



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Nineteenth session

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Item 5 of the provisional agenda

**Consideration of reports submitted by  
parties to the Convention under article 35**

## List of issues in relation to the initial report of the Russian Federation

Addendum

## Replies of the Russian Federation to the list of issues\*, \*\*

[Date received: 13 November 2017]

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\* The present document is being issued without formal editing.

\*\* The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of Persons with Disabilities.



## **Replies to the list of issues of the Committee on the Rights of Persons with Disabilities on the initial report of the Russian Federation on its implementation of the Convention on the Rights of Persons with Disabilities**

### **Reply to question 1**

1. Prospects for ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities can be considered once the country's national legislation, law enforcement system and judicial practice required for implementation of each of the Convention's provisions have been fully developed, subject to the influence of and monitoring by the State and the public, in full compliance with the principles of the Convention. The Russian Federation is now actively taking steps to bring the national legislation, law enforcement and judicial practice into line with the Convention.

### **Reply to question 2**

2. Federal Act No. 116 of 7 June 2017 amending the Federal Act on Social Protection of Persons with Disabilities was adopted to give effect to the powers described in paragraph 31 of the initial report, specifically the power of the State to supervise and monitor respect for the right of persons with disabilities to the barrier-free use of services and the facilities where they are provided.

3. This Federal Act requires the competent federal and regional supervisory and monitoring bodies (in the spheres of labour, employment, health care, the provision of medicines, education, culture, social services, all types of transport, communications, housing and construction) to perform, as part of all the inspections they carry out, State supervision and monitoring of accessibility for persons with disabilities at facilities providing social services and in transport and non-transport infrastructure, and their access to the services provided.

4. Federal laws and regulations set out the procedure for organizing and conducting accessibility checks in these fields.

5. State supervision and monitoring activities focus on compliance with specific mandatory conditions for ensuring access for persons with disabilities to facilities and services and for the provision of assistance for them, as established, since ratification of the Convention, by 40 federal and 715 regional legislative acts adopted in the period 2012–2017. Federal Act No. 419 of 1 December 2014 was adopted to amend certain legislative acts in respect of the social protection of persons with disabilities, following the ratification of the Convention. The requirements of 42 pieces of enabling legislation adopted pursuant to the Act between 2015 and 2017 are subject to supervision and monitoring as well.

6. Information on Federal Act No. 419 and on legislative acts and laws and regulations adopted since the submission of the initial report to the Committee on the Rights of Persons with Disabilities can be found in annexes 2 and A4 to the present replies.

7. Legal proceedings in respect of violations of the federal Code of Administrative Offences can be instituted based on reports from State bodies and voluntary associations, or on complaints submitted by persons with disabilities reporting an administrative offence (Code of Administrative Offences, art. 28.1 (1), (2) and (3)).

8. Twelve articles of the Code specifically prohibit offences against persons with disabilities (see the reply to question 4).

9. The judges, bodies and officials authorized to examine and record cases involving administrative offences are listed in chapter 23 and in articles 28.3 and 28.4 of the Code of Administrative Offences, respectively. The authorized bodies include the monitoring and supervision bodies identified in Federal Act No. 116 of 7 June 2017.

10. In total, in 2015–2016, as a result of State supervision and monitoring, more than 39,000 violations of the rights of persons with disabilities were detected, 1,616 official challenges against unlawful legal actions were lodged by the procuratorial services, over 10,000 representations were made, as a result of which 6,000 persons were held responsible for disciplinary offences, 8,800 applications were filed with the courts, 1,200 cases involving administrative offences were opened, 167 officials received warnings that breaches of the law would not be tolerated and the investigative authorities opened 43 criminal cases based on case-files compiled by procurators during their monitoring.

11. Compliance with the law relating to the protection of the rights of persons with disabilities was considered for the first time as an interdepartmental activity on 3 March 2017, at a joint meeting of the boards of the Office of the Procurator General of the Russian Federation and the federal Ministry of Labour and Social Protection.

### **Reply to question 3**

12. Pursuant to Federal Act No. 419, standards were incorporated into 25 legislative acts regulating access by persons with disabilities to facilities and services in all basic spheres of their lives. The standards require State and local authorities to train specialists and staff members who work with persons with disabilities so that they comply with accessibility requirements when providing assistance and services for such persons. Procedures and programmes for this training were established through enactments and regulations of 12 federal ministries, including the Ministry of Justice and the Ministry of Internal Affairs.

13. Vocational training requirements to prepare future specialists to give due regard to the special needs of persons with disabilities in the light of the Convention are being gradually incorporated into all federal State educational standards, as they are updated.

14. A comprehensive training manual for conducting training for specialists in all spheres of the lives of persons with disabilities is available on the website of the Ministry of Labour and Social Protection.

15. In accordance with a decision of the Presidential Commission for Persons with Disabilities, the federal ministries have set up sectoral resource training centres at leading educational institutions to train staff, as specified in the Convention, to work with persons with disabilities.

16. The federal ministries have set up special educational institutions and optional workshops to provide specialized training for those working in sectors involved in the implementation of the Convention.

17. Specifically:

- The federal Ministry of Transport has set up a sectoral resource centre based at Moscow State University of Railway Engineering to train transport specialists in the provision of services for persons with disabilities
- The Russian Ministry of Labour and Social Protection conducts training (skills-enhancement training) at the Saint Petersburg Postgraduate Medical Institute for specialists in the rehabilitation and habilitation of persons with disabilities
- The federal Ministry of Culture conducts training at the Russian State Specialized Art Academy for specialists of cultural institutions, on the sociocultural rehabilitation of persons with disabilities and persons with special needs
- In 2016, the federal Ministry of Education and Science set up three teaching resource centres at the Russian State Social University, Moscow State Psychological and Pedagogical University and the Bauman Moscow State Technical University to conduct activities to train higher-education teaching personnel to take account of the special needs of persons with disabilities in the educational process
- The federal Ministry of Sport has set up an applied research centre at the Lesgaft National State University of Physical Education, Sport and Health to train and

enhance the skills of sports specialists in the use of adaptive physical education training techniques for persons with special needs

18. In 2015–2016, over 60,000 specialists directly providing services to the population underwent various types of training or instruction at the regional and local levels in the provision of services in accessible formats for persons with disabilities.

19. Within the framework of the State Accessible Environment Programme for 2011–2020, the Ministry of Labour and Social Protection conducted further training on disability access issues for an additional 5,400 managers and specialists responsible for providing services.

20. In addition, 15,000 expert physicians, rehabilitation specialists and other specialists of federal institutions directly involved in rehabilitation or in medical and social assessments underwent scheduled training.

21. Since 2015, the Ministry of Labour and Social Protection has been conducting training with a view to enhancing the skills of employees of federal ministries for the implementation of the Convention in the relevant sectors.

22. Article 1 of the Federal Act on Social Protection of Persons with Disabilities, which defines the concept of a “person with a disability”, establishes that the aim of State activities for the social protection of persons with disabilities is to prevent and mitigate the consequences of “limitations of everyday activities”. Later articles of this basic law establish the obligation of the State to take a set of actions to overcome the adverse impact of unfavourable environmental factors on the independent living of persons with disabilities. In a number of its articles, the State’s role is explicitly identified as its obligation to assist persons with disabilities in overcoming the barriers that they face.

