related to murdering newborns by their mothers, the income level of the population and the level of socio-economic development of the regions. However, this is not the only factor that predetermines the murder of neonates by their mothers.

Place of birth and location of neonate's murder scene

In addition to the geographical location of the crime scene, there are other categories of locations of direct relevance to criminal law and criminology. In this context we will focus on the place of a newborn baby's birth and the place of its murder by its natural mother.

As the research shows, the place of birth and the location of newborn's murder scene are generally the same. Yet, there are cases where the place of birth of a newborn infant and the location of its murder scene differed (3% of all crimes studied by the authors). Most often new mothers killed their babies at home (56.66%), about 1/4 of the crimes were committed in the yard or household buildings located there (26.66%). Nevertheless, in the future it is more appropriate to speak about the same location of the birthplace and murder scene of the newborn.

In light of this, newborn's birth and murder locations can be classified into five conditional groups: dwelling, yard and household buildings, open countryside, work, others. Notably, group 'others' contains rare and unusual crime scenes. These include: a hospital (maternity hospital), a summer shower, a garden house, a farm, a village stadium⁵, etc.

In 2017, the Verkhnebureinsky District Court of Khabarovsk Krai tried a criminal case for committing an offence under Article 106 of the Criminal Code. Defendant V. went into labor in a moving train, went to the toilet of the car where she gave birth to a premature baby and then killed it, by flushing it down the toilet⁶.

In their paper, Y.M. Antonyan, M.V. Goncharova, and E.B. Kurguzkina give somewhat different figures noting that 27% of cases the location of the crime scene involved an apartment, 21% – a dormitory, 13% – a backyard toilet, 12% – a private house, 12% – a street, 9% – a barn, and 6% – a vegetable garden (Antonyan, Goncharova & Kurguzkina, 2018:94-114). That variance is primarily explained by different methodological approaches to the study of neonaticide in Russia. Recalculation of those figures results in similar numbers. The authors agree with the position of domestic scholars that most often the murders of newborns were committed in a dwelling, exactly where the perpetrator herself resided (Makhmudova, 2007).

⁵ Judgment of Zaigrayevsky District Court of Zabaikalsky Krai in criminal case No.1/25-2015 dated 27.01.2015 // Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 19th November 2022].

⁶ Judgment of Verkhnebureinsky District Court of Khabarovsk Krai in criminal case No.1-129/2017 dated 27.02.2017. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 19th November 2022].

Meanwhile, cases were identified of mothers giving birth and killing their newborn children directly in the street or outside the residential area of the settlement (8.66%). In two cases it was a municipal dump⁷, the street itself or adjacent areas, or places near rivers and other water bodies⁸. In the latter case, the baby was not drowned in the river, but was left nearby, where it died of hypothermia.

The choice of such unusual environmental places is primarily explained by the desire of a woman to hide the fact of childbirth from any third parties, first of all from relatives and neighbors, and secondly, from other persons and casual passers-by, so that none of them could subsequently report it to law enforcement agencies. At the same time, there have been situations in judicial practice when the labor contractions began outside the house thus predetermining the delivery in the street.

Thus, in 2018, the Irkutsk District Court considered a criminal case against V. for committing a crime under Article 106 of the Criminal Code. As the investigation established, the defendant had premature contractions right in the street. Realizing that labor was about to begin, she found an unfrequented place near a fenced area where she squatted down and delivered a live mature female child. After that she took a nearby plastic bag, put the baby in it, tied the edges of the bag in a knot and hid the criminating evidence in a snow pile near a garage⁹.

The study also revealed cases of new mothers committing infanticide directly at their place of work. They went into labor while carrying out their work activities, and in order to hide the moment of childbirth from others, the women found secluded places where they delivered babies and then killed them. One of such cases occurred in a furniture store¹⁰, and another in a Russian Post office where the birthing mother worked¹¹.

