



# **HIGH COMMISSIONER FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION**

## **OBSERVANCE AND PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES IN THE RUSSIAN FEDERATION**

### **SUMMARY OF THE SPECIAL REPORT**

**MOSCOW, 2020**



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*The thematic report of the High Commissioner for Human Rights in the Russian Federation «Observance and protection of the rights of persons with disabilities in the Russian Federation» was prepared in 2020 in accordance with article 33, paragraph 2, of the Federal Constitutional Law «On the Commissioner for Human Rights in the Russian Federation».*

*The complete version of the thematic report includes information on the work of the national institution in the field of the protection of the rights and freedoms of persons with disabilities conducted between January 2018 and October 2020.*

*The abridged version of the thematic report of the Commissioner for Human Rights in the Russian Federation «Observance and protection of the rights of persons with disabilities in the Russian Federation» is a summary of the main results of the activities of the High Commissioner as well as individual proposals and recommendations to improve the protection of the rights and freedoms of persons with disabilities without detailed arguments.*

## FOREWORD

People with disabilities are an integral part of our society. By overcoming health barriers, they find an active life, make scientific discoveries, set sports records, and create works of art.

Despite the limitations of health, Miguel de Cervantes, Ludwig van Beethoven and Stephen Hawking have contributed immensely to the development of world science and culture - today these people are known all over the world. In the history of our country the names of the pilot, hero of the Soviet Union Alexey Maresiev, Field Marshal General Count Mikhail Kutuzov, Soviet writer Nikolay Ostrovsky and many other prominent personalities are inscribed in gold letters, who have done a lot for the Russian state and society.

Persons with disabilities objectively need special treatment and support. Nowadays, various movements around the world for the rights of persons with disabilities, whose voices are increasingly heard, have brought about a crucial shift from the perception of disability as a personal tragedy to the perception of disability as a human rights issue.

The activities of such movements in support of persons with disabilities have led to the treatment of this issue on the basis of the principle of «nothing in relation to us without us», and in large part due to this, there has been a shift of policy from the medical model to the social model, human rights, in other words from patient to citizen.

It is an urgent task for humanity **to ensure that persons with disabilities have the same opportunities as others to exercise their rights and legitimate interests.**

According to the World Health Organization (hereinafter WHO), more **than 1 billion people**, or nearly 13% of the world's population, have some form of disability. According to official statistics, there are more than **11.8 million disabled persons** in Russia. Among them, more than 680,000 disabled persons are children.





At the international level, the adoption of **the UN Convention on the Rights of Persons with Disabilities** in 2006 became a major development in support of persons with disabilities. In 2012, the Russian Federation ratified the Convention, thereby assuming its obligations to ensure high international standards. Since the ratification of the Convention, eight years ago, much work has been done. However, human rights practice demonstrates that many goals have not yet been achieved. They require new efforts, and they must be guided by the principles enshrined in the Basic Law of our State - the Constitution.

The Constitution of the Russian Federation guarantees every person social security in case of disability (article 39). The adoption of socially significant amendments to the Constitution, which establish the State's obligation to respect the work of citizens, provides the impetus for the development of national regulations in the field of support and protection of persons with disabilities, the establishment of a pension system based on the principles of universality, equity and intergenerational solidarity has been prescribed, and the welfare of the population has been promoted.

At present, extensive legislation on the rights of persons with special needs has been adopted and is being continuously developed in the Russian Federation. The Federal Law «On Social Protection of Disabled Persons in the Russian Federation» in this respect is of fundamental importance. In that connection cannot be overemphasized the importance of the adoption by the Government of the Russian Federation (2019) of the updated State Programme «Accessible Environment» which provides for the accessibility of a predominant proportion of the public infrastructure by 2025 and the establishment in all constituent entities of the Russian Federation of a system for the comprehensive rehabilitation and habilitation of persons with disabilities.

In the work of the Ombudsman, the rights and legitimate interests of persons with special needs are paramount. In the past three years alone, there have been received some **3,000** such complaints by the Federal Commissioner. Thousands of appeals from persons with disabilities or on their behalf are received annually by the human rights commissioners of the constituent entities of the Russian Federation.



The severity of the problems faced by persons with disabilities has **increased dramatically with the surge of new coronavirus infection.**

The Office of the Commissioner for Human Rights in the Russian Federation pays close attention to the **legal education of persons with disabilities.** Since 2018 we have been conducting the social-awareness project «Festival «Integration» for people with disabilities», within the framework of which human rights master-classes, trainings, film screenings, free legal consultations take place. In 2020, due to the coronavirus pandemic the project was conducted with the help of videoconferencing tools.

An important instrument for improving the protection of the rights of persons with disabilities is **the development of cooperation among ombudsmen institutions, the authorities and civil society institutions.** A landmark event in 2019 was the signing of a cooperation agreement between the High Commissioner for Human Rights in the Russian Federation and the All-Russian Society of Disabled Persons.

It is now important to draw the attention of the public and the competent authorities to the problems of persons with disabilities. The way we treat persons with disabilities demonstrates the development of the cultural values of civil society, such as tolerance, respect for human dignity, humanism and justice. These are values without which a society is not viable. There are still many challenges to overcome on the road to a true equal-opportunity society, but together we are bound to make a difference in the lives of those who need our help.

**High Commissioner for Human Rights  
in the Russian Federation  
Tatiana MOSKALKOVA**

## **CHAPTER 1. RIGHTS OF PERSONS WITH DISABILITIES IN A SYSTEM OF SOCIAL VALUES**

### **1.1. International instruments and national legislation on the rights of persons with disabilities**

The rights of persons with disabilities are the subject of close attention by the United Nations (UN) and its specialized agencies and are reflected in all fundamental human rights instruments. The Convention on the Rights of Persons with Disabilities, which our State has ratified, is a special United Nations instrument in this area. The United Nations also adopted the Declaration «On the Rights of Disabled Persons» (1975), the Declaration “On the Rights of Mentally Retarded Persons (1971), the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (1991), the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993). In 1982, the World Programme of Action concerning Disabled Persons was established at the level of the United Nations.

The International Labour Organization is active in the field of the rights of persons with disabilities.

International organizations at the regional level, such as the European Social Charter, have also devoted considerable attention to the promotion and protection of the rights of persons with disabilities.

Russia shares the numerous recommendations of the Council of Europe to improve the quality of life of persons with special needs.

Many documents on the rights of persons with disabilities in various areas of public life have been adopted at the level of the Council of Europe bodies - the Committee of Ministers (CPCE), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (CDCE), Organization for Security and Cooperation in Europe (OSCE).

In our country, issues relating to the rights of persons with disabilities are reflected in the Constitution of the Russian Federation, which is the highest legal instrument, article 7 of which enshrines the obligation of the State to provide State support for persons with disabilities; while article 39 guarantees everyone social security in the event of illness and disability.

The Federal Law «On the Social Protection of Disabled Persons in the Russian Federation» is the main national normative legal act on the rights and guarantees of disabled persons. Under the Act, the social protection of persons with disabilities is largely the responsibility of the federal authorities and all persons with disabilities enjoy the same level of social protection, regardless of the constituent entity of the Russian Federation in which they reside.

It should be noted that, among the problems of the legal regulation of the rights and freedoms of persons with disabilities, one of the most acute is uneven provision for their protection at the regional level across Russia. Radical changes have occurred in the mechanisms for the social protection of the population of the regions of the Russian Federation in connection with the legislative expansion of the scope of their competence in the field of social security, since they have been entrusted with the independent legal regulation, which until 1 January 2005 had been the responsibility of the Federal legislator. The exercise of these powers has given a powerful impetus to the law-making activities of the constituent entities of the Russian Federation in the area of social security.

However, according to expert estimates, in the 15 years since the adoption of the relevant federal law, it has not fully achieved its objectives of ensuring constitutional guarantees of citizens' rights in social security.

## **1.2. Rights of persons with disabilities in public perception**

An indicator of the integration of persons with disabilities into society is the perception of persons with disabilities by society. As the sociological research conducted by the Foundation «Public Opinion» showed, in the opinion of a large part of Russians, certain qualities and character traits are expressed more strongly in persons with disabilities than in other people. Disabled persons are often associated with special will, fortitude, love of life and kindness. In recent years, Russians have noticed positive changes in society's attitude towards persons with disabilities.

However, respondents whose family members have a disability (43%) and the disabled themselves (37%) are less likely to see positive changes in relation to persons with disabilities. Respondents with disabilities (43%) or family members (32%) often pointed out difficulties in obtaining the necessary medicine (43%), inadequate benefits (36%) and difficulties in obtaining access to sanatorium and spa treatment (24%).

In general, despite the measures taken by the State to improve the protection of the rights of persons with disabilities, society is quite critical of their implementation.

The population is encouraged by measures to ensure accessible environment for persons with disabilities.

Most respondents believe that equal conditions and opportunities in the labour and educational spheres have not yet been created for persons with disabilities in Russia.

According to data from the Pension Fund of the Russian Federation, as of 1 June 2020, 3.4 million persons with disabilities are of working age. Of these, 26.3% are employed.

The results of the WMTС surveys conducted among Muscovites with special needs regarding employment showed that the majority prefer to work as mid-level specialists or skilled workers in such fields of work, like sales, industrial production,



construction, social and communications services, but employers are extremely wary of applicants under the disabled quota.

Accessible education should facilitate the employment of persons with disabilities. Sociological studies have shown that considerable reserves remain in this area.

### **1.3. Scope and topics of appeals submitted to the Commissioner for Human Rights in the Russian Federation concerning the protection of the rights of persons with disabilities**

Despite significant achievements in the integration of persons with disabilities into society, the protection of the personal and social rights of individuals with disabilities is still a pressing problem.