23. A modern, transitional conception of disability has been developed in the Russian Federation on the basis of the biopsychosocial model, with the use of the International Classification of Functioning, Disability and Health, as well as on the basis of the legal model. Its aim is to eliminate barriers and ensure the adaptation of the environment with a view to guaranteeing civil, political and social equality for all persons, irrespective of their disability status.

24. At the initial stage of the implementation of the Convention, the gradual harmonization of national legislation with the social and legal models of disability stemming from the Convention have involved amending the basic Federal Act on Social Protection of Persons with Disabilities and other federal laws, with a view to providing a clear definition of the barriers (and the conditions for their avoidance or elimination) that prevent persons with disabilities from participating in society on an equal basis with other persons. The State, facility owners and service providers are required to offer help and assistance in eliminating barriers. The conditions to ensure accessibility (or a barrier-free environment) are set forth in article 15 of the Act.

25. The conditions for a barrier-free environment are not yet exhaustive in scope and number; they are limited by the need to strike a balance between such conditions and the economic possibilities of society, in accordance with the principle of reasonable accommodation.

26. In order to ensure that further progress is made towards the more comprehensive realization of the social model of disability, the State plans to strengthen requirements for the maximum possible elimination of barriers and for assistance to persons with disabilities in overcoming them. This will be carried out through legislation and law enforcement.

27. In this context, one way in which the legislation will be improved will be through consideration of future harmonization of the concept of a “person with a disability” with the definition set forth in the Convention.

28. In various legislative acts, including federal acts such as the Education Act, the Physical Culture and Sport Act, the Citizenship Act, the Act on the Principles of Preventing Neglect and Juvenile Delinquency, the Act on the Provision of State and Municipal Services and the Rights of the Child in the Russian Federation (Fundamental Guarantees)

Act, the concept of a “person with special needs”, which has legal status, is used alongside the concept of a “person with a disability”.

29. Reference is made to the concepts of “persons with reduced mobility” and “groups with reduced mobility” in federal acts regulating policy on transport and town planning.

30. Measures of State support for persons with disabilities are implemented in accordance with these legislative acts, with due regard for the principle of non-discrimination on the basis of disability.

#### **Reply to question 4**

31. In accordance with article 19 of the Constitution of the Russian Federation, all persons are equal before the law and the courts. In furtherance of this constitutional provision, article 3.1 of the basic Federal Act established a prohibition against disability-based discrimination. Disability-based discrimination is understood in the Federal Act to mean any distinction, exclusion or restriction made on the basis of disability, the purpose or result of which is to diminish or deny the recognition, realization or exercise on an equal basis with other persons of any of the human and civil rights and freedoms guaranteed in the Russian Federation in the political, economic, social, cultural, civil and all other spheres.

32. In accordance with article 32 of the basic Federal Act, citizens and officials guilty of violating the rights and freedoms of persons with disabilities are liable for offences under the national law.

33. Discrimination is a criminal offence. Article 136 of the Criminal Code of the Russian Federation establishes that discrimination through the use of official positions is punishable by fines of 100,000 to 300,000 roubles (\$1,710 to \$5,130), deprivation of the right to hold certain positions for up to 5 years, correctional labour for up to 2 years, forced labour for up to 5 years or deprivation of liberty for up to 5 years.

34. The Code of Administrative Offences, in article 5.62, also establishes liability for discrimination and applies administrative fines of 1,000 to 3,000 roubles (\$17 to \$51) to citizens and 50,000 to 100,000 roubles (\$855 to \$1,710) to legal entities.

35. In the event of non-compliance with mandatory legislative requirements for accessibility of persons with disabilities to facilities and services, the following administrative actions may be taken:

- A notice to comply may be issued
- Administrative proceedings may be instituted in accordance with the procedure established in the Code of Administrative Offences
- A reminder notice may be issued calling for action to be taken in response to a prior notice to comply
- A licence to conduct a particular activity may be suspended
- An application may be submitted to a court calling for the cancellation of such a licence

36. The Code of Administrative Offences establishes special administrative liability for persons who violate the rights of persons with disabilities.

37. Thus, article 5.42 of the Code establishes administrative liability for an employer’s failure to fulfil the obligation to create or reserve positions for persons with disabilities in accordance with a quota and for an employer’s refusal to hire a person with a disability within an established quota. Such administrative offences attract administrative fines of 5,000 to 10,000 roubles (\$85 to \$171).

38. Failure to fulfil requirements to ensure disabled access to facilities and refusal to adapt public transport vehicles for use by persons with disabilities are punishable by an administrative fine of 2,000 to 3,000 roubles (\$34 to \$51) for responsible individuals and

20,000 to 30,000 roubles (\$342 to \$513) for legal entities (Code of Administrative Offences, arts. 9.13 and 9.14, respectively).

39. The heads of public transport systems and other officials responsible for organizing such systems and operating vehicles who violate the legal requirement to include vehicles accessible to persons with disabilities are subject to an administrative fine of 2,000 to 3,000 roubles (\$34 to \$51) (Code of Administrative Offences, art. 11.24).

40. Administrative liability has also been established for violations of the legal requirement to provide spaces in parking lots for special vehicles for persons with disabilities (Code of Administrative Offences, art. 5.43) and for violations of the rules against stopping or parking vehicles in spaces reserved for persons with disabilities (Code of Administrative Offences, art. 12.19 (2)).

41. When discrimination is brought to light, official challenges are lodged by procurators, notices to comply with the basic Federal Act are served, warnings are issued, citizens' cases are brought to court, decisions are taken to institute administrative proceedings and the case-files prepared as a result of procuratorial monitoring activities are forwarded to the bodies responsible for pretrial investigations and initial inquiries.

42. Annex 1 contains a breakdown, by article of the Convention, of the offences committed against persons with disabilities examined by courts of general jurisdiction over the period 2013–2017.

## **Reply to question 5**

43. As at the end of 2016, the number of women with disabilities had fallen by 0.3 per cent. Women represented 57.3 per cent of the total number of persons with disabilities; 19.7 per cent of them were of working age and 76.9 per cent were of pensionable age.

44. There have been no significant changes in these statistics on women with disabilities since 2014.

45. Since 1 January 2007, the Russian Federation has been implementing a maternity (family) payment programme, which provides for the allocation to families of monetary resources from the federal budget upon the birth or adoption of a second child and each child thereafter. Maternity payments are a monetary obligation on the part of the State towards the family that guarantees that monetary resources will be paid if certain conditions are met. Persons entitled to receive maternity payments are issued with a State certificate, a personalized document confirming their entitlement, by the Pension Fund of the Russian Federation.

46. Between 2007 and 2016, the value of maternity (family) payments increased from 250,000 to 453,000 roubles (from \$4,276 to \$7,748).

47. In 2015, 10,800 persons issued with certificates of entitlement to maternity payments were raising children with disabilities. It is predicted that a further 2,700 parents of children with disabilities will be eligible by the end of 2017.