There is no doubt that similar crimes were also committed at other enterprises, organizations, and institutions. And it is highly probable that traces of neonaticide may be concealed there; the information is not available to the investigative and judicial authorities. In his article A.V. Galkin gives one such example: “On May 14, 2013, while inspecting a deep-freeze of a supermarket in Verkhnyaya Pyshma, Sverdlovsk Oblast, the employees found packages with the bodies of two newborns of different years of birth, in the same compartment with dumplings and ice cream. The killer was their

⁷ Judgment of Urvanskiy district court of Kabardino-Balkarian Republic in criminal case No. 1-73/2011 dated 01.04.2011 and judgment of Rybinskiy district court of Yaroslavl Oblast in criminal case No. 1-538/2011 dated 21.09.2011. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 03rd November 2022].

⁸ Judgment of Palkinskiy District Court of Pskov Oblast in criminal case No. 1-15/2016d dated 07.06.2016 // Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 03rd November 2022].

⁹ Judgment of the Irkutsk District Court of the Irkutsk Oblast in criminal case No. 1-361/2018dated 28.07.2018. Sudact.ru Judicial and Regulatory Website. Available at: <https://sudact.ru/regular/doc> [Accessed 08th November 2022].

¹⁰ Judgment of the Abakan city court of the Republic of Khakassia in criminal case No. 1-965/2014 dated 23.10.2014. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 08th October 2022].

¹¹ Judgment of the Novokuznetsk District Court of Kemerovo Oblast in criminal case No. 1-282/2014 dated 14.10.2014. Site of judicial and regulatory acts Sudact.ru. Available at: <https://sudact.ru/regular/doc> [Accessed 08th October 2022].

mother, a former supermarket employee. She had two births, in 2007 and 2009. The forensic examination established that the children had been placed in the deep-freeze while still alive” (Galkin, 2014:28–31).

Foreign scholars also note that for the childbirth outside medical facilities women chose outdoor locations, including parks and streams, as well as various locations around the house where they lived, and enterprises and offices where they worked (Gheorghe, Banner, Stolborg & Lynnerup, 2011:317–321).

However, of greater interest is where exactly in the dwelling the babies were born and killed. In such situations, most often it was the living room that became the place of birth and murder of the newborn (55%). In many cases, the birthing women were alone at home and would not seek medical assistance, so it became the main reason behind choosing the living room as the appropriate place to commit the crime.

An interesting fact is that almost a quarter of such crimes were committed directly in the bathroom (24%). Frequent choice of that room as a crime scene is usually explained by the availability of access to water, so that after the birth and neonaticide the woman could wash away the traces of the crime and drown the newborn in a bucket, basin or bathtub.

A little less frequently (12%) the birthing women chose the toilet room as the crime scene. That choice is usually determined by the opportunity of hiding the crime from others if, say, they were at home, despite unsanitary conditions in such rooms.

Thus, in 2016, the Sarapul city court heard a criminal case against P. for committing a crime under Article 106 of the Criminal Code. It was established that P., in order to conceal the delivery of a baby, went to the toilet where in unsanitary conditions, with no medical personnel or any unauthorized persons, she gave birth to a viable premature female baby. After that she strangled the newborn and left the body in the toilet¹².

The woman explained that she chose that isolated and unclean place for delivery and commission of crime because she wanted to hide from the husband the fact of pregnancy from another man and feared moral condemnation by her husband, relatives and co-workers. Moreover, she did not register her pregnancy for prenatal care at a women’s health clinic and subsequently, did not take measures for a favorable course and outcome of the pregnancy.

It is interesting that foreign scholars also confirm the fact that births took place in bathrooms and toilets. Bathrooms were the most common place where the delivery took place and the crime was committed; bathrooms occurred in 36 (65%) out of 55 cases, whereas births in the toilet occurred in 22 (61%) cases. In six (17%) cases the births occurred directly in the shower stall or in the bathtub. Moreover, they were able to calculate that in 81% of cases the bathrooms were located in the dwelling where the birthing mother lived, in 3.8% of cases – in public buildings, and in 3.8% of cases – in hotels (Shelton, Corey, Donaldson & Dennison 2011:263-276). Notably, no cases of

¹² Judgment of the Sarapul City Court of the Udmurt Republic in criminal case No. 1-284/2016 dated 02.11.2016. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 12th November 2022].

births and murders of newborns in hotel rooms have been officially registered in the Russian Federation by this time.