From 1 January 2018 to 1 November 2020, the Office of the Human Rights Commissioner in the Russian Federation received more than 2,800 complaints from persons with special needs or on their behalf. Of these, in 2018 - 960, in 2019 - 1067, in 10 months of 2020 - 811. In 2020, there was an increase in complaints concerning the accessibility and quality of medical care (by 11%).

The majority of complaints concern the social security of persons with disabilities. Every fifth of the total number of appeals from persons with disabilities (580) is about assistance in providing social support measures for persons with disabilities. Five per cent (129) of the applications were received in connection with the exercise of the right to a pension by persons with disabilities. The complainants often cite shortcomings in the functioning of the social institutions of the State as the reasons for their recourse to the Ombudsman.

The problem of determining social supplement to pensions, which was introduced in 2010, remains acute. According to experts, the pension itself should be provided with a decent amount, not an additional payment.

One out of every six appeals received by the High Commissioner (460) was about the right to housing for persons with disabilities (housing and utilities payment for persons with disabilities). The assessments of the Accounts Chamber of the Russian Federation confirm the existence of the problems raised in the above-mentioned complaints. The number of persons with disabilities on the housing register who are not provided with housing has exceeded 100,000. The main difficulties in this area are inadequate financing, inadequate housing of the required quality, and low social benefits for the improvement of housing conditions.

The High Commissioner expresses the hope that the comprehensive measures initiated by the State in 2020 will lead to improvements in the provision of housing for persons with disabilities.

Fourteen per cent (393) of complaints, including from citizens held in institutions of the penal correction system, concerned the procedure for determination the degree of disablement. The scale and dynamics of the complaints

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in this category demonstrate that a number of challenges remain in the area of disability identification (in particular, lack of legal regulation, monitoring and inter-agency collaboration).

There were 248 inquiries concerning accessibility. The claimants pointed out that features of buildings, building structures, transport infrastructure made access difficult for persons with disabilities.

In 2019, there was a surge in citizens' complaints to the High Commissioner for the enhancement of video text support for television broadcasts (194 complaints). Following an appeal by the High Commissioner to the Ministry of Communications of the Russian Federation, as a result of the review, broadcasters were required to ensure that television programmes were accessible to persons with disabilities by sound at least 5% of the weekly broadcast volume.

Persons with disabilities often complain about the lack of access to and quality of medical care. In 2018 -2020, the High Commissioner received 144 appeals on this subject (5% of the total number of applications for protection of the rights of persons with disabilities), of which 51 were received in 2020. Some complaints point to the problem of providing medicines for persons with disabilities (in 2020 - 23), with the number more than doubling in 2020 compared to the previous year.

Insufficient funding remains the main reason for the difficulties in providing medicines to persons with disabilities. The problem of medication is particularly acute for children with serious disabling diseases, including orphan diseases.

Tensions in this area also caused by violations of the law, and as the large-scale inspections by Roszdravnadzor in 2019 showed, such violations are massive.

Many complaints (in 2020 - 25) were received from persons with disabilities on the provision of technical rehabilitation equipment (hereinafter referred to as TRE). The claimants complain of failure to provide, or late provision of, rehabilitation equipment, and delays in obtaining monetary compensation for self-acquired TRE. Delays in the provision of TRE prevent the complainants from receiving the necessary medical care.

The large-scale failure to meet the deadline for the provision of TRE due to tender delays, the failure to ensure the quality of the products received and the excessive red tape in the receipt of TRE are also noted by representatives of the expert community. These assessments demonstrate the relevance of further improvements in the provision of rehabilitation equipment for persons with disabilities.

There are reports about difficulties providing sanatorium and spa treatment (in 2020 - 23).

Individual applications contain requests for assistance in finding employment (in 2020 - 7), and complaints of violations of the right to education of persons with disabilities (in 2020 - 6).

There are also appeals for the protection of the rights of disabled children: citizens complained in connection with disability in general, about pensions and

housing, the quality and accessibility of medical care, the provision of medicines and the determination of a degree of disablement.

As a result of the measures taken by the High Commissioner in cooperation with State bodies when considering complaints of violations of the rights of persons with disabilities, in the period 2018 - 2020, 150 applications were successfully resolved, and the rights of applicants were restored.

Many complaints concerning the observance and protection of the rights of persons with disabilities are received by the human rights commissioners in the constituent entities of the Russian Federation. In 2019 alone, more than 3,700 complaints were received by the local human rights commissioners. The problems encountered in the above-mentioned appeals are correlated with the problems that the complainants raise in their complaints to the Federal Commissioner.

## **CHAPTER 2. CURRENT CHALLENGES IN RESPECTING AND PROTECTING THE RIGHTS OF PERSONS WITH DISABILITIES**

### **2.1. Accessible environment**

The priority of the State's social policy is the maximum integration of all population groups, including persons with disabilities, into the main areas of activity of society - education, work, leisure, sports, culture, science, and others. Implementation of the principles enshrined in the Convention on the Rights of Persons with Disabilities, such as respect for the inherent dignity of the human person, personal autonomy, independence, non-discrimination, full and effective participation and inclusion in society, equality of opportunity, etc. are essential for persons with disabilities to have access, on an equal basis with others, to the physical environment, transportation, information and communication, including information and communication technologies and systems, as well as to other facilities and services open or available to the public, in both urban and rural areas.

The problem of creating an accessible environment for persons with special needs is particularly urgent because of its magnitude, as noted earlier, the number of disabled persons in Russia exceeds 11 million (9% of the total population).

It should be noted that, in the Russian Federation, persons with disabilities have access to an accessible environment, integration and socialization. Much has been accomplished in recent years.

The adoption of the Federal Law «On the Social Protection of Disabled Persons in the Russian Federation» establishing a provision on accessible environment as a part of the process of creating equal opportunities for persons with disabilities in all spheres of life, is a key policy in the field of disability protection. For violation of the requirements for construction of buildings and other public structures during the development and production of public transport means, means of communication, information etc.) those responsible parties are brought to justice.



It is also important to support specialized libraries for blind and visually impaired citizens.

Of particular importance is the provision of an accessible transport environment for persons with disabilities, without which their independence and full participation in all aspects of social life, including education, employment, and health care, cannot be guaranteed.

Article 15, paragraph 2, of the Federal Law «On the social protection of persons with disabilities in the Russian Federation» requires the creation of conditions for the unimpeded use of all means of transport, communications, and information. Urban transport must be used daily. The Order of the Ministry of Transport of the Russian Federation approving the procedure for ensuring accessibility for disabled persons to motor vehicles, urban land electric vehicles, bus stations and motor vehicles, is not valid since 2021 since the entry into force the Decree of the Government of the Russian Federation of 26 October 2020, no.1742. It is essential to maintain the requirements for the purchase of public transport adapted to the needs of disabled persons, as it was set out in the Order of the Ministry of Transport.

Programme documents enable a phased and integrated approach to creating a barrier-free environment for persons with disabilities. The new stage became the approval by the Government of the Russian Federation in 2019 of the new edition of the state program «Accessible Environment» until 2025.

Despite the significant measures taken by the public authorities to provide persons with disabilities (especially wheelchair users) with an accessible environment, a large proportion of them still face difficulties, due to the lack of necessary infrastructure and accessible environment in their place of residence. The total number of unsuitable dwellings occupied by persons with disabilities is more than 1 million. The existence of problems is also evidenced by the petitions addressed to the High Commissioner, in which the complainants point out serious deficiencies.

The regional human rights commissioners also receive complaints on this subject. Among the sensitive problems mentioned in citizens' complaints is the lack of disability-friendly facilities in sanatorium and spa medical facilities. In this connection, it is recommended that the Social Insurance Fund of the Russian Federation take into account the accessibility requirements for persons with disabilities in the formulation of its specifications for the provision of sanatorium and spa treatment services to persons with disabilities.

Unfortunately, it must be noted that the penalties for failure by organizations to comply with accessibility requirements for persons with disabilities are not sufficient to prevent possible violations in this area. It would be advisable for the Procurator's Office and other controlling bodies to further strengthen their monitoring of the responsible entities.

One of the potential reserves for speeding up the process of creating accessible environment is the development of mechanisms for stimulating and State support of organizations involved in ensuring accessibility of social infrastructure facilities for persons with disabilities, and more articulated position of the public associations founded by persons with disabilities. There are many such associations - there are more than 200 in the city of Moscow and the Moscow region alone.

Legislation provided those associations with tools to participate in ensuring accessibility for persons with disabilities. In this regard, support for public associations of persons with disabilities and further development of their cooperation with public authorities in creating an accessible environment should be a priority of the State social policy.

In the area of accessibility for persons with disabilities, special attention should be paid to providing them with housing that meets their needs, even when housing is deemed to be unsuitable.

Among the measures to deal with this problem, specialists propose the creation of a specialized housing fund for the provision of housing for persons with disabilities, the identification of sources of financing for these measures, assistance from State and municipal authorities in the arrangement for the swapping (exchange) of unsuitable dwellings.

## **2.2. Health care, medical and social assessment**

The procedure of medical and social assessment (hereinafter referred to as MSA) is an integral component of the mechanisms for protecting the rights of persons with disabilities, since only if the person is recognized as disabled will he be able to claim social assistance, provided for in Russian legislation and international legal instruments, including the Convention on the Rights of Persons with Disabilities of 2006.

Every year, for the first time in the Russian Federation, some 2.5 million people are examined and re-examined by MSA, of whom nearly 2 million are found to be disabled. It is important that MSA bodies be accessible to everyone and that the results of the evaluation be comprehensive and objective.

The Strategy for the Development of Health Care in the Russian Federation for the period up to 2025 provides for the simplification of the procedure for the examination of citizens to be determined as disabled. Targeted measures, however, do not address the general problems associated with the disability determination procedure. This is confirmed by the findings of the Accounts Chamber of the Russian Federation in 2019 that there has been no significant improvement in the availability and quality of the MSA service.