48. The national strategy for action for women for 2017–2022 was approved pursuant to Government Order No. 410 of 8 March 2017. It sets out the main lines of State policy for women, including for women with disabilities, and is aimed at realizing the principle that men and women have equal rights and freedoms.

49. In accordance with article 19 of the Constitution, all persons are equal before the law and the courts. The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, ethnicity, language, origin, wealth, official position, place of residence, attitude towards religion, beliefs, membership of voluntary associations or other circumstances. All limitations of citizens' rights on social, racial, ethnic, linguistic or religious grounds are prohibited.

50. The Criminal Code provides for measures to protect victims from all forms of violence, and such measures are applicable to women with disabilities.

51. Information on the measures taken and planned to assist women raising children with disabilities can be found in the reply to question 7.

### **Reply to question 6**

52. In 2014–2017, the Support Fund for Children in Difficulty supported 30 innovative social programmes and 30 packages of measures implemented by constituent entities of the Russian Federation to introduce new effective technologies and methods of work aimed at:

- Ensuring the comprehensive rehabilitation of children with autism spectrum disorders (in Krasnoyarsk territory and Voronezh and Novosibirsk provinces) with a focus on diagnostics, early intervention, education and preparation for life in society
- Instituting social support for families that have children with disabilities or special needs
- Developing effective practices for educating children with disabilities and children with special needs prior to vocational training
- Integrating children with disabilities into local communities

53. In Pskov and Nizhny Novgorod provinces, a pilot project aimed at ensuring that children living in homes for children with intellectual impairments are able to live independently is being carried out, with a view to preparing them for independent living after they leave such institutions.

54. In the period 2016–2017, more than 9,500 interdepartmental services were set up at preschool education institutions to provide early intervention for children with disabilities and their families. Such services will be established in all municipalities by 2020.

55. Federal resource centres have been set up to give advisory support for regional programmes aimed at providing comprehensive assistance to children with disabilities:

- For the development of a comprehensive system to support children with intellectual impairments or multiple and severe developmental disorders (in Pskov)
- For the organization of comprehensive support for children with autism spectrum disorders (in Moscow)

56. In the national education system, there are 305 psychological, pedagogical, medical and social assistance centres that conduct remedial and rehabilitation programmes.

### **Reply to question 7**

57. In accordance with Federal Act No. 442 of 26 December 2013 on the Principles of Social Services in the Russian Federation, in the period 2014–2016, implementing legislation and regulations were adopted at the federal and regional levels, including standards and procedures for providing social services, with a view to developing a system of home-based social services for children with disabilities, including children with intellectual and psychosocial impairments. These laws and regulations regulate the provision of various forms of care to families with such children and the development of forms of social services provided on a partially inpatient basis. Work is currently under way to create a system to provide such children with social accompaniment and daily activities and to place them in inpatient facilities on a temporary basis in order to provide their parents with some “social respite”.

58. With a view to further deinstitutionalizing the system for the social rehabilitation of children with disabilities and the provision of social services for them (including those with developmental problems) and maximizing the use of the capabilities of the family and the local community, the Government approved the following, pursuant to Orders No. 1839 of 31 August 2016 and No. 2723 of 17 December 2016:

- The early intervention development framework of the Russian Federation for the period up to 2020

- The plan of action for its implementation

59. The framework provides for the creation of the legislative, regulatory and organizational conditions for the earliest possible provision of comprehensive medical, social, psychological and pedagogical assistance to the families whose children with disabilities have the most severe health problems, including those caused by genetic disorders. It calls for the maximum possible use of the family's capabilities, in cooperation with the social service system.

60. The plan for its implementation provides for the establishment of mechanisms for inter-agency coordination of this work, the expansion of home-based social services and the development and implementation of individualized early intervention and social support programmes.

61. In order to promote the placement of child orphans in foster families, a one-off benefit is paid for each child taken into foster care.

62. As at the end of 2016, the number of adopted children was 112,985. Between 2011 and 2016, the proportion of adopted children who had disabilities rose from 2 to 4 per cent.

63. Information on specific pilot projects carried out to implement the framework can be found in the reply to question 6.

64. Government Decision No. 649 of 9 July 2016 established rules on accessibility (or the adaptation) of residential units and common property in apartment buildings for the use of persons with disabilities, including children. The aim is to improve conditions for the provision of home-based social care for persons with disabilities and their inclusion in the local community, in line with amendments made to the federal Housing Code.

65. In the Russian Federation, there are 144 inpatient social service institutions for children, including 131 homes for children with intellectual impairments and 13 homes for children with physical impairments. They accommodate 272,381 children, including 1,023 children with intellectual impairments (594 boys and 429 girls) and 271,358 children with physical impairments (146,128 boys and 125,230 girls).

66. The number of children living in these institutions is falling, owing to an increase in the number of foster families and the development of adoption practices. This is a priority of social policy in the Russian Federation.

## **Reply to question 8**

67. In order to facilitate the implementation of certain provisions of the general comments of the Committee on the Rights of Persons with Disabilities on specific articles of the Convention, measures are being taken to:

- Bring them to the attention of State authorities and civil society organizations
- Incorporate provisions of interest at the national level into the methodological guidelines and the agendas of social service forums
- Take into account relevant provisions when drafting laws and regulations (see information in replies to questions)
- Place them on the website of the Ministry of Labour and Social Protection

68. The practical activities of State bodies, the scientific community and organizations of persons with disabilities are coordinated, taking into account the general comments, by the following bodies:

- The Council for the Rights of Persons with Disabilities under the Federation Council of the Federal Assembly of the Russian Federation, which coordinates matters relating to equality before the law
- The Presidential Commission for Persons with Disabilities and the coordinating council under the Ministry of Labour and Social Protection for the implementation

of the State Accessible Environment Programme for 2011–2020, which coordinate matters relating to accessibility to facilities and services

- The Council for the Education of Persons with Disabilities under the Ministry of Education and Science, which coordinates matters relating to inclusive education
- The Government Council on Social Guardianship, which coordinates matters relating to the rights of women and girls with disabilities and the right to an independent way of life
- A list of federal laws and legislative and regulatory acts adopted in the light of the content of the Committee’s general comments is contained in annex 2 to the present replies

69. At present, bills and other regulatory and legal instruments are being drafted, with due regard to the content of the Committee’s general comments, to provide for:

- The establishment of assisted employment support for persons with disabilities
- The creation of an effective quota mechanism for the employment of persons with disabilities
- Consideration of the possibility of expanding the federal list of rehabilitation equipment and devices
- The creation of an early intervention mechanism for children with the most severe functional impairments, accompanied assistance in the provision of home-based social services and the provision of social support for families that have such children, with the aim of maximizing the use of the capabilities of the family and the local community

## Reply to question 9

70. Detailed information on the application of administrative penalties on facility owners and service providers for non-compliance with the mandatory requirements for disabled access to facilities and services is contained in the replies to questions 2 and 4.