Meanwhile, the analysis of domestic judicial practice allows to conclude that birthing women may choose other places in the dwelling to commit a crime. These are veranda, kitchen, basement, attic. For example, in Boguchansky district of Krasnoyarsk Krai, in spring, a mother being alone on a veranda in the nighttime, gave birth to a live female baby and killed the newborn on the spot by blocking its airways with the palm of her hand¹³.

There is no doubt that when a birthing woman is alone at home, she can choose any room in the apartment to deliver a baby and to commit the crime. But if someone else is at home, then the women try to retreat into another room as far as their prepartum contractions allow. Therefore, basement and attic, along with toilet and bathroom, are most preferable for birthing women to secretly kill the newborns.

As half of all crimes related to infanticide are committed in rural settlements, the principal location of the crime scene apart from the house is the area adjacent to the house and the courtyard buildings on it.

The most common place in the yard to commit a neonaticide is the street toilet (39%). As a rule, birthing women choose it because, despite the unsanitary conditions, it is possible to keep the birth secret and, in some cases, it is possible to hide the body of the newborn there. The crime is mainly concealed by drowning the body in fecal matter in the cesspit. If in summer such action results in inevitable death of the baby, in the cold (autumn-winter-spring) period there remains a chance to save the newborn.

In 2015, the Mogotuisky District Court of Zabaikalsky Krai heard a criminal case charging T. with attempted murder of a newborn. It was established that the defendant, being in her home at 38-40 weeks of pregnancy, felt that she was going into labor, and, given the opportunity, did not call an ambulance for hospitalization in the nearest maternity ward but went to the toilet located in the yard of the house, where in unsanitary conditions, at low air temperature (it was early May) she delivered a live female baby. Then she wrapped the newborn in a towel and a jacket and threw it into the toilet cesspit¹⁴.

Police officers who arrived on the scene several hours later found a newborn baby with signs of life in the cesspit, pulled it out, and thereby saved its life. There is no doubt that unless the witnesses heard the cry of the newborn, it could have died because the young mother did not care about the baby. She even tried to hide the reasons behind her unwanted pregnancy from the investigation.

¹³ Judgment of the Boguchanskiy District Court of Krasnoyarsk Krai in criminal case No.1-102/2018 dated 20.06.2018. Sudact.ru Judicial and Regulatory Website. Available at: <https://sudact.ru/regular/doc> [Accessed 14th November 2022].

¹⁴ Judgment of the Mogotuisky District Court of Zabaikalsky Krai in criminal case No. 1-121/2015 dated 28.08.2015. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 02nd November 2022].

It is worth adding that such latent crimes do not always remain secret. Sooner or later the bodies of murdered babies are found while cleaning cesspits, or, as in the above example, the newborns themselves, while alive, try to attract attention with their screams, in an attempt to survive. However, most often, babies die than stay alive.

A similar case occurred in autumn 2013 in a village in Korenovsky District, Krasnodar Krai, when K., who gave birth to a viable male baby on her own, threw it into a drainage pit of an outdoor toilet where the baby suffocated and died from the blockage of airway by fecal matter¹⁵.

Like cesspits and outdoor toilets, household buildings located in the yard (22%) are also used by birthing women to conceal the birth of a newborn and to commit a crime. Judicial practice shows that the following places are chosen for that purpose: auxiliary premises, sheds, and other temporary outbuildings.

In 2011, in one of the districts of Astrakhan Oblast a case was recorded when a woman gave birth to a live female baby in a cattle pen, where she killed it by strangling it with her own hands¹⁶.

Various household buildings, like outdoor toilets, are not the best places for delivering a baby, due to unsanitary conditions and lack of necessary facilities for childbirth. Therefore, to ensure relatively sterile conditions, women choose bathhouses (20%) to deliver and kill the newborn babies.