Citizens' appeals to the Federal Commissioner and to the regional human rights commissioners attest to the persistence of several problems in this area. In many cases the investigations made into such complaints corroborate their arguments.

One of the problems raised by citizens in their complaints to regional commissioners is the difficulty of obtaining the recommendation to be medically assessed for persons with disabilities who are effectively unable to direct their actions but who have not yet been recognized as having no legal capacity.

Apparently, a solution to this problem would be a clarification issued by the Ministry of Health of the Russian Federation with establishment of the possibility for a citizen, when preparing documents for his/her medical and social examination, to avail himself/herself of the assistance of a close relative, not yet designated as his/her authorized representative.

Citizens also frequently complain to the High Commissioner about shortcomings in the work of medical organizations in issuing of recommendations supported by adequate documentation for the MSA to establish the degree of disablement. It is important to note that in this area the State is taking consistent measures to make the mentioned process for persons with disabilities more accessible. Since 2018, the procedure of direct exchange of documents between medical organizations and MSA bodies without the participation of citizens was introduced; steps are being taken to convert such document-management into electronic form.

In many cases, health-care officials delay the sending of the relevant documents and make mistakes in their preparation, which results in a delay in the determination of a citizen's disability, and consequently, the development of an individual rehabilitation programme what violates the rights and legitimate interests of citizens.

Better control by the health authorities over the quality and timeliness of the documentation sent to MSA bodies would help to prevent such situations.

The soundness of the decisions of MSA bodies remains one of the most sensitive issues. According to the assessment of the Accounts Chamber of the Russian Federation, approximately one in every two applicants disagrees with the MSA decision, and one in every eight seeks its review.

In some cases, illegal decisions are the result of abuse in the MSA system. The procuratorial bodies have repeatedly uncovered cases of abuse of authority and corruption, which have led to the recognition of persons with disabilities on the basis of forged documents or knowingly inaccurate information.

The introduction of an independent MSA would enhance the guarantees of citizens' rights in disability determination. The High Commissioner has repeatedly raised the issue of the establishment of this institution before the Government of the Russian Federation, the Ministry of Labour and the Presidential Commission on Disability Issues. The development of a draft law on independent MSA is provided for in the Plan of Action («Roadmap») for the improvement of the State medical-social assessment system for the period up to 2020. Although the draft bill was due to be completed in 2017, no legislation had been drafted to date. The Government of the Russian Federation is encouraged to expedite the elaboration and submission

to the State Duma of a draft federal law regulating the conduct of an independent MSA.

Prior to the creation of this institute, an increase in the independence of decisions of institutions of medical and social assessment (MSA) would be facilitated by the **establishment of a procedure under which a repeated MSA, appointed by the court, can be - with the consent of the citizen challenging the results of the assessment - entrusted to the main MSA bureau of another constituent entity of the Russian Federation**, which is not directly subordinate the MSA bureau which made the impugned decision. This approach can be reflected at the level of the decision of the Plenum of the Supreme Court of the Russian Federation, where the courts will be given appropriate explanations.

**Staffing issues** are an obstacle to improving the efficiency of MSA institutions. The facts of the shortage of specialists in the field of MSA in 2019 were revealed, including during visits to the relevant institutions by regional ombudsmen. According to the assessment of the Accounts Chamber of the Russian Federation, one of the factors that negatively affects the inflow of personnel is the insufficient regulation of the legal status of MSA specialists. Although MSA is recognized as a medical profession, **physicians working in this area are deprived of a number of guarantees provided to medical professionals in other fields**. They are not subject to the right to early assignment of an old-age retirement pension or norms on reduced working hours.

It seems that the shortage of personnel creates threats to the quality of decisions made by MSA institutions and negatively affects the availability of MSA services for citizens: for example, in 2019, due to a shortage of personnel in the Moscow region, 31 MSA bureaus were temporarily suspended.

Along with staffing problems, the insufficient **availability of services of the MSA institutions and their branches** can be an obstacle for persons with disabilities in establishing a disability group (their territorial remoteness from the place of residence, the location of the MSA institutions and their branches in premises not adapted for persons with disabilities, parking spaces not adapted for use by disabled people, high curbs preventing wheelchair access to the territory). In this regard, it is important that the state authorities of the constituent entities of the Russian Federation **pay more attention to the issues of ensuring an accessible environment in the territories and premises occupied by MSA institutions** in the respective regions.

**The re-examination at the MSA institutions of Russian citizens with disabilities who, for one reason or another, live abroad** remains a significant problem. Often, the stay of persons with disabilities abroad is conditioned by the need for treatment, rehabilitation or training. At the same time, for re-examination, they need to return to the territory of Russia, which is often difficult due to their limited mobility or significant transport costs.

In order to solve the problem, it is proposed to work out the issue of concluding international agreements that would allow Russian citizens with disabilities to undergo re-examination and receive social support measures in foreign countries, using existing agreements on cooperation between Russia and other states in the field of pensions as a basis.

Difficulties are also faced by persons who, **despite the irreversible nature of their health problems, are forced to undergo re-examination.** Simplifying the procedure for establishing disability without a period of re-examination upon the initial recognition of a citizen as a disabled person would protect such people from unnecessary difficulties.

**In the field of health care,** the issues of **medical supplies provision for disabled persons** remain painful. This is also confirmed by judicial practice. A significant part of court decisions is related to **the unlawful refusal to provide disabled people with medical supplies on a preferential basis,** the reasons for which may be the lack of necessary medical supplies, as well as the incorrect application of regulatory provisions.

Thus, people with disabilities are often faced with refusals to provide medicines prescribed by the decision of the medical commission for vital indications due to the fact that they are not included in the lists of medicines provided to citizens at the expense of the state.

In these cases, the courts of different levels take the side of the applicant, who should be guaranteed the right to be provided such medicines free of charge. However, despite the support of citizens with disabilities by the courts, the conflict between regulation and law enforcement remains.

One of the main reasons hindering the provision of disabled people with the necessary medicines is the **lack of funding and the different sizes of regional budgets,** which are the main source of financial support for this area.

The further development of **guarantees for the provision of medicines to persons suffering from orphan (rare) diseases,** as mentioned in the Report on the activities of the High Commissioner for 2019, is closely related to the financing problems. In 2019-2020, the state took measures in this direction: the list of orphan diseases, the purchase of medicines for the treatment of which is provided for at the expense of the federal budget, was expanded from 7 to 14 positions. At the same time, a significant proportion of people suffering from orphan diseases still receive medicines from regional budgets, while the constituent entities of the Russian Federation do not always have sufficient funds to purchase these medicines. According to the members of the High Commissioner's Expert Council, the protection of citizens' rights would be increased by the transfer of funding for medicine provision for all patients suffering from orphan diseases from the regional to the federal level. This process can be carried out gradually - by further expanding the list of orphan diseases, medicines for the treatment of which are financed from the federal budget.



Simultaneously with broader federal participation in the financing of medical supplies provision for privileged categories of citizens, including persons with disabilities, **the problem of reimbursement of funds spent by disabled people on the independent purchase of medical supplies that should be provided at the expense of the state** needs to be addressed. This problem was raised in the Report on the activities of the High Commissioner for 2019, but still has not found a final solution.

Taking into account the above, the Government of the Russian Federation is invited to consider the possibility of including in the Federal Law of April 12, 2010 No. 61-FZ "On the Circulation of Medicines" provisions governing the procedure and conditions for patients to receive compensation in the absence of a subsidized medicine in the pharmacy network at the time of contact and its independent acquisition.

Along with the above, the provision of the necessary medicines by the state to persons suffering from rare, severe, complex and intractable diseases should be enshrined among the basic principles of health protection provided for in Article 4 of the Federal Law "On the Fundamentals of Health Protection of Citizens in the Russian Federation".

### **2.3. Work and employment of persons with disabilities**

The right of persons with disabilities to work on an equal basis with other citizens is guaranteed by the UN Convention on the Rights of Persons with Disabilities. The member states of the said Convention undertake obligations to ensure and promote the realization by persons with disabilities of the right to work, note the need to promote recognition of the skills, dignity and abilities of persons with disabilities, as well as their contribution in the workplace and the labor market, protect persons with disabilities from forced or compulsory labor on a par with other categories of citizens.

The relevance of issues of protecting the rights of persons with disabilities in the field of work has led to the addition of legislative support and encouragement of active participation of all people in the economic life of society, regardless of disability to the list of tasks necessary to achieve the UN Sustainable Development Goals for the period up to 2030.

According to monitoring data, the number of persons with disabilities employed through the mediation of the employment service in January-September 2019 amounted to 66.8 thousand people in Russia, which is 4.1 thousand more than in the corresponding period of 2018. In total, 28.8% of disabled people of working age had stable jobs as of October 1, 2019.

Article 24 of the Federal Law "On Social Protection of Disabled Persons in the Russian Federation" clearly defines the rights and obligations of employers regarding the organization of employment of disabled persons (create, allocate jobs, adopt local regulations, create working conditions in accordance with an individual

rehabilitation program for a disabled person; provide information for the organization employment of disabled people). At the same time, **to motivate enterprise managers to create jobs for special workers, the state provides a number of preferences.** Benefits to employers when accepting people with disabilities include tax and social concessions, as well as financial assistance. However, it seems that for such enterprises the **preferences provided are clearly insufficient.**

It is also **unacceptable to establish working conditions at enterprises that worsen the position of disabled people in comparison with other workers:** a decrease in the amount of wages or the duration of vacations, a deterioration in working hours and rest.

In addition, taking into account the amendments to the Constitution of the Russian Federation, the issue of indexation of pensions, including for working disabled people, deserves attention.