71. Cases involving administrative offences for failure to comply with the legislative provisions concerning access to the physical environment, as described in paragraph 105 of the initial report, are examined by judges and law enforcement bodies, as well as by officials who have been authorized to examine such cases in accordance with the Code of Administrative Offences. The list of such officials has been expanded, in accordance with the Convention, by Federal Act No. 116 of 7 June 2017.

72. In 2016, as a result of monitoring of compliance with legislation relating to the protection of persons with disabilities and older persons, procurators identified more than 109,000 offences (more than 62,000 in the first six months of 2017; figures in brackets below relate to this period); 21,000 (15,000) representations were made with the aim of correcting such offences. This led to 14,500 (9,000) persons being held responsible for disciplinary offences, with over 5,000 (3,000) official challenges lodged against legal actions. Some 28,000 (12,500) statements of claim were submitted to the courts, over 2,000 (1,500) persons were held responsible for administrative offences, 800 (152) officials received warnings that they must desist from unlawful activity, and, following the submission of case-files compiled as a result of monitoring by procurators, in accordance with article 37 (2) (2) of the federal Criminal Procedure Code, 184 (61) criminal cases were opened.

73. Federal Act No. 419 of 1 December 2014 made it mandatory to ensure that the official websites of federal State bodies, the government bodies of the constituent entities of the Russian Federation and local government bodies are accessible to persons with visual impairments.

74. The federal Ministry of Communications and Mass Media on 30 November 2015 issued Order No. 483, which established a procedure for ensuring that persons with visual impairments have access to those websites.

75. In order to encourage persons with disabilities to access new information and communication technologies and systems, including the Internet, the Ministry of Labour and Social Protection issued Order No. 565 of 27 August 2014, which approved the establishment, as a system for the exchange of information, of the Internet portal of the awareness-raising campaign to disseminate ideas, principles and means for small businesses to create accessible environments for persons with disabilities and other population groups with reduced mobility.

76. In accordance with Federal Act No. 34 of 28 March 2017, cinemas must ensure access for persons with disabilities and Russian artistic and animated feature films must be screened with captions and audio descriptions.

77. Pursuant to article 25 of Federal Act No. 419 of 1 December 2014, a procedure was approved by Ministry of Internal Affairs Order No. 544 of 12 May 2015 to determine which positions in the country's internal affairs agencies require proficiency in Russian Sign Language.

78. Federal Act No. 267 of 21 July 2014 ensures that persons with visual impairments can carry out monetary transactions with the use of an embossed reproduction of a handwritten signature.

79. In accordance with article 5.1 of the Federal Act on Social Protection of Persons with Disabilities, a federal Registry of Persons with Disabilities has been operational since 1 January 2017. It gives persons with disabilities the option of accessing essential information through their "personal space", which provides information and communication facilities.

### **Reply to question 10**

80. Detailed information on the measures taken to train specialists who work with and on behalf of persons with disabilities is provided in the reply to question 3.

81. It should also be noted that Federal Act No. 419 places responsibility on executive and local government bodies and on service providers for organizing and conducting, for specialists working with persons with disabilities, instruction and training on access to facilities and services and the provision of assistance in overcoming barriers. The procedures for conducting such training are established in sectoral regulations.

82. A comprehensive training manual for conducting training for specialists in all spheres of the lives of persons with disabilities is available on the website of the Ministry of Labour and Social Protection.

### **Reply to question 11**

83. In 2014, article 52 of Federal Act No. 126 of 7 July 2003 on Communications was amended to make it mandatory to make it possible for persons with hearing impairments to contact the emergency services by sending short text messages from mobile telephones.

84. The Ministry of Communications and Mass Media issued Order No. 607 on 1 December 2016. The Order approved rules for determining the location of subscribers' end-user equipment that contacts the combined 112 emergency services number to report incidents, and it also approved a procedure for the provision and content of information required for such calls or messages to elicit a response. Provision is made for deaf persons and persons with hearing impairments to be able to call the emergency services. On 14 July 2017, the Ministry of Communications and Mass Media approved a specially issued programme and methodology for monitoring the implementation of the Order of 1 December 2016.

85. At present, the 112 emergency call system has been introduced in 43 regions, and by 2020 deaf persons and persons with hearing impairments will be able to call the emergency services via the 112 system throughout the country. For persons with intellectual and psychosocial disorders (who do not live at inpatient institutions), panic alarms are issued within the framework of regional lists (additional to the federal lists) of rehabilitation equipment and devices.

### **Reply to question 12**

86. Pursuant to article 8 (1) (10) of Federal Act No. 4528-1 of 19 February 1993 on Refugees, persons recognized as refugees and any family members who have arrived with them have the right to social protection, including social security, on an equal basis with citizens of the Russian Federation. This provision makes it possible for refugees who have disabilities to receive social protection.

87. According to article 1 (2) of Federal Act No. 442 of 28 December 2013 on the Principles of Social Services, the application of the Act extends to foreign citizens and stateless persons permanently residing in the country's territory and to refugees.

88. Persons with disabilities from these groups have the same rights and opportunities as citizens of the Russian Federation.

89. In the Russian Federation, there is no legal definition of a "migrant"; the definition of "foreign citizen or stateless person" in the territory of the Russian Federation is used instead.

### **Reply to question 13**

90. New legal standards were established by Federal Act No. 302 of 30 December 2012, which amended chapters 1 to 4 of Part One of the federal Civil Code. The new standards are aimed at ensuring that measures providing opportunities for persons with mental impairments to exercise their legal capacity are more in keeping with their actual limitations on dispositive capacity, respect their will and preferences and are tailored to them, and that such measures are regularly subject to review by a competent independent body or court. The purpose of the review is to correct the measures taken to provide them with the assistance required for the realization of their right to independent living, with appropriate means or property.

91. Thus, in Federal Act No. 302, the approach, in determining the degree to which everyday activities are limited and defining the mechanisms to ensure a person's legal capacity, is differentiated according to the person's actual need for a tutorship or guardianship arrangement or for an assistant. In accordance with this approach, persons with mental disorders can be declared by a court to have no dispositive capacity or limited dispositive capacity, depending on their capacity to independently understand the meaning of their actions, or to control them.

92. Respect for the rights, will and preferences of persons with mental disorders is ensured through the existing social and administrative institution of tutorship and guardianship.

93. According to article 30 (2) of the Civil Code, citizens who, owing to a mental disorder, cannot understand the significance of their actions or control them without the help of other persons can have their dispositive capacity limited by a court in accordance with the procedure established in the criminal procedure legislation. Guardianship arrangements are established for such persons.

94. Legal actions are conducted on behalf of persons without dispositive capacity by their legal guardians. Persons with limited legal capacity have the right to perform certain legal actions independently, but only with the written consent of their guardians. For example, in accordance with article 30 (2) of the Civil Code, persons with limited dispositive capacity can, with the written consent of their guardians, dispose of support

payments, social benefits, compensation paid for harm to their health or survivors' benefits upon the death of a breadwinner, as well as other payments they may receive.

### **Reply to question 14**

95. Federal Act No. 67 of 6 April 2011, amending the Act on Psychiatric Care and Guarantees for the Rights of Citizens Receiving Such Care and article 284 (1) of the Civil Procedure Code, established the rights of citizens, including persons with disabilities, to participate in court proceedings, including those relating to their dispositive capacity.