In the remaining 19% of cases, births took place outdoors in the yard or in a vegetable garden. For example, one such case occurred in 2013 in the city of Arsk, Republic of Tatarstan. At night, when Z. went into labor, instead of seeking help from a healthcare facility, she went out into the vegetable garden where she gave birth on her own to a mature live and viable female child. She then took a sharp knife from a nearby wooden pole and stabbed the newborn several times in the chest, back, abdomen, head, and other parts of the body inflicting fatal penetrating stab and slash wounds to the infant¹⁷.

High emotional stress that emerged and developed in a psychotraumatic situation after the childbirth, resulted in her inflicting multiple stab wounds on the baby damaging almost all its internal organs.

The above examples from judicial practice only confirm the fact that in almost 98.6% of established cases, the births were unassisted and took place away from any medical facilities. However, facts have been recorded when women killed their newborns in medical institutions.

¹⁵ Judgment of the Korenosky District Court of Krasnodar Krai in criminal case No. 1-160/2014 dated 03.07.2014 // Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 02nd November 2022].

¹⁶ Judgment of the Kharabalinsky District Court of Astrakhan Oblast dated 10.12.2012. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 05th November 2022].

¹⁷ Judgment of the Arsky District Court of the Republic of Tatarstan in criminal case No. 1-82/2013 dated 12.12.2013. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 09th November 2022].

Such incident occurred in Iskitim, Novosibirsk Oblast, in 2013. As the defendant did not want to have a second child because of financial hardships, she contacted several medical institutions during her pregnancy for its artificial termination but was refused as she was heavily pregnant at that time. She then decided to kill the baby after its birth. Upon delivering a mature, viable and live male child, she was left alone with her newborn baby in a hospital room where she strangled the baby by pressing its head against her chest and thus blocking its airways. As a consequence, the infant died of mechanical asphyxia not having lived a day¹⁸.

The place of burial and discovery of the newborn's body

In criminal science, the place of burial, as well as the place of concealment of the newborn's body is not always given due attention although the relevance of such places is important. As a rule, preliminary investigation and initial investigative actions begin in the location where the corpse of the newborn is found. Therefore, it is necessary to study in detail where the places of burial or concealment of the bodies of newborns are established.

First of all, it should be noted that neonaticide sites can vary depending on whether the baby was left or abandoned at the crime scene after delivery or it was moved to another location specifically for concealing its body, or for burial. A comparative study of the neonaticide sites and the locations where the corpses of the newborns were found showed that in half of the cases (50%) the babies' bodies were discovered directly at the places of delivery and commission of the crime. In the remaining cases, the birthing women moved the bodies of the neonates in an attempt to hide the traces of the crime. It is obvious that in that situation the recently delivered mothers acted consciously and with direct intent. This explains why the bodies of infants were found in the street litter bins, dumps, in the street behind the garages, or in the ground.

A detailed study of court records reveals that along with the living quarters (21 %), the most frequent places where the bodies of the babies were found were street litter bins, garbage cans, and dumps (21 %). In general, such waste storage tanks and garbage collection sites were located right next to those houses and other places where the delivery of the baby took place and the crime was committed.

For example, in 2016 the Privolzhsky District Court of Ivanovo Oblast considered a criminal case against P. for committing a crime under Article 106 of the Criminal Code. It was found that after giving birth in the evening and killing the newborn baby in the bathhouse, the defendant wrapped the body in an old blanket and took it to a dump in the morning, where she placed it under a hill near the trees¹⁹.

¹⁸ Judgment of the Iskitimsky District Court of Novosibirsk Oblast in criminal case No. 1-324/2014 dated 14.05.2014. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 12th November 2022].

¹⁹ Judgment of the Privolzhsky District Court of Ivanovo Oblast in criminal case No. 1-64/2016 dated 29.09.2016. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 01st December 2022].

The dump is mainly used as a place to store unnecessary things and wastes, and also, as a convenient place to get rid of a body. This dismissive attitude of mothers toward their newborn children as to unnecessary things predetermines the choice of dumps and street litter bins as a place to hide the corpses after the murder. This is also the reason why the bodies are moved away from the place where the babies were killed to the place of their concealment.