It should be noted that the Labor Code of the Russian Federation establishes a number of benefits for disabled people in the field of labor: limited daily work hours (article 94), night work (article 96), on weekends and holidays (article 99), as well as overtime (article 113), only with written consent and if it is allowed for health reasons; the right to receive unpaid leave of up to 60 calendar days a year (Article 128). They are also given an increased annual leave of 30 days.

**The legislation provides for a number of guarantees to protect disabled people from unjustified refusal to hire.** In particular, in the event of such a refusal, the applicant has the right to require the employer to substantiate his reason in writing. Also, if a disabled person does not agree with the conclusions of the employer, he can appeal them in court. For violation of the rights of persons with disabilities in the field of employment, the employer can be brought to administrative, disciplinary and even criminal liability. However, despite a wide range of legislative guarantees, **the right of persons with disabilities to work is still often violated.** This is evidenced by the appeals addressed to the High Commissioner.

Often, violations of the labor rights of persons with disabilities are associated with the refusal of the employer, who opposes the employment of persons with disabilities. Such refusals to hire people with disabilities can be associated with many reasons (the opinion that people with disabilities will work ineffectively, the need to provide them with proper working conditions in accordance with an individual rehabilitation program and provide additional benefits). In the course of prosecutorial inspections, facts of violations by employers of the rights of persons with disabilities during their employment are revealed, including inappropriate provision by employers of information to employment agencies about the availability of vacancies, the establishment of a quota for the employment of persons with disabilities in an organization below that provided for by law.

It should also be noted that in a number of cases, **the state authorities of the constituent entities of the Russian Federation**, which are entrusted with **the issues of control and supervision over the hiring of disabled people within the established quota, are underperforming**. It seems that in the course of inspections, close attention should be paid to the degree of occupancy of quota jobs for people with disabilities, their equipment and safety.

At the same time, the issue of further **improving the mechanism for setting job quotas for disabled people** remains relevant. At present, on behalf of the Government of the Russian Federation, a draft law "On conducting an experiment in order to improve regulation of the establishment and implementation of quotas for the employment of disabled people in the Republic of Sakha (Yakutia), in the Voronezh, Nizhny Novgorod, Oryol, Sverdlovsk and Tver regions" has been developed, the main idea which is the creation of the Fund for Assistance to Employment of Disabled People. The said fund will be formed at the expense of compensation payments to employers for each disabled person who is not employed at the expense of the established quota. The experiment is scheduled to run from January 1, 2021 to December 31, 2026.

**The state support of employers who provide employment for people with disabilities** contributes to the resolution of said issue. The state is taking steps in this direction. Federal Law of July 26, 2019 No. 245-FZ «On Amendments to the Federal Law On the Development of Small and Medium Business in the Russian Federation in terms of consolidating the concepts of "social entrepreneurship", "social enterprise"» regulated the emergence of special social enterprises in Russia that are obliged to provide employment for the least socially protected categories of citizens, including people with special needs and people with disabilities. In April 2020, the status of "social enterprise" has already been awarded to about 1200 legal entities and individual entrepreneurs.

On the basis of the norms of the aforementioned law, state authorities and local self-government bodies can provide support to small and medium-sized businesses operating in the field of social entrepreneurship, in the event that persons with special needs and persons with disabilities are employed there. Such support is provided in various forms: in the form of granting subsidies, granting the right to use state and municipal property on preferential terms, organizing vocational training, vocational education, supplementary vocational education and assistance in passing an independent assessment of qualifications of employees of social enterprises in accordance with the legislation of the Russian Federation.

Along with the implementation of measures that would stimulate employers to hire employees with disabilities, the issue of increasing accountability in cases of non-compliance with the requirements of the legislation in the field of labor relations between employers and people with disabilities is relevant. Currently, in accordance with the Code of Administrative Offenses of the Russian Federation, for the failure of the employer to fulfill the obligation to create or allocate jobs for the employment

of persons with disabilities in accordance with the established quota for hiring persons with disabilities, as well as the refusal of the employer to hire a disabled person within the established quota, the employer is fined 5 -10 thousand rubles. The same fine is established for unjustified refusal to register a disabled person as unemployed (Article 5.42). According to experts, these norms have not changed for a long time and no longer correspond to modern realities. In this regard, the initiative of the Ministry of Labor of Russia to increase the size of fines provided for committing administrative offenses in the field of protecting the labor rights of disabled people seems to be timely. These proposals are reflected in the draft of the new Code of Administrative Offenses of the Russian Federation (Article 8.22). The Ombudsman hopes that the adoption of this document will contribute to strengthening the guarantees of labor rights of persons with disabilities.

It should be noted that the solution to the issue of employment of persons with disabilities has to be comprehensive. It has to incorporate interactions with the employer and with the disabled person - in order to increase his educational level, his relevance in the labor market, help in choosing professions that are in demand by the market. At the same time, the development of the legal and regulatory framework should be carried out, including the improvement of quota mechanisms, and ensured by state control measures.

#### **2.4. Problems of realization of the right to education by persons with disabilities**

Persons with disabilities should be able to participate in the educational process fully and equally. To this end, the UN Convention on the Rights of Persons with Disabilities obliges participating countries to ensure inclusive education at all levels, to create conditions for persons with disabilities to have access to higher education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.

Ensuring equal access to education and vocational training at all levels for vulnerable groups of the population, including persons with disabilities, is recognized as one of the challenges that must be addressed in order to achieve the UN Sustainable Development Goals for the period up to 2030.

Russia is taking measures aimed at strengthening the guarantees of the rights of persons with disabilities in the field of education. In 2019, the implementation of the national project "Education" was launched, which provides for assistance in the implementation of educational rights by persons with disabilities, including support for organizations providing training in adapted general education programs, increasing the availability of additional general education programs to these individuals.

The national project "Demography" provides for an increase in places with the necessary conditions for the stay of disabled children in organizations that carry out educational activities in preschool programs of education.

The legislation on administrative offenses specifies the rules on the procedure for bringing to administrative responsibility for evading the fulfillment of requirements for ensuring accessibility of services in the field of education for disabled people. A draft federal law is being prepared to regulate the issues of training people with special educational needs in greater detail.

At the same time, difficulties in the realization of the right to education by persons with disabilities remain. Applications to the High Commissioner often contain requests from citizens for assistance in placing children with disabilities in educational organizations, complaints about the lack of proper learning conditions and insufficient professionalism of teachers in specialized educational organizations.

As the incoming appeals show, **the issue of providing people with disabilities with an accessible environment in educational institutions remains acute**. Sometimes, despite the support of students with disabilities by state authorities, the work to provide them with the necessary conditions for attending an educational institution drags on for years.

Assistance in the realization of the right to education by persons with disabilities is also provided by regional commissioners in the course of consideration of appeals to them.

Among the sensitive issues, as evidenced by the analysis of citizens' appeals and law enforcement practice, is **the lack of specialists for teaching people with disabilities**. The High Commissioner drew attention to this problem in the annual reports for 2018 and 2019, but she has not found a final solution. According to experts, the insufficient number of psychologists, disability specialists, speech therapists, and tutors complicates the introduction of inclusive education, despite the fact that over the past five years a lot has been done to create a regulatory framework for it.

The state is taking steps aimed at wider involvement of specialists for the organization of inclusive education. In particular, the Ministry of Education of Russia is developing a Strategy for the Development of Education of Students with Special Educational Needs in the Russian Federation for the period up to 2030. It will provide for a set of measures to modernize education for persons with disabilities, improve the training and qualifications of specialists that work with children with disabilities. It seems that the early development and adoption of this document will make it possible to organize comprehensive work to improve the educational process, improve the quality of teaching and overcome the personnel shortage in this area.

In some cases, access to persons with disabilities is provided through the **use of information and telecommunication technologies**. Assessing the use of distance learning for people with disabilities, experts noted its advantages such as

the development of child's life skills, the possibility of organizing training taking into account the principle of individualization, the ability to interact with other people through modern means of communication. At the same time, distance learning often becomes an object of criticism.

Its global problems were revealed during the spread of the coronavirus infection, when not only persons with disabilities, but also other students were forced to use this form of education. The transition of schools to distance learning caused a wide public outcry, critical assessments of this form were expressed by teachers, and the Ombudsman received complaints from parents who did not agree with its introduction. The lack of effectiveness of distance learning and the impossibility of replacing traditional, full-time education with it was recognized by relevant organizations and officials.

According to surveys conducted by the Higher School of Economics specialists in March-April 2020, participants in the educational process pointed to such problems of distance learning as poor communication, low Internet speed, the lack of necessary technical devices for teachers and students, insufficient digital competencies of everyone involved. These problems are especially pronounced in rural areas of Russia, in small and medium-sized cities.

The shortcomings identified by the practice of introducing distance learning during a pandemic gave rise to initiatives to improve the legal framework for this form of education. As part of the development of the regulatory framework in this direction, **it seems necessary to monitor the quality and develop ways to improve the efficiency of the educational process for children who are forced to study remotely** due to special health needs.

Also, the problem of organizing the **provision of free hot meals** to schoolchildren with disabilities who study remotely remains topical.

According to the changes introduced in 2020 to the Federal Law of December 29, 2012 No. 273-FZ "On Education in the Russian Federation", hot meals should be provided at least once a day to all children enrolled in educational programs of primary general education in state and municipal educational organizations. At the same time, Part 7 of Article 79 of the Federal Law "On Education in the Russian Federation" establishes that children with disabilities are provided with two free meals a day. In accordance with the explanations of the Ministry of Education and Science of Russia, if such children are schooled at home, they need to be provided with dry rations or monetary compensation for food.