96. This Federal Act expressly stipulates that, when citizens are the subject of applications for a court to deprive them partially or fully of either their dispositive capacity or the right to dispose of their income, they must be informed of the time and place of the court hearing.

97. These amendments have been reinforced in concrete terms by a number of decisions of the Plenum of the Supreme Court of the Russian Federation: No. 10, of 18 April 2017; No. 62, of 27 December 2016; and No. 13, of 19 June 2012.

98. In accordance with article 284 (1) and (3) of the Civil Procedure Code (the version incorporating the new standards introduced by the Federal Act), applications to limit the dispositive capacities of citizens, to declare them to have no dispositive capacity or to deprive minors between the ages of 14 and 18 of the right to independently dispose of their earnings, grants or other income are considered by a court, with the participation of the citizens themselves, the applicants, the procurator and a representative of the guardianship or tutorship body.

99. Citizens who have been declared to have no dispositive capacity have the right, either personally or through representatives of their choosing, to appeal in an appeals' court, a court of cassation or a supervisory review body against the relevant court decision.

### **Reply to question 15**

100. The Supreme Court includes information on the decisions of the Committee on the Rights of Persons with Disabilities on individual communications involving third States in its periodic reviews of judicial practice, which are compiled, inter alia, with due regard to article 31 (3) (b) of the Vienna Convention on the Law of Treaties of 23 May 1969.

101. The Supreme Court compendiums of judicial practice approved by the Presidium of the Supreme Court in the period 2013–2017 contain information on the Committee's Views on individual communications in the following cases: *Michael Lockrey v. Australia* and *Marlon James Noble v. Australia*; *A.F. v. Italy*; *F. v. Austria*; *Marie-Louise Jungelin v. Sweden*; *S.K. v. Brazil*; *Szilvia Nyusti and Péter Takács v. Hungary*; and *Zsolt Bujdosó, Jánosné Ildikó Márkus, Viktória Márton, Sándor Mészáros, Gergely Polk and János Szabó v. Hungary*.

102. Information on the Committee's current practice in relation to the consideration of individual communications is regularly brought to the attention of judges and staff members of the Supreme Court and to judges of lower courts in the course of seminars held at the further training faculty of the Russian Academy of Justice, a State-funded, federal institution of higher education.

### **Reply to question 16**

103. As at 10 October 2017, 19,771 persons with disabilities were serving sentences in correctional institutions of the penal correction system (versus 22,829 in 2015); 470 (2.4 per cent) of them had a category I disability, 8,230 (41.6 per cent) a category II disability and 11,071 (56 per cent) a category III disability. There were 127 persons with disabilities held in departmental psychiatric hospitals.

104. These persons were deprived of their liberty on the basis of court decisions by which they were found guilty of criminal offences.

105. In fulfilment of Federal Act No. 419, the Ministry of Justice has issued orders aimed at protecting the rights of suspects and accused and convicted persons who have disabilities, particularly in terms of the provision of rehabilitation equipment and examinations in offices for medical and social assessment.

106. For convicted persons who are serving custodial sentences, the accessible environment principle is respected in living quarters (the sanitation facilities in prison blocks have been fitted with special lavatories and ramps have been installed to ensure that convicted persons with disabilities have unhindered access to buildings).

107. In accordance with the Penal Enforcement Code, convicted persons who have a category I or II disability and are serving custodial sentences have the right:

- To petition the courts for early release in the event of serious illnesses that prevent them from serving their sentences
- To use the funds available in their personal accounts to purchase food and basic necessities, without restriction
- To receive additional packages and deliveries, the number and nature of which are determined in accordance with a medical report
- To free food, clothing, communal services and personal hygiene products in the light of their special requirements
- To improved living conditions and higher nutritional standards
- To receive in their personal accounts a larger than normal proportion (no less than 50 per cent) of their earnings, pension or other income
- To an increase in the duration of their paid annual leave, to 18 working days
- To engage in unwaged labour only of their own volition
- To undergo relevant vocational training or secondary vocational education, if they so wish, through programmes for the training of skilled workers and employees, if there are no medical contraindications
- To undergo relevant vocational training in an accessible format

108. Institutions of the penal correction system have units for the social protection of convicts. They provide social assistance and support at all stages of the sentence and help convicts to resocialize and to find work and suitable living arrangements after their release.

109. In 2014–2017, more than 720 computer terminals with an electronic database of job vacancies that take into account the specificities of the employment of persons with disabilities were installed at correctional facilities, with a view to helping persons with disabilities find work and suitable living arrangements after release.

110. Conditions for the physical development of persons with special needs or disabilities have been established at correctional institutions and pretrial detention facilities. To this end, more than 2,500 sports areas and gyms have been constructed, and there are 734 sports clubs and more than 1,300 libraries for convicts, with library collection of 4.7 million books.

111. Convicted persons who are blind or have visual impairments are provided with literature and documents in special formats: audiobooks, books produced in a tactile writing system (Braille) and large-print and regular-print books.

112. Medical care for women with disabilities who are held in institutions of the penal correction system, including during pregnancy, childbirth and the post-partum period, is organized in accordance with the standards for the provision of medical care established by the orders of the Ministry of Health.

113. Convicted minors, including females with disabilities, are permitted to undertake extramural study with higher education institutions and vocational training institutions.

114. Female convicts with disabilities, including girls, are educated in evening (shift) schools in juvenile correctional facilities on an equal footing with students without disabilities. If there are no medical contraindications, they have the option of studying at vocational schools and undertaking industrial training at industrial employment study workshops.

### **Reply to question 17**

115. Information on measures taken to provide social accompaniment for persons with disabilities and home-based care and supervision for them is contained in the reply to question 7.

116. In addition, rules for support from facilities' staff for persons with visual or motor function impairments and the provision of assistance in overcoming barriers that they may face are set out in the procedures for ensuring access for persons with disabilities to facilities and services, which was approved in 2015 by federal government ministries, and in their corresponding administrative regulations.

117. By law, services must be provided for the accompaniment of persons with disabilities when they travel to receive treatment or rehabilitation. The law on education was amended in 2017 to require the provision of assistants or tutors assist in the education of students with disabilities.

118. With the adoption of a federal law in 2017, the legislation on employment was supplemented with standards calling for assistance to be provided to persons with disabilities who require support for job placement. The assistance is to be organized by the employment service offices, in accordance with a federal standard.

119. Persons with disabilities who are recognized as requiring care or the assistance of an attendant are provided with social services in the home in accordance with individualized programmes. The services are provided by the social service institutions present in each local community or municipality. Each year, more than 11 million services of this type are rendered.

120. To ensure a legal regulatory framework with which to support persons with disabilities, the Ministry of Labour and Social Protection has adopted the following legal enactments establishing standards for vocational specializations:

- Order No. 871 of 16 November 2015, entitled "Attendants for persons with disabilities";
- Order No. 351 of 12 April 2017, entitled "Assistants and aids providing technical assistance to persons with disabilities";
- Order No. 575 of 17 October 2016, entitled "Tactile sign language interpreters";
- Order No. 687 of 18 November 2013, entitled "Family support specialist";
- Order No. 528 of 8 August 2014, entitled "Physical education and sport adaptation trainer-instructor"; and
- Order No. 676 of 28 November 2016, entitled "Specialist in the provision of public employment services (for persons with disabilities)".