An equally common place where newborns' bodies are found is the toilet cesspit or the toilet itself (19%). The specific "popularity" of this place is explained by the fact that the cesspit and toilet are both the places of the baby's birth, its murder and the places where it is left and later found by third parties. And no additional efforts are required from birthing women like moving the body of the newborn to a different place, or otherwise hiding its corpse.

The interesting thing is that for hiding the body of a newborn, the women used places that are unsuitable and dangerous for a newborn from a sanitary point of view. In 2015, in Chuvashia, a case was registered when a mother gave birth on her own in a bathhouse to a mature viable baby, wrapped it in a rug, took it outside and placed it in a dunghill near the bathhouse, where it died of general hypothermia. Interestingly, this crime was committed in mid-July, in the warm time of the year, but the delivery took place in late evening, and the baby was taken outdoors at night, when it was cold, which explains the baby's death from general hypothermia²⁰.

In comparison, in other countries the bodies of murdered newborns were also found in sewers, toilets, dump sites, bags, and litter bins (Gheorghe, Banner, Stolborg & Lynnerup, 2011:317-321), and in public bathrooms (Shelton, Corey, Donaldson & Dennison, 2011:263-276). That is, mothers abroad, like in Russia, used dirty places to hide the bodies of their newborns, assuming that no one would look for them there.

Besides litter bins, dumps and toilets, the open space in the street is one of the common places where the bodies of newborn children are found (14%). As the study shows, in addition to the streets themselves, roadside bushes, wastelands behind garages, woodlands and coastal strips outside populated areas, etc, also belong to that group.

Thus, in 2013, in Kolchugino, Vladimir Oblast, a casual passerby found a live newborn baby in a plastic bag, left on the side of the road outside the city. As the investigation established, Ch. concealed her pregnancy from her relatives and friends, wore wide clothes, pulled her belly in when communicating with others, did not register for pregnancy at the antenatal clinic and never visited doctors about her pregnancy and childbirth. Upon delivery of the baby in the bathroom, she decided to get rid of it due to a difficult life situation and two other dependent minors. To that end she wrapped the baby in a robe, took it outside and left in the bushes growing in the

²⁰ Judgment of the Mariinsko-Posadsky District Court of the Chuvash Republic in criminal case No. 1-75/2015 dated 07.10.2015. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 01st December 2022].

immediate vicinity of the bridge over the river, about 30 meters away from the right side of the road²¹.

It is worth noting that in that situation the mother decided to conceal the fact of birth and the newborn itself, for which she decided to move it to another place, and precisely, to a place that excludes visual observation and quick detection of the baby, for which the roadside thickets near the river were chosen. It is obvious that such actions of the woman were acts of indirect intent, when the mother was indifferent to the life of the newborn. But thanks to a casual passerby the baby was found alive in time, therefore the crime of its mother was not brought to an end for the reasons beyond her control, and the court qualified that offence under part 3 of Article 30, Article 106 of the Criminal Code of the Russian Federation as the mother's attempt to kill her newborn baby immediately after the birth.

Household outbuildings (other than outdoor toilets) are also the places where the bodies of newborns are frequently detected. At least every tenth criminal case on neonaticide was initiated because of the discovery of the bodies of infants in various outbuildings, such as a closet, an outdoor pantry, a bathhouse, an attic, a veranda, a trailer, a shed, etc.

For example, in 2013, in Voronezh Oblast, a mother who decided to conceal childbirth from her relatives, left the house for a summer shower located in the yard, where she delivered a live mature male child. Later, not wishing to have a baby, she took a nearby fragment of brick and struck the newborn's head with it multiple times to death, after which she left the summer shower, closed the door behind her, and went back into the house²².

As previously noted, the use of such backyard outbuildings for hiding the bodies of newborns is explained primarily by the fact that those were the places of the babies' delivery and murder. In those situations, mothers did not always try to hide or otherwise conceal the body of a murdered baby. It was enough for them that the birthplace itself was secluded, and few outsiders had access to it.