However, the letter containing the position of the Ministry of Education and Science of Russia is not a normative legal act, and in practice, despite these explanations, parents of children studying at home often face refusals to provide compensation or dry rations. In this regard, it seems appropriate to recommend the Ministry of Education of Russia to work out the issue of amending the Federal Law "On Education in the Russian Federation" in terms of securing the right to receive

dry rations or monetary compensation for food for children with disabilities studying remotely.

Despite the development of inclusive education, it is impossible to completely abandon **special educational institutions** for people with disabilities, since in some cases only such institutions can create the necessary conditions for the education, upbringing and social training of people with disabilities. In turn, the High Commissioner continues to receive appeals, indicating that the issues of **material and technical support of these educational organizations, compliance with safety requirements and sanitary and epidemiological standards in organizing the educational process are still relevant**.

The state is also taking **measures to organize special correction schools for children with special health needs**. According to the Ministry of Education of Russia, in recent years, the process of mass closure of such institutions has been stopped, it is planned to update their infrastructure, as well as to reformat them into educational and methodological resource centers, which, along with training, will provide methodological assistance to teachers, psychological and pedagogical assistance to children and their parents. But at the same time, it is important that the reorganization of the system of special (correctional) educational institutions does not entail a decrease in their accessibility, staffing, and fully take into account the interests of students with disabilities and their legal representatives.

For example, in the Moscow Region, the Sozvezdiye Educational Center was established, which is a unique institution in Russia, combining five areas of assistance to children and adolescents with developmental disorders: diagnostics, rehabilitation, primary and general education, vocational training and socialization. The center implements educational programs for primary, basic and vocational training for children with special health needs and children with disabilities.

However, one should also take into account **the need to ensure a sufficient amount of funding for such centers**, including in terms of remuneration of highly qualified workers (pedagogues-psychologists, disability specialists, speech therapists, tutors and others), and the peculiarities of the services provided for the educational programs of primary, basic and vocational education for children with special health needs and children with disabilities.

Noteworthy is the proposal of experts on **the need to provide people with disabilities with benefits when admitting to study in educational programs of secondary vocational education** in a manner similar to that established for admission to higher education in undergraduate and specialist programs. Such benefits would help to increase the opportunity for persons with disabilities to obtain vocational education and thereby raise their level of employment.

Of course, in this matter, it is important to support the preferential categories of applicants who need help from the state to create equal opportunities for them to receive vocational education, but when implementing appropriate measures, it is necessary to take into account the basic principle of general accessibility of

secondary vocational education, enshrined in Article 43 of the Constitution of the Russian Federation.

### **2.5. Problems of providing disabled people with means of rehabilitation**

Providing people with disabilities with technical means of rehabilitation is an integral guarantee of the active participation of everyone in social, economic and political life, regardless of disability, which is provided for at the UN level by the Sustainable Development Goals until 2030.

By ratifying the Convention on the Rights of Persons with Disabilities, Russia has committed to the development and use of new technologies for people with disabilities, mobility aids, devices and assistive technologies. Such tools and technologies should be of high quality and provided at an affordable price.

In recent years, our state has taken significant measures to implement these provisions and strengthen the guarantees of the right of persons with disabilities to provide labor force. The Strategy for the development of industrial production of rehabilitation products until 2025, approved by the Government of the Russian Federation, is being implemented. In 2019, about 31 billion rubles were allocated to finance measures to provide disabled people with labor force, in 2020-2022 funding is provided to increase to 35.5 billion rubles annually.

The Government of the Russian Federation has reduced to 7 days the terms for providing disabled people in need of palliative care, serial production of technical aids, simplified the procedure for replacing electric wheelchairs and devices for the lower extremities and torso (orthoses), and expanded the list of technical aids provided to a disabled person by the state. In total, during 2019, the Social Insurance Fund of the Russian Federation transferred 385 million technical aids (including services) for 1.2 million people.

A significant restriction of the right of persons with disabilities to be provided technical aids was the provision according to which technical aids could be provided exclusively at the place of residence of their recipients. As a result, persons with disabilities registered at the place of residence in one region, and living or undergoing treatment in another, faced difficulties in obtaining technical aids. Often due to health conditions they could not travel to receive these funds at the registration address. In order to protect this category of citizens, the Ministry of Labor of Russia, together with the deputies of the State Duma, developed a draft federal law that allows citizens with disabilities to receive technical aids at their place of stay, and not just at their place of residence. The corresponding federal law was adopted by the State Duma in the third reading on November 18, 2020.

However, despite significant progress in providing disabled people with technical aids, problems in this area persist, as evidenced, among other things, by appeals **on the provision of persons with disabilities with technical aids**. In their appeals on this topic applicants point to the facts of failure to provide in a timely manner disabled people with technical aids, the inadequate quality of the corresponding aids, and non-receipt of monetary compensation for the aids



purchased on their own. In cooperation with state bodies and the Social Insurance Fund of the Russian Federation, on some appeals, it proved possible to restore the rights of citizens.

Similar appeals are also received by the commissioners in the constituent entities of the Russian Federation.

As practice shows, threats to the rights of persons with disabilities in terms of providing technical aids are largely rooted **in the field of law enforcement**. This is confirmed by the results of the actions taken by the prosecutor's office, which in 2019 revealed numerous facts of violations when providing citizens with disabilities with rehabilitation means in most constituent entities of the Russian Federation. Among such violations - non-compliance with the order and timing of procurement procedures for technical aids; provision of technical aids that do not correspond to the individual rehabilitation program for the disabled; untimely compensatory payments to disabled people for independently acquired rehabilitation means, unlawful reduction in the amount of these payments, red tape in the consideration of the relevant applications of citizens. Children with disabilities and veterans of the Great Patriotic War often suffer from such illegal actions. The analysis of judicial practice also revealed cases when, despite medical indications, technical aids (absorbent linen, wheelchair, etc.) were not included in the individual rehabilitation program for a disabled person.

It is expected that the adoption of the Federal Law "On the acquisition of certain types of goods, works, services using an electronic certificate", a draft of which was developed by the Government of the Russian Federation and adopted by the State Duma in the first reading on November 18, 2020, will improve the mechanisms for providing the disabled with rehabilitation means. It is expected that the electronic certificate will reduce unnecessary bureaucracy in the selection of technical aids, since the recipient will be able to independently select the required product and its supplier. In addition, persons with disabilities will not have to spend their own savings on the purchase, which minimizes the scope for abuse when paying compensation to disabled people for self-purchased rehabilitation means. I hope that this law will be adopted as soon as possible.

There are still a number of other problems related to the provision of technical aids requiring the improvement of legislation. Among them is the **issue of improving the quality of the provided rehabilitation means**. Since price remains the main criterion when placing an order for the purchase of technical aids, tenders are often won by suppliers offering low-quality goods. As a result, recipients - persons with disabilities, for whom the use of low-quality technical aids not only does not help in rehabilitation, but can also cause even greater harm to their health - suffer. In this regard, the issue of improving legislation in terms of increasing the requirements for the quality of technical aids during competitive procurement is relevant.

In addition, practice indicates the need to **further expand the federal list of rehabilitation measures, technical aids and services provided to a disabled person**, including through the inclusion of new modern high-tech technical means of rehabilitation. In particular, the list can be expanded due to new modifications of typhlotechnical equipment for blind and visually impaired persons.

Along with the provision of technical aids, a broad group of problems is associated with **the provision of rehabilitation services to disabled people**. In this area, it often so happens that in violation of the law, including due to a lack of funding, disabled people, as well as persons accompanying disabled people of group I, **are not provided free travel to the place of treatment and back**. In such cases, citizens are forced to pay for tickets on their own. Subsequently, they apply for compensation to the territorial bodies of the Social Insurance Fund of the Russian Federation, however, they are often refused on various grounds (the bodies of the Social Insurance Fund of the Russian Federation refer to the absence in Russian legislation of norms on reimbursement of expenses when paying for their own travel, the right of citizens to choose the transport to travel to the place of treatment; the absence of contracts between the carrier and the state institution). Subsequently, reimbursement of the cost of travel can be achieved through an appeal to the prosecutor or court.

This problem is especially important for disabled children. In 2020, the failure to provide a disabled child and an accompanying person with free travel to the place of receiving rehabilitation treatment became the subject of consideration by the Supreme Court of the Russian Federation. In the Review of the practice of court consideration of cases in disputes related to the implementation of measures of social support for certain categories of citizens, the Supreme Court of the Russian Federation noted that in the event of failure to provide a disabled child and an accompanying person with free travel to the place of treatment and back, the cost of such travel at the expense of the citizen's own funds can be reimbursed by the territorial body of the Social Insurance Fund of the Russian Federation as losses caused to the person whose right was violated.

In connection with the existence of such a law enforcement practice, it seems appropriate to recommend to the Social Insurance Fund of the Russian Federation to strengthen control over the provision of the corresponding state service to disabled people. At the same time, it is important to exclude the possibility of broad interpretation of the exhaustive list of grounds for refusing to provide free travel to the place of treatment, provided for by the administrative regulations for the provision of the corresponding social service.

Another issue in need of resolving is the issue of establishing regulatory provisions for the procedure for reimbursing the cost of self-purchased tickets to the disabled person and accompanying persons, if the territorial bodies of the Social Insurance Fund of the Russian Federation unreasonably refuse to provide free travel to the place treatment.

## 2.6. Promoting and protecting the rights of persons with disabilities in stationary social service organizations

In recent years, issues of observance and protection of the rights of persons with disabilities living in stationary social service organizations have been the subject of close attention of state authorities. In 2019, the Government of the Russian Federation initiated large-scale inspections of psycho-neurological boarding homes (hereinafter referred to as PNH), in which Rostrud, Roszdravnadzor and Rospotrebnadzor took part. Subsequently, on behalf of the Deputy Prime Minister of the Russian Federation T.A. Golikova, the specialists of the V. P. Serbsky State Research Centre for Social and Forensic Psychiatry carried out an individual examination of citizens living in PNHs. According to the results of the examination of the 152.4 thousand recipients of social services living in PNH, 34.4 thousand were recognized as capable, about 3 thousand - as partially capable. Currently, the Ministry of Labor of Russia is working to further determine the social status of these people, the possibility of organizing accompanied accommodation, training, employment, and social support measures.