### **Reply to question 18**

121. The Russian Federation is emphasizing and placing greater importance on the role of the family and the local community in the rehabilitation of persons with disabilities, including those requiring social assistance, with a view to deinstitutionalizing the provision of social services.

122. One of the basic principles of social services, as established in article 4 of the Act on the Principles of Social Services of 2013, is that citizens should stay in traditional,

beneficial family settings: in a welcoming, family environment, with services provided in the home and non-residential social support services.

123. The growing proportion of social services that are non-residential in nature (now over 11 million provided per year) and the increasing number of former patients of care institutions who receive care in families testify to the trend towards the deinstitutionalization of social services for persons with disabilities.

124. More detailed information on measures for the deinstitutionalization of children with disabilities is contained in the reply to question 7.

125. In 2014 there were 246,965 children with disabilities, older persons and persons with disabilities living in residential social service institutions. In 2015 there were 247,947, and in 2016, 250,743. The number of men was 128,502 in 2014; in 2015, 130,226 and in 2016, 133,066.

126. By age, in 2016, there were 291 persons under the age of 18; 75,036 between 18 and 60; 50,729 between 60 and 80; 6,496 between 80 and 90; and 514 over 90.

127. The number of females in institutional facilities in 2014 was 118,463; in 2015, 117,721; and in 2016, 117,677. In 2016, the number under the age of 18 was 130; 49,697 were between 18 and 60; 44,515 between 60 and 80; 19,203 between 80 and 90; and 4,132 over 90.

128. The number of persons with disabilities living permanently at such institutions in 2016 was 59,634.

129. Of the total number of persons with disabilities in 2016:

- 65,814 were of disability category I
- 141,366 were of disability category II
- 8,379 were of disability category III

130. The total number of persons at children's homes was 14,183 on 1 September 2017:

- 1,490 were under 9 years of age
- 10,459 were up to 18 years of age
- 2,234 were 18 or older
- Among these were 1,317 orphans; 4,000 children with parents; and 7,162 children without parental care

## **Reply to question 19**

131. Under Federal Act No. 419, since 1 July 2016 it has been forbidden to build or commission for use facilities or means of transport that are inaccessible to persons with disabilities.

132. The construction standards and rules contained in federal Ministry of Construction, Housing and Public Utilities document SP-59-13330 had previously been applied on a voluntary basis for the construction of public facilities and transport infrastructure and for the production and purchase of means of transport in forms ensuring personal mobility for persons with disabilities. Federal Government Decision No. 1521 of 26 December 2014 established that their application became mandatory for owners, builders and manufacturers of means of transport, with effect from 1 January 2015.

133. A federal list of rehabilitation measures and technical rehabilitation tools and support services for persons with disabilities was adopted on 30 December 2012, by federal Government Order No. 2347. By a decision of the Government of the Russian Federation, Braille displays and computer screen access software have been included in the list.

134. Beginning in 2017, with the introduction of appropriate standards and software support, persons with disabilities have been able to obtain electronic rail and airline tickets on the Internet and to make known their needs in terms of accessibility.

135. In addition to creating an accessible environment for persons with disabilities, the State is taking steps to incentivize innovation by manufacturers of rehabilitation equipment and to encourage the production of new products designed among other things to increase the personal mobility of persons with disabilities. To this end, the Ministry of Industry and Commerce of the Russian Federation has drawn up and approved specialized support mechanisms for the rehabilitation industry. Specifically, the Government of the Russian Federation has adopted decisions approving the following:

- Rules for the granting of subsidies to Russian companies for research and for design experimentation to develop rehabilitation aids
- Rules for the granting of subsidies to Russian rehabilitation industry companies for the production of rehabilitation aids
- Rules for the granting of subsidies to non-profit organizations for the development of universal design products for public use

136. For example, production of the following has begun for persons with intellectual disabilities and mental health impairments:

- The Sputnik programmable device (produced by Iskra, Inc.), a smart bracelet providing in sync medical, personal and contact information about the user. The device is fitted with an SOS emergency call button and GSM/GPS modules to convey information on the whereabouts of users who lose their way.
- The “NE TERYAYSYA!” (Don’t Get Lost!) monitoring service, which provides geopositioning information on persons at risk of losing their way when they leave their homes. A mobile application and an assistance call wristband are provided for users looked after by this service.

137. Information on penalties for non-compliance with the requirements ensuring that persons with disabilities have access to goods, facilities and services and that support their personal mobility can be found in the replies to questions 2, 4 and 9.

## **Reply to question 20**

138. The amendments to the Federal Act on Communications mentioned in paragraph 219 of the initial report have been introduced with the adoption of Federal Act No. 419. Since 2014, the following measures have been taken to implement the amendments in practice.

139. Government Order No. 2369 of 9 November 2016 recognized the All-Russia Society of Deaf Persons as the sole provider for sign language interpretation services furnished in 2017 and 2018 through contracts with the National Social Insurance Fund and with executive bodies mandated by the Fund in the constituent entities of the Russian Federation.

140. Changes to the Rules for the provision of Russian Sign Language interpretation for persons with disabilities (for sign language and tactile sign language interpretation) enter into effect on 1 January 2018. The number of hours for the provision of such interpreting services will increase as follows:

- For persons affected by high levels of visual impairments combined with a full hearing loss or an impairment rendering their hearing impractical, up to 84 hours of tactile sign language interpretation (thus, doubled);
- For persons whose vision and hearing are impaired either totally or in practical terms, or whose vision is impaired either totally or in practical terms in combination with a level III or IV hearing impairment, up to 240 hours of tactile sign language interpretation (a six-fold increase).

141. As a result of implementation of the Accessible Environment Programme for 2011–2020, in the past five years:

- Over 18,000 facilities of particular importance to persons with disabilities have been adapted to their needs
- The number of captioned television programmes on television stations with mandatory national coverage increased from 3,000 hours per year in 2011 to 15,000 hours per year in 2016
- For persons with visual impairments, 1,790 books and academic texts have been published and 5 periodicals have been issued, either in Braille or in large-print editions
- 13 periodicals have been published for persons with disabilities
- A video course has been developed for the self-teaching of the basics of Russian Sign Language, with multimedia facilities to help with basic communication skills. The course is recommended inter alia for members of the executive bodies of the constituent entities of the Russian Federation and federal executive bodies whose staffs provide services to the public

### **Reply to question 21**

142. Information on the procedures and safeguards for the protection of persons with disabilities living in institutions is contained in the reply to question 16.

143. The privacy of personal, health and rehabilitation information of persons with disabilities, including those living in institutions, is protected, as it is for other persons, under the civil law (Civil Code, arts. 152, 152.1 and 152.2), the administrative law (Code of Administrative Offences, art. 5.61) and the criminal law (Criminal Code, art. 128.1). The Criminal Code also establishes responsibility for violations of privacy (art. 137), breaches of the confidentiality of correspondence, telephone conversations, or postal, telegraph or other communications (art. 138) and the divulging of information concerning adoptions (art. 155).