Other places where the newborns' bodies were found include rare and unusual locations, both the same or other than the birthplace and the scene of murder. Apart from the above-cited furniture store, the defendant's workplace, and the maternity ward, another unusual place where a newborn's body was found was a crosswalk over a railroad track.

Thus, in 2011, M. gave birth on her own to a viable male baby in a forest area near a railway platform. After that she hit the baby's head twice against a tree trunk, then wrapped it in her dress and put it in a cellophane bag, took the bag to the railroad tracks and left it on a crosswalk over the rails of the second main

²¹ Judgment of the Kolchuginsky city court of the Vladimir Oblast in criminal case No. 1-158/2013 dated 21.11.2013. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 03rd December 2022].

²² Judgment of the Kominternovskiy District Court of Voronezh city dated 11.06.2013 in criminal case No. 1-293/2011. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 03rd December 2022].

track, along which a train soon passed, dismembering the body of the newborn²³.

As far as the above example is concerned, we can only add that the death of the newborn occurred when its head was struck against a tree, and the subsequent action of blunt solid objects when the wheels of the train rolled over the body crushing and dismembering it as a result of compression, took place postmortem.

In another case in Khabarovsk Krai, V., while in a heating trailer, gave birth to a live mature viable female baby. Wishing it would die, she placed the living baby on the embers in the metal stove of the trailer and closed the fire door. The death was caused by thermal burns by flame which damaged 100 % of the baby's body²⁴. Here we should add that the mother had been previously convicted multiple times for theft, robbery, desecration of the dead bodies and involving a minor in a crime. And two years before the murder she was released from prison. As a result, she was sentenced to two years' imprisonment for a new crime with serving her sentence in a general regime penal colony.

Another unusual place of concealment of a newborn's body, along with burning it in an oven and dismemberment by train, is its burial (interment) directly in the ground. In at least 4% of cases, the newborns were buried by their own mothers.

In Gdovsky district, Pskov Oblast, S., not wishing to publicize that she had gone into labor, left the house, went behind a yard household building, spread a blanket on the ground, and gave birth on her own to a live and viable male child. Then, a short time after that, S. took a shovel, dug a hole about 40 cm deep, wrapped the newborn baby in a blanket, put it in the hole and buried it alive, covering with a thin layer of earth²⁵.

Needless to say that the motives behind that murder were difficult life circumstances, unsettled housing conditions, lack of material resources for raising and supporting children. Unfortunately, that is true. But those should not be the reasons for such cruel slaughter of newborns. Although the desire to conceal the fact of childbirth, the fact of ruthless murder and the fact of burying the bodies of the babies should not prevail over the psycho-emotional state of the woman after the childbirth, and should not be overshadowed by difficult life circumstances.

Judicial practice also includes cases of combined concealment of a corpse of the newborns' corpses when the body was later re-hidden in a different place by the mother. In 2014, in Bashkortostan, after killing her newborn with a pillow, the mother

²³ Judgment of the Odintsovo city court of the Moscow Region in criminal case No.1-64/2016 dated 26.04.2011. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 11th December 2022].

²⁴ Judgment of the Polina Osipenko District Court of Khabarovsk Krai in criminal case No. 1-28/2016 dated 12.09.2016. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 12th December 2022].

²⁵ Judgment of the Gdovskiy District Court of the Pskov Oblast in criminal case No. 1-64/2016 dated 29.09.2016. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 11th December 2022].

wrapped the baby's body in a diaper and put it into the freezer, and after about a month and a half, she buried it in her front garden²⁶. Interestingly, the motive behind such crime is that the mother is already raising three young children alone, and she would not be able to support the fourth child. Considering this criminal case, the court found such set of grave life circumstances to be a mitigating factor. Moreover, another reason for killing the newborn was the fear of being judged by the relatives and fellow villagers for having an illegitimate child.