In 2019, in order to strengthen the guarantees of the rights of citizens living in PNHs to health care and medical care, amendments were made to the Program of state guarantees of free provision of medical care to citizens for 2020, 2021 and 2022. It is envisaged, in particular, that in order to provide such persons with medical care, interaction of stationary social service organizations with nearby medical organizations is organized.

At the same time, the High Commissioners continue to receive complaints about the observance of citizens' rights in institutions providing inpatient social services.

One of the problems, which was previously repeatedly noted in the reports of the federal and regional commissioners for human rights, is the **inconsistency of living conditions in inpatient social service organizations for disabled people with modern requirements for a comfortable life**. This problem is aggravated by the facts of systematic violations of the civil and social rights of disabled people living in psycho-neurological boarding homes. Citizens issue complaints about the rudeness of the staff, the increase in payments for social services, the violation of the right to personal integrity, the freedom of movement, the right to own and dispose of personal property.

In the course of handling the complaints, numerous problems were identified, **caused by the lack of capacity in PNHs**, including as a result of the reduction of inpatient social service institutions. These include the existence of a queue of people in need of inpatient social assistance for admission to PNH, the impossibility of transferring from psychiatric hospitals to PNHs, the impossibility of transferring citizens to institutions of a similar profile located near the residence of their relatives.



In institutions providing inpatient social services, human rights commissioners revealed significant **shortcomings in the organization and provision of medical care**: low staffing of medical personnel, deterioration of medical equipment, a decrease in funding for the purchase of medical supplies, the presence of arrears for the supply of medicines, and a lack of stock of medical supplies. Disabled people living in inpatient social service institutions have faced cases of refusals in preventive examinations by specialists, problems with dental care, cases of acquiring medicines at the expense of personal funds of incapable citizens, financing of which is provided for by federal and regional budgets, the use of expired medicines and other violations.

In a number of cases, citizens living in these institutions **faced obstacles in protecting their rights**. In particular, they were not provided with the necessary conditions for the exercise of the right to appeal to state bodies due to the lack of information about the addresses and telephone numbers of the controlling bodies and samples of the complaints. In some inpatient social service institutions, there were no registers, cover letters, mailing lists confirming the timely sending of complaints to the competent authorities and bringing to the attention of the complainants the responses of the competent authorities.

It would be possible to ensure the implementation and protection of rights and freedoms of persons with disabilities who live in inpatient social service organizations subject to intelligent combination of internal and public control measures as well as the independent assessment of the quality of the provided medical and social services.

It is recommended that executive authorities of the constituent entities of the Russian Federation seek funds for the maintenance, reconstruction, and construction of buildings of the mentioned institutions.

Enhancing the guarantees of the rights of citizens living in PNH would be possible by the legislative consolidation of the opportunity for their relatives to perform the functions of a guardian. In the Report of the High Commissioner for Human Rights of 2019 the necessity of the early consideration of the relevant draft law, however it has not yet been adopted.

A further development of the outpatient of social service for the persons with disabilities remains an urgent issue. Active work is being conducted in this area at the regional level. In 2020 the Government of the Russian Federation approved the Rules on the implementation of special payments to citizens who have accepted persons with disabilities, elderly citizens, orphan children and legally free children for accompanied or temporary living (under temporary guardianship). According to the information provided by the Russian Ministry of Labour, 69 constituent entities of the Russian Federation engaged in work on the organization of accompanied living for disabled persons, about 2.5 thousand people with mental disorders have already been accepted for support by 2020. However, many issues of further legislative improvement on outpatient social services have been still relevant: the concept of "accompanied living" has not been governed by the federal laws, a comprehensive regulatory framework for

the development of the institution of foster homes for senior citizens and citizens with mental disorders has not been established. Currently the development of the draft law that would regulate at the federal level such form of social support, as foster families for retired and disabled persons, is carried out at the Federation Council level. The High Commissioner expresses the hope that the development of this draft law would strengthen the guarantees of the rights of citizens who are in need of social services.

Of special interest are proposals to expand the practice of social contract execution, under which citizens will be able to take care of critically ill persons with disabilities.

At the same time, according to the analysis of the appeals received by the High Commissioner from citizens, public organizations, regional commissioners, currently persons, who take care of the disabled, face a number of challenges.

In particular, with regard to the care after those within disability Group I and Group I of the childhood disabled, the above-mentioned citizens of working age are obliged to leave work and the amount of compensation is low.

Between 2016 and 2020, some 30 complaints were received on this issue, in which the appellants complained about the low compensation rate of non-working able-bodied carers.

Pursuant to a Presidential Decree, non-working able-bodied persons caring for the disabled person in disability Group I, as well as elderly persons in need of permanent care at a medical establishment, or who have reached the age of 80, a monthly compensation payment of 1,200 roubles has been established.

In 2013, in order to strengthen the social protection of certain categories of citizens, the President of the Russian Federation issued a decree which, as of 1 January 2013, provides for a monthly payment for the care of a non-working parent (adoptive parent) or guardian (guardian) 5,500 roubles for the care of a childhood disabled in disability Group I. Since July 1, 2019, the amount of the payment has been increased to 10,000 roubles. However, if a parent (adoptive parent) and a guardian (guardian) under this Decree receive an increased amount of compensation, other persons caring for persons with disabilities since childhood of Group I may claim only 1,200 roubles for compensation.

The complaints received on this issue vividly demonstrate that this situation has caused social tension, since the care of disabled persons in these categories requires equal effort and costs, while the difference in compensation payments is substantial.

In order to ensure equal guarantees for all persons caring for individuals with disabilities within disability Group I, as well as to alleviate social tension, it is necessary to amend the existing normative legal regulations, providing for a monthly compensation payment of 10,000 roubles to all non-working able-bodied persons caring for disability Group I disabled persons.

## **2.7. Observance and protection of the rights of persons with disabilities in institutions of the penal correction system**

As of 1 January 2020, approximately 424,000 convicts were serving their sentences in prison system (hereinafter referred to as “the PS”). Out of this number there are a significant figure of persons with health needs and chronic diseases. A total of 18.9 thousand disabled persons are held in institutions of the PS. 421 persons with disabilities within disability Group I, 7.6 thousand persons in disability Group II, 10.9 thousand persons in Group III. The total number of disabled persons in the PS is 18.9 thousand persons. Furthermore, there are more than 120,000 persons with socially significant diseases in the PS, that is, almost 30% of all persons held in these institutions.

In recent years, a number of measures have been taken to bring the activities of the medical service of the PS into line with the main conceptual guidelines for the development of the health-care system of the Russian Federation to improve the organization of medical care for suspects, accused persons and convicted prisoners, including women, pregnant women, disabled persons and minors, as well as for the prison staff, members of their families and retirees of the PS.

There are currently 659 medical units, 158 paramedical and 61 medical clinics, 55 medical and social rehabilitation centres, 73 military medical commissions and 74 sanitary and epidemiological monitoring centres, 144 hospitals (including 65 tuberculosis hospitals, 5 psychiatric hospitals, 8 hospitals for medical care of the PS staff), 13 children’s homes within the health system of the PS.

Of the 2,700 persons in need of technical rehabilitation aid, 2,400 or 85.3% were provided with this equipment while the target percentage according to «Roadmap» on increasing the accessibility for persons with disabilities within the PI is 77%.

The state of health of disabled convicts requires additional guarantees - considering that many of them have difficulties with everyday self-services and suffer from chronic illnesses. Some of them cannot do without outside help with daily meals and hygienic procedures. In accordance with the provisions of article 99 of the Criminal-Procedural Code, prisoners with disabilities in disability Groups I or II are provided with food, clothing, and personal hygiene utensils free of charge, as well as provided also with improved living conditions and increased nutritional standards. As a rule, this category of convicts is housed in separate premises. The facilities in which convicted persons with disabilities are held must be equipped with special devices.

Under article 88 of the Criminal-Procedural Code, convicted persons with disabilities in disability Groups I and II have the right to spend money on personal accounts without limitation, while other convicted persons have the right to spend a fixed amount per month, depending on the type of prison facility and the conditions under which the sentence is served.

However, despite the measures taken, it must be noted that a large proportion of the facilities of the PS are not adapted to persons with disabilities who require external assistance. Lack of funding is one of the main reasons for this situation. There is a lack of prisoner transport carriages for the transfer of disabled prisoners since more than 70% of the special carriages had been made before 1995 without any facilities for wheelchair users.

There have been cases in which the administrations of the PS facilities have not accepted applications for the establishment or extension of a disability for transmission medical documentation to the MSA offices or have prevented the collection of the necessary documents. There is also a lack of provision for convicted persons with TRE.

The protection of the rights of persons with disabilities in the PS has been the subject of numerous reviews by federal and regional ombudsmen. In the first 10 months of 2020, the Ombudsman received 169 applications for protection of the rights of persons with disabilities held in places of forced detention (221 in 2019 and 113 in 2018).

The range of problems faced by persons with disabilities in the PS is quite broad: inadequate conditions of detention and difficulties in being recognized as disabled, failure to provide the disabled with accessible medical care, medicines and pensions.

The regulations governing the protection of the rights and legitimate interests of persons with disabilities in penal correction facilities require systematic improvement. In this connection, the Government of the Russian Federation should expedite its consideration and approval of the “Outline Plan for the Development of the Russian Penal Correction System up to 2030”.