### **Reply to question 22**

144. In accordance with articles 127 and 146 of the Family Code, adults of either sex may be adoptive parents, tutors or guardians, with the exception of persons who for health reasons are unable to adopt children as they suffer from illnesses which render them incapable of ensuring guardianship for children or providing them with long- or short-term foster care.

145. The list of illnesses which preclude adoption, guardianship or tutorship or the provision of long- or short-term foster care for children was approved by Government Decision No. 11, of 14 February 2013.

146. In accordance with this list, illnesses and injuries that result in a category I disability are hindrances to adoption and tutorship or guardianship. Category II and III disabilities (which are unrelated to the illnesses on the list) present no hindrance to adopting or becoming a tutor or guardian for a child.

147. The Ministry of Labour and Social Protection and the Ministry of Health are preparing decisions aimed at providing orphans and children left without parental care who have severe, multiple mental impairments with the possibility of living at children's homes until the age of 23 without transferring them to care facilities for neuropsychiatric disorders after they reach the age of majority.

### Reply to question 23

148. In the 2016/17 academic year, the number of children with disabilities enrolled in inclusive education was 71,210, or 15.1 per cent higher than in 2015.

149. On the whole, in 2016, there were 9,339 inclusive schools in the country (or 21.43 per cent of the total number of general education schools, up from 2.5 per cent in 2011); they included classes and groups functioning with general education programmes adapted for students with special health needs.

150. The inclusion of children with special health needs or disabilities in the inclusive education system begins at the preschool level, at kindergartens, special schools and psychological-educational and medical-social assistance centres.

151. Apart from specialized kindergartens for children with special health needs or disabilities, preschool institutions also organize remedial groups and inclusive kindergartens, with classes that are either combined or oriented for general development. Alternative forms of preschool education are being developed: these include activities by family preschool groups, lekoteks, drop-in groups, play centres, “special children” groups, resource groups and home preschooling.

152. In order to establish a system of inclusive education in the regions, the following changes have taken place at schools:

- There has been a significant increase in the number of speech therapists, special education teachers and tutors for children with special health needs present and assigned to provide children with remedial assistance
- The professional standards for educators now call for teachers to have the skills required to work with various groups of students, including students with autism, children with attention deficit disorder, hyperactive children and other children with special needs
- Special State standards were drawn up and entered into force on 1 September 2017 for teaching students with special needs and disabilities, including intellectual disabilities or impairments
- Ministry of Education and Science Order No. 1309 of 9 November 2015 approved a procedure to ensure access by persons with disabilities to educational facilities and services

153. The number of secondary vocational schools practising inclusive education has risen by 12 per cent since 2014, from 1,494 to 1,675.

154. The number of students with special needs in inclusive education at institutions of higher education has increased. The number of students has risen by 30 per cent in comparison with 2014 (there are currently some 24,000 students with special needs or with disabilities). The number of institutions of higher education providing remote learning services has risen by 36.8 per cent since 2014.

### Reply to question 24

155. In 2014 the Russian Ministry of Health prepared the State health-care programme of the Russian Federation, which was approved by Government Decision No. 294 of 15 April 2014. The programme calls for the equipment of all health clinics and hospitals with new diagnostic equipment, X-ray machines, ultrasound and computed tomography devices suitable for the provision of diagnostic services for persons with disabilities.

156. Furthermore, in accordance with the programme, between 2012 and 2016, all ambulance fleets were equipped with vehicles adapted to provide services for persons with disabilities who have visual, hearing and motor impairments.

157. Persons with disabilities have the right to receive public assistance in the form of social services. Such services include the provision, in accordance with the prescription of a

physician or paramedic, of necessary medical assistance and treatment at health resorts, as well as transportation free of charge to and from a place of treatment.

158. Since 2015, in order to implement the State policy for the provision of children with disabilities with specialized nutritional products, every year the Ministry of Health has approved a list of such products and has taken steps to ensure their delivery.

159. The federal Ministry of Health, working with the constituent entities of the Russian Federation, carries out a number of measures for the early detection of risk factors for illnesses and pathologies and for the timely diagnosis of disorders in children, including children with disabilities. Steps have thus been taken to equip genetics centres and consultation offices and other medical facilities with modern equipment for prenatal and neonatal diagnosis and with audiology screening equipment.

160. Since 2008, audiology screening has been carried out in the country for the early detection of children with hearing impairments and the timely treatment of such impairments, including through the provision of high-tech medical assistance (cochlear implant surgery).

161. In the Russian Federation, early diagnosis for five congenital or hereditary diseases (phenylketonuria, galactosemia, cystic fibrosis, adrenal hyperplasia syndrome and congenital hypothyroidism) is carried out through mass screening of newborns. Immediately after diagnosis, children with congenital or hereditary diseases detected during neonatal screening are given pathogenetic treatment (specialized therapeutic foods and medication).

162. Coverage rates for preventive medical examinations and check-ups of minors, orphans, children without parental supervision and children in difficult situations are included in the list of performance indicators for the State health-care programme of the Russian Federation.

163. Terminology related to “aspects of defectology” and calling for use of that concept:

- Is not used in new legislation and standard-setting enactments
- Is being removed from previously enacted laws as they are updated

164. Since 2017, a subprogramme for the improvement of the rehabilitation and habilitation system has been implemented in order to bring it into line with the Convention (in the framework of the Accessible Environment Programme for 2011–2020).

## **Reply to question 25**

165. The Russian Ministry of Health on 1 November 2012 issued Order No. 572, which approved procedures for the provision of obstetric and gynaecological medical assistance (other than the use of assisted reproductive technologies). In accordance with the Order, a system of institutions including women’s consultation services, mother and child health centres and family and reproductive health centres provides medical, psychological and social assistance for women with disabilities, including in respect of reproductive health questions. The activities are funded and carried out in the framework of primary and specialized health-care assistance, including in the context of high-tech, specialized medical care. Such health institutions are licensed to carry out medical activities, including the performance of obstetric and gynaecological services.

166. In addition, the Regulation on the organization of women’s consultation services for medical and social assistance, approved by Order No. 389 of the Russian Ministry of Health and Social Development on 1 June 2007, stipulates that medical, psychological and social assistance is to be provided to women with disabilities, including for the protection of reproductive health.

## Reply to question 26

167. In practice, a number of measures are implemented in accordance with Russian law to provide persons with disabilities with “special posts” and to reserve and provide quotas for them on the basis of reasonable accommodation. There is currently a bill under consideration in the State Duma of the Federal Assembly on the establishment of assisted support for the employment of persons with disabilities, which would provide help for job placement and the consolidation of their posts.

168. Ministry of Labour and Social Protection Order No. 685 of 19 November 2013 approved specific requirements for equipping and preparing special posts for the job placement of persons with disabilities. Employers implement the measures in question, taking into account the impairments and limitations of the persons in question, in accordance with these requirements.

169. Confirmation that posts for persons with disabilities, including special posts, have been created and/or allocated is provided through a legal enactment adopted locally, at the employer’s location.