As the study shows, the mismatch of those three geographical locations is due to the desire of the women to hide the traces of the crime, to conceal the fact of childbirth itself and to hide the body of the newborn. Thus, it was only in half of the cases that the bodies of the babies were found at or near the crime scene: a house or an apartment (21%), a toilet (19%), or a yard outbuilding next to the house (10%). At the same time, in the remaining 50% of cases the bodies of newborns were found in other places. As a consequence, the place of the preliminary investigation, in some cases, is not the place where the crime was committed, but the place where the body of the newborn was found, which does not always comply with Article 152 of the Criminal Procedure Code of the Russian Federation, establishing that “the preliminary investigation shall be carried out at the place where the act containing elements of a crime was committed”.

Conclusion

Investigation of the place of the murder of a newborn child by the mother from the criminal and geographical points of view allows to draw the following conclusions.

1. Based on the views of domestic criminal law science, with due account for the content of Article 106 of the RF Criminal Code, neonaticide shall be understood as a criminal act of murdering a newborn baby by the mother within the period from the beginning of its birth and until it reaches 28 days of age, committed in a psychotraumatic situation or in a mental disorder that does not exclude mental sanity. All other cases of murder of newborns shall be classified as child murder.

2. To a large extent, the offence under Article 106 of the Criminal Code is a single crime, but at the same time, multiple crimes have been registered in judicial practice; they were expressed both in the form of special recidivism, and cumulative neonaticide. However, no such qualifying features are listed in Article 106 of the Criminal Code, which, in our opinion, is a drawback of the legislation.

3. Although from the point of view of the criminal characteristics of the offence, the crime scene under Article 106, is not an element of the objective side that has an effect on the qualification of the offense, but in some cases, it plays a key role, especially in the investigation and activities to disclose and prevent such criminal acts. The latter is one of the objectives of criminal law as stipulated in Article 2 of the RF Criminal Code. Moreover, the characteristics of the place where this crime was committed and the place

²⁶ Judgment of the Haibullinsky district of the Republic of Bashkortostan in criminal case 1-5/2013 dated 28.01.2013. Sudact.ru Judicial and Regulatory Acts Website. Available at: <https://sudact.ru/regular/doc> [Accessed 14th December 2022].

of concealment of the corpse of a newborn contribute to the establishment of subjective orientation of the acts of the perpetrator.

4. The crime under Article 106 of the RF Criminal Code is not widespread throughout the Russian Federation; it concentrates mainly in the regions with a relatively high population density. In fact, a significant portion of crimes involving the murder of a neonate by the mother have been recorded in central Russia, the Volga Region, southern Russia, the North Caucasus, Kama Region, the Middle Urals, Kuzbass and Primorye.

5. Most often neonaticide was recorded in the regions with a high percentage of the population living below the poverty line and with low wages. In almost half of the cases neonaticide took place in rural settlements, and in about 20% of the cases it occurred in small towns. These factors allow to stress the fact that a frequent motive for committing neonaticide were the financial hardships of the birthing woman. This circumstance should be recognized as one of the main motivating factors.

6. The most frequent places of childbirth and neonaticide in dwellings were living rooms and bathrooms, allowing the women to give birth in secret and to kill the baby, most often, by drowning. And in rural settlements, the most frequent place for childbirth and murder of the newborn by the birthing woman was an outdoor toilet, which also allowed them to give birth in secret and leave the child in a cesspit. Also, quite often in rural settlements, bathhouses were chosen as the place of birth and the place where the woman committed the murder. Besides the house, the most frequent places where the corpse of a newborn baby was found, were dumps, containers and litter bins, as well as cesspits of street toilets and desolate places in the street. On rare occasions, the bodies of newborns were found on railroad tracks and in furnaces.

7. The place of a baby's birth and the place of its murdering coincide in many cases. However, the place of burial and the place where the body of a newborn was found do not always coincide with the place where the murder was committed as in half of the cases the bodies of the babies were found in different places than those of their killing. As a consequence, the preliminary investigation is sometimes carried out not at the place where the crime was committed, but at the place where the body of the newborn was found, thus failing to meet the requirements of Article 152 of the Criminal Procedure Code of the Russian Federation.

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