A number of shortcomings in the legislation relate to **the regulation of grounds which preclude the possibility of detention for persons with disabilities who are suspects or accused**. Thus, the list of serious diseases preventing the detention of persons suspected or accused of committing a crime, as confirmed by the Decision of the Government of the Russian Federation of 14 January 2011 №3 is rather narrow. As a result, persons who do not formally qualify for this list (for example, those who have an Ilizarova apparatus installed all over their leg) are placed in remand centres by court order but due to serious illness or disability, unable to provide for themselves, which could be a reason for changing the preventive measure.

In order to protect the rights and legitimate interests of suspects and accused persons with special needs, the Ministry of Justice of the Russian Federation has prepared a **draft federal law «On amendments to the Federal Law «On detention of suspects and accused persons»** regulating the conditions of detention of persons with disabilities of disability Groups I and II», which has been supported by the High Commissioner and is currently being agreed with the relevant state authorities. The

High Commissioner expresses the hope that the Government of the Russian Federation will agree and submit it to the State Duma as soon as possible.

Some problems are related **to the transfer of persons held in ordinary, strict and special-regime correctional colonies from ordinary to light prison conditions**. The Code of Criminal Procedure of the Russian Federation provides for the possibility of such transfer, provided that there are no penalties for violations of the established procedure for the serving of sentences and a convict has conscientious attitude towards work. In practice, however, correctional colonies cannot provide persons with disabilities with work, so there are no formal grounds for transferring them to light prison conditions. It is therefore advisable to amend the Code of Criminal Procedure, according to which disability is one of the grounds on which the conditions for serving a sentence are reduced.

Under article 99 of the Code of Criminal Procedure, disabled persons in disability Groups I and II are provided with improved living conditions. However, the very concept of «**improvement of living conditions**» **is not clearly defined by the legislation, and therefore can be interpreted very freely**.

According to the assessment of public organizations involved in the protection of human rights, it is too early to speak of the creation of improved living conditions for persons with disabilities in most institutions of the PS. In this connection, the proposal to create separate sections in correctional institutions with conditions as close as possible to the needs of persons with disabilities (communal, domestic, working conditions, etc.) seems to be a sound one. In addition, in order to safeguard the rights of convicted persons with disabilities who are unable to serve themselves independently, it would seem advisable for the Ministry of Justice to draw up a legal instrument providing for the possibility for some of the able-bodied convicts to be chosen to provide permanent care to persons with disabilities with some financial compensation.

The problem of releasing convicts with disabilities from serving their sentences because of serious illness, to which the High Commissioner has repeatedly drawn attention in her annual reports, remains of great social importance. The definition of the legal norm providing the grounds for release from prison for a serious illness are sufficiently broadly understood by the courts, and excessive conditions for such release lead to cases of delays and violations of the legitimate interests of seriously ill persons. In 2018, the High Commissioner prepared a draft federal law «On amendments to article 81 of the Criminal Code of the Russian Federation», aimed at resolving the issue of release from serving a sentence of convicts due to serious illness, which is currently undergoing further endorsement procedure with the Russian Ministry of Health. The High Commissioner expresses the hope that it will be endorsed as soon as possible and subsequently submitted to the State Duma.

Matters relating to the serving of sentences by convicted persons with disabilities should always be in the focus of the attention of the staff of the PS. In



the current context of the development of the penal correction system according to the requirements of international legal instruments in this area, it is necessary to establish a system of legal and organizational measures, which would make it possible to deal as effectively as possible with the problems of providing convicted persons with necessary assistance.

## **2.8. Respecting and protecting the rights of persons with disabilities in times of pandemic**

A separate cluster of issues concerns respecting and protecting the rights of persons with disabilities during the spread of the new coronavirus infection COVID 19.

As a social challenge, the pandemic has exacerbated the inequalities faced by persons with disabilities in most countries of the world. Persons with disabilities are less likely to have access to education, health care and opportunities to earn or participate in social life and are classified as most vulnerable in a situation of crisis. During this difficult period, disabled persons and families with disabled children were particularly vulnerable to the lack of health services and needed additional protection.

In this regard, it is true that D. Miyatovich, the High Commissioner for Human Rights of the Council of Europe, has stated that the measures taken in response to the COVID-19 coronavirus pandemic should not leave people with disabilities aside. Persons with disabilities are not only at increased risk of serious health complications but also have special needs for support during this difficult period.

The basic document of the UN, adopted in June 2020, among the main measures to support defines «socio-economic response measures». Within this group of measures, particular attention is paid to the impact of the crisis on the human rights situation. At the national level, this implies taking targeted steps to address the needs and rights of the most vulnerable groups of the population: women, older persons, children, low-paid workers, persons with disabilities.

In Russia, measures to combat coronavirus include both legislative and voluntary measures to support persons with disabilities.

The Government of the Russian Federation has approved a temporary simplified procedure of disability confirmation, which provides for primary and secondary medical and social assessments to be carried out in MSA institutions without the presence of a disabled person. The provisional order was established until 1 October 2020. Furthermore, for those who were to undergo the re-certification from 1 March to 1 October 2020, including disabled children, the previously prescribed disability Group was automatically renewed by 6 months. The individual rehabilitation or habilitation programme was also extended by half a year, with all rehabilitation measures previously recommended, including the provision of technical rehabilitation equipment, retained. In view of the continuing complex

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epidemiological situation, in October 2020, the provisional procedure for the recognition of a person with disabilities was extended until 1 March 2021.

We believe, that in view of the health and epidemiological situation in the country, a temporary simplified procedure of disability confirmation should be extended.

According to information from the Russian Ministry of Labour, about 180,000 citizens were covered by the new procedure every month. The Ministry of Labour of the Russian Federation reported that the new procedure had been extended to the Russian Federation.

The authorities of many constituent entities of the Russian Federation have organized measures to support persons with disabilities during periods of self-isolation.

At the same time, with the spread of COVID-19, the activities of volunteers to support persons with disabilities have gained importance. A striking example in this field is the organization of the all-Russian action of mutual aid during the Coronavirus pandemic #WETOGETHER (#МЫВМЕСТЕ). As part of the campaign, anyone who wished to do so could help people in isolation, including the elderly and people with limited mobility, to buy food and medicines, solve domestic problems and provide psychological support. The event brought together more than 118,000 volunteers. The number of people assisted by their efforts exceeded 3.4 million.

During the period of the restrictive measures, from 1 April to 1 November 2020, the High Commissioner received more than 100 applications from persons with disabilities.

More than half of the applications related to **social security (60)**. Of these, one third requested assistance in obtaining financial aid and social services (21). In addition, citizens asked for assistance in placing a disabled person on the waiting list as a needy, poor; in providing unemployment benefits; in organizing social services for a disabled person at home; in replacing the technical means of rehabilitation (electric wheelchair).

With the spread of coronavirus infection, it has become particularly important **to provide persons with disabilities with quality and accessible medical care**. The applicants referred to the High Commissioner concerning assistance in hospitalization in medical institutions; the need to improve the time frame for hemodialysis; and the conduct of routine medical examinations; timely provision of medicines for medical use; improvement of unsatisfactory living conditions in medical institutions (lack of hot meals); facilitation of transport for a disabled person of disability Group I, who was treated at a medical institution in Moscow at his place of residence, to the city of Penza; unjustified transfer to an infectious hospital without clinical evidence.

Citizens also complained of the impossibility or difficulty of performing COVID-19 tests in medical institutions at their place of residence; lack of and an

increase in price of personal protective equipment (masks, gloves), antiseptics in pharmacy networks.

One third of the cases concerned **the procedure for MSA (35)**, of which 15 contained complaints of difficulties, related to the determination of the degree of loss of work capacity because of work-related accidents, occupational diseases and the development of a rehabilitation programme.

**The regional human rights commissioners have made a great deal of effort to assist persons with disabilities** in dealing with coronavirus infection. There is cooperation with volunteers and public organizations that provide assistance to citizens in need of food and medicine.

An analysis of the complaints received by the Ombudsman from persons with disabilities, as well as law enforcement practices, **revealed a number of particularly sensitive issues related to the protection of the rights of this category of citizens in the context of the spread of coronavirus infection.**

In particular, the COVID-19 pandemic has complicated the provision of TRE for persons with disabilities, as the restrictions have had a negative impact on domestic manufacturers of rehabilitation equipment for persons with disabilities. The head of the Rehabilitation Industry Association estimated that small businesses as well as non-profit organizations had been hit especially hard in the pandemic. However, **the rehabilitation equipment producers were not included in the list of those most affected by coronavirus, which prevented them from applying for sufficient State support funding.**

Guarantees for producers of TRE are directly related to the rights of persons with disabilities, and therefore the measures necessary to support these enterprises will make it possible to resolve the difficulties encountered in providing TRE to persons with disabilities and prevent similar problems in the future. The Government of the Russian Federation has already taken a number of steps in this direction: in September 2020, in order to facilitate the provision of support to producers of TRE, a decision was adopted to establish a list of producers of such products.

A number of restrictive measures adopted in response to coronavirus infection have **negatively affected the activities of residential social services.**

Patients in psycho-neurological boarding schools, residential children's homes for children with disabilities, homes for the elderly, where, due to the large number of people with reduced immunity, the infection spreads more rapidly, are at particular risk. According to the Russian Ministry of Labour, at the height of the spread of COVID-19 in April 2020, a coronavirus was diagnosed in 457 persons in 16 psychoneurological and other boarding schools in the territory of seven constituent entities of the Russian Federation.

In order to counteract the spread of coronavirus infection, social service institutions have been transferred to work under quarantine conditions, and a number of their residential branches have been suspended. This has often **impeded access to necessary social services for persons with disabilities.** The Commissioner has

been requested to assist persons with disabilities in obtaining such services, which have resulted in prompt action to restore the rights of citizens.

**The introduction of restrictions in residential social institutions** during the period of coronavirus infection has often caused considerable inconvenience to disabled and elderly people living in residential homes. It is therefore important that those restrictions should meet the criteria of reasonableness and proportionality.

In order to ensure that the rights of citizens living under conditions of self-isolation in residential social institutions are respected, On 20 May 2020, the staff of the Office of the High Commissioner, together with the Department of Labour and Social Protection of the Population of Moscow City, carried out a visit to a residential institution for disabled persons and persons with special needs, the Psychoneurological Boarding School №22. The inspection showed that the measures taken by the Department of Labour and Social Protection of the Population of the City of Moscow, together with the Department of Health of the City of Moscow, were timely and helped to prevent the spread of new coronavirus infection in the said institution. In addition, since the beginning of the period of high alert, efforts have been made to raise awareness among residents on the issue of introduced restrictive measures.

The context of the pandemic has raised the issue of the need **to strengthen safeguards during the pandemic to protect the rights of persons with disabilities under the age of 65**.

During the period of the dissemination of COVID-19, the legislation of the constituent entities of the Russian Federation mainly identified two groups of citizens at risk - persons over 65 years of age and citizens suffering from certain chronic diseases. In compliance with the mandatory regime of self-isolation for these categories of citizens, the normative legal acts of the constituent entities of the Russian Federation provide for certain measures of social support.

Thus, in view of the spread of COVID-19 in the city of Moscow, citizens over 65 years of age, as well as persons with certain diseases who are obliged not to leave their place of residence, are granted, in accordance with the legislation of the city of Moscow, with social assistance upon their request. Volunteers bring medicine, food, and basic necessities for the above-mentioned citizens, in accordance with their wishes. Delivery is free and the goods are purchased from the person ordering them.

Despite the fact that persons with disabilities in disability Group I under 65 have health problems are, in fact, at risk and have a special responsibility to observe the rules of self-isolation, **they are deprived of these social support measures**.

It is possible to solve the problem by legally classifying disabled persons in disability Group I as a category of citizens at risk of COVID 19. This step will correspond to the position reflected in the Guide «COVID 19 and the Rights of Persons with Disabilities» prepared by the Office of the UN High Commissioner for Human Rights.

No less important and relevant at a time of pandemic is the following issue:

in accordance with current federal and regional legislation, all income, including a monthly cash payment, is taken into account when the relevant authorities decide to provide targeted social assistance to persons with disabilities and other measures of social support.

In case the amount of income of a disabled person is higher than the living wage established for this category of citizens in the constituent entity of the Russian Federation, the targeted social assistance is not provided to them. In view of the above and of the spread of the new coronavirus infection COVID-19 the calculation of income without MP considered to be advisable in case of state assistance for disabled in self-isolation.

Citizens' appeals to the High Commissioner during the pandemic indicate one of the most significant problem – the limited awareness of citizens about the imposed restrictive measures, rights, obligations, and sanctions on failure to comply with restrictions. A similar issue arises when analyzing appeals of persons with disabilities. In particular, where medical and social assessment held in relevant MSA institutions are concerned, the main reasons for considerable number of appeals deal with nonsufficient awareness of numerous of applicants about the Russian Federation Government decision to extend the period of disability without visiting those bodies.

The development of legal education forms by the High Commissioner, including with the participation of the regional human rights commissioners Institute, contributes to the improvement of citizens legal culture level, especially those belonged to the most socially vulnerable categories. Since 2018 a large-scale social and educational project «Festival «Integration» for persons with disabilities» has been arranged under the auspices of the High Commissioner, the human rights workshops, trainings, film screenings, and free legal consultations are held within the framework of it. Thus, the innovative forms of legal literacy development among disabled persons, including the involvement of a non-state system of free legal assistance, to be further explored.

Along with the above, other issues regarding support of disabled persons in unfavorable sanitary and epidemiological situation are also to be solved. In particular, to monitor population needs at the federal level, including those of disabled persons, in obtaining in-kind assistance during the pandemic, as well as to arrange single management center for providing such assistance are needed to be considered. Similar to the payments established for families with children in 2020 monthly or lump-sum payments could also be included into the additional support measures for disabled during this difficult period.

## ANNEX

### **RIGHTS OF PERSONS WITH DISABILITIES IN ANNUAL AND SPECIAL (THEMATIC) REPORTS OF HUMAN RIGHTS COMMISSIONERS IN THE CONSTITUENT ENTITIES OF THE RUSSIAN FEDERATION**

The problem of rights protection of disabled persons is covered in annual reports of the human rights commissioners in the constituent entities of the Russian Federation.

In addition, over the past two years, 14 special reports of human rights commissioners in the constituent entities of the Russian Federation were devoted to this theme: 8 reports in 2018; 6 reports in 2019.

The problems of an accessible environment for disabled persons were considered in following 4 special reports of the commissioners for human rights in the constituent entities of the Russian Federation:

«On the state of accessible environment in the Kursk region», 2019;

«On accessibility level review for disabled persons to social, engineering, transport infrastructure, service facilities, territorial bodies of federal executive authorities and their subordinate institutions, prosecutor's offices located on the territory of the city of Megion (Commissioner for Human Rights in the Khanty-Mansiysk Autonomous Okrug-Ugra), 2019;

«The accessible environment for disabled persons in the Nizhniy Novgorod region»;

«The results of monitoring the outcomes of the conditions created to meet the disabled persons and low-mobility citizens' groups right to have an easy access to railway infrastructure of the Vladimir region», 2019.

In addition, a research paper «The establishment of an independent monitoring mechanism to evaluate and monitor the implementation of the rights of persons with disabilities and musculoskeletal disorders in the city of Moscow towards to state guarantees and services established by current legislation» was published in 2018 based on the results of a study assigned by the Commissioner for Human Rights in Moscow.

Ten special reports deal with the issues of social services for the senior citizens as well as the disabled persons, including those with mental diseases:

«Protection of the rights of citizens in mental hospitals and care homes for persons with neuropsychiatric symptoms of the Samara region», 2019;

«On protection of the rights of citizens with mental diseases in mental health care in Perm region», 2019;

«On protection of the rights of citizens in care homes for persons with neuropsychiatric symptoms of Perm region», 2018;

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«On protection of the rights of citizens in psychiatric institutions of Bryansk region», 2018;

«On protection of the human rights in psychiatric institutions of the Vladimir region health care», 2018;

«Protection of the rights of persons with mental diseases», Republic of Ingushetia, 2018;

«On protection of the rights of citizens with mental diseases in the Udmurt Republic», 2018;

«On protection of the rights of citizens with mental diseases with residence in care homes for persons with neuropsychiatric symptoms of Kursk region», 2018;

«On protection of the rights of citizens with mental diseases and residence in social services», Khabarovsk Territory, 2018;

«On protection of the rights of citizens with residence in social protection institutions and its inpatient facilities in Chuvash Republic», 2018.

The analysis suggests that the sensitive issues for most constituent entities of the Russian Federation are the following:

accessibility of residential infrastructure facilities, in particular, accessibility of the communal area and residential estate, including in the apartment buildings, for disabled persons;

housing (under a social employment contract or in the ownership) for disabled persons and families with disabled children;

disabled individuals' access to services and social infrastructure facilities on an equal basis with others;

disabled individuals' inaccessibility of healthcare facilities;

of disabled individuals' accessibility of transport, transport infrastructure and road traffic safety for the disabled persons;

disabled individuals' voting rights complexity;

disabled individuals' providing with technical means and prosthetic and orthopedic products, its unsatisfactory quality;

delayed compensation payment for self-purchased technical equipment (mainly the purchase of high-tech prostheses), as well as of its size;

low level of disabled persons awareness about the procedure

providing technical means of rehabilitation;

problems faced by the appointment and implementation of disabled individual rehabilitation programs and a low level awareness of their rights and rehabilitation process specifics;

providing privileged categories citizens with sanatorium-resort treatment;

lack of a legal regulation of vouchers frequency providing for privileged categories of citizens;

medical-social assessment (MSA);

medical assistance for the disabled and preferential medication supply;



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problem of medical healthcare availability for the disabled persons and shortcomings in their medical care;

citizens' rights in institutions provided inpatient social services, the queue of citizens needed of inpatient social assistance, insufficient material and technical base of institutions, as well as violations of sanitary and hygienic requirements;

restrictions on the free mobility right for the disabled;

employment and job protection problems for disabled persons;

imperfection of inclusive school education;

issues of providing free legal assistance, etc.

The problems faced by individuals with disabilities in places of detention are the same as those for disabled people outside of prisons.





## LIST OF ABBREVIATIONS

Office	Office of the High Commissioner for Human Rights in the Russian Federation
BSC RF	Bulletin of the Supreme Court of the Russian Federation
WHO	World Health Organization
THE STATE DUMA	The State Duma of the Federal Assembly of the Russian Federation
SP	the state penitentiary
CoAO of RF	Code of Administrative Offences of the Russian Federation
ILO	International Labour Organization
MSA	medical-social assessment
UN	The United Nations
PNSCH	care homes for persons with neuropsychiatric symptoms
RG	«Rossiyskaya Gazeta»
CHR	Commissioner for Human Rights in the constituent entity of the Russian Federation
CL of RF	Collection of Legislation of the Russian Federation
SIZO, PTD, DF	pre-trial detention, detention facility



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FC	Federation Council of the Federal Assembly of the Russian Federation
LC of RF	Labor Code of the Russian Federation
RE	rehabilitation equipment
CED of RF	Criminal Executive Code of the Russian Federation
PS	the prison system
HC	High Commissioner for Human Rights in the Russian Federation
CNPS	Chernobyl Nuclear Power Station