170. The employer’s outlays for the provision of technical equipment and special furniture and for protection from the elements can be defrayed using subsidies from regional employment programmes.

171. Under article 5.27 (1) and (3) of the Code of Administrative Procedure, employers who fail to create or allocate posts for persons with disabilities or who refuse to hire persons with disabilities in accordance with established quotas are subject to administrative liability in the form of a warning or a fine.

172. As at 1 October 2017, the Federal Labour and Employment Service had carried out 226 inspections to verify employers’ compliance with the requirements of the Convention and had identified 432 violations by employers of the labour legislation and of other enactments containing labour law standards protecting persons with disabilities. The violations included 61 related to contracts; 59 related to occupational safety and health; 53 related to remuneration; and 259 related to other matters.

173. Administrative fines were imposed on 272 guilty parties for such administrative violations. The fines totalled 6,143,000 roubles (or \$105,080).

## Reply to question 27

174. The Tax Code provides the following benefits and other incentives for organizations or employers that hire persons with disabilities:

- Reduction of the tax base used to calculate profit taxes, with deduction of employers’ expenses related to the hiring of persons with disabilities
- Reduction of regional profit tax rates, to 13.5 per cent
- Under certain conditions, exemption from value-added tax for the sale of specific goods
- Favourable taxation rates for the payment of regional transport and land taxes and for property taxes

175. Between 2012 and 2015, the Russian Government paid employers subsidies (through regional programmes) to establish special posts for persons with disabilities.

176. The federal law on the system for contracting the purchase of goods, works and services for State and municipal needs establishes that when there is competitive bidding, organizations and companies with high numbers of employees with disabilities are to be given preferential treatment amounting to up to 15 per cent of the initial tender price.

177. Additionally, annual subsidies of some 1.5 billion roubles (about \$25,660) are given to companies belonging to national organizations of persons with disabilities, mainly through programmes for the job placement of persons with disabilities.

178. Thanks to these and other incentives for employers that hire persons with disabilities, the number of employees with disabilities in all age groups rose from 1,752,000 in 2006 to 2,543,000 in 2016.

### **Reply to question 28**

179. Federal Act No. 388 of 29 December 2015 was adopted to improve the targeting of social support. Under the Act, funds freed up by introducing targeting and applying needs tests will be used for the implementation of the social policies of the constituent entities of the Russian Federation, including the provision of social protection and support for the most needy groups, in particular persons with disabilities. This provision allows the constituent entities to establish additional social support measures for certain categories of the population, including persons with disabilities, on the basis of needs.

180. Ministry of Labour and Social Protection Order No. 339 of 7 April 2017 updated the procedure for applying for federal supplementary pension assistance. Such assistance is provided to pensioners if the overall amount of their benefits amounts to less than the minimum living standard for them in a constituent entity of the Russian Federation, in respect of either their residence or their current address.

### **Reply to question 29**

181. Overall funding of measures for the provision of rehabilitation aids and equipment for persons with disabilities has increased by 46 per cent since 2012, from 22.7 billion roubles (about \$390 million) to 32.84 billion roubles (about \$562 million) in 2017. The rate of coverage of persons with disabilities with such aids and equipment has risen since 2014 by 17.1 percentage points, from 70.1 per cent in 2014 to 87.2 per cent in 2016.

182. In cases where the rehabilitation equipment that persons with disabilities should receive according to their individual rehabilitation programmes cannot be provided to them, or if they purchase such equipment themselves, they are given compensation in the amount of the value of the equipment. However, the amount cannot exceed the corresponding value of equipment provided by an authorized body in accordance with established procedure.

183. In order to improve the provision of rehabilitation aids and equipment, efforts are now under way to amend the legislation on social assistance for persons with disabilities by introducing a new mechanism that would issue specific certificates for various types of equipment.

184. The adoption of these proposals would not only reduce the waiting time for rehabilitation equipment; it would also obviate the need for persons with disabilities to make their own full payments for the equipment beforehand when they acquire it on their own.

### **Reply to question 30**

185. Information on restrictions regarding dispositive capacity is provided in the replies to questions 13 and 14.

186. According to the federal Constitution, all citizens, including persons with disabilities, have the right to vote and to be elected to federal and local government bodies and to participate in referendums. At the same time, article 32 (3) of the Constitution establishes that citizens who have been found by a court to be lacking in legal capacity do not have the right to vote or to be elected.

187. Under article 29 (1), in the first part of the Civil Code, only citizens who as a result of a mental disorder cannot control or understand the meaning of their actions may be recognized by a court as lacking in legal capacity.

188. Federal Act No. 104 of 1 June 2017 introduced a number of new provisions into the Federal Act on Basic Guarantees of Citizens' Electoral Rights and Right to Participate in

Referendums. The aim was to establish special conditions for the exercise by persons with disabilities of their right to take part in elections and to establish new procedures for:

- The provision of information on voters with disabilities
- Interaction between electoral commissions and regional social protection bodies, so as to ensure the right of persons with disabilities to take part in elections
- Assistance for voters with disabilities in exercising their electoral rights

189. Decision No. 96/832-7 of the federal Central Electoral Commission, of 9 August 2017, adopted new recommendations for the exercise of electoral rights by Russian citizens living with disabilities when elections are held in the Russian Federation (the recommendations are contained in annex 3 to this report).

### **Reply to question 31**

190. Federal Act No. 419 was adopted following the ratification by the Russian Federation of the Convention. It establishes that all cultural organizations, of any legal form or form of ownership, are obliged to ensure access to their facilities and services for persons with disabilities.

191. This federal law amended the following federal Acts: the Federal Act on the Principles of Cultural Legislation, the Federal Act on Libraries, the Federal Act on Museum Holdings and Museums, the Federal Act on State Support to the Film Industry and the Federal Act on Cultural Heritage Sites (Historical and Cultural Monuments) of the Peoples of the Russian Federation. Under these amendments:

- State authorities at all levels are required, within their respective remits, to ensure access for persons with disabilities to cultural institutions and to the benefits of culture
- Authorities at all levels are required to establish procedures for assisting persons with disabilities in regard to the delivery of culture-related services and ensuring that they have access to cultural sites and services

192. Federal Act No. 34 was adopted on 28 March 2017 and introduced mandatory audio description and captioning of films funded by the federal budget, with effect from 1 January 2017.

193. Every year, the country's film studios, with State support, produce from six to eight films on the theme of self-fulfilment of persons with physical disabilities. The number of television films on the achievements of persons with disabilities has tripled.

194. An electronic library of musical works published in raised-type Braille is being set up. The digitized resource for the library has been made publicly available on the website of the Russian State Library for the Blind. This e-library now contains 38 musical works and is 3,382 pages long.

195. Between 2013 and 2017, approximately 300,000 copies of titles were added to the library collections of the 61 specialized libraries for the blind, bringing the total number of copies to 9,528,800.

196. Audio descriptions and captioning were included for 38 films; they were placed on the Internet and made available free of charge.

197. A bill on the country's accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled is currently under consideration in the State Duma.

### Reply to question 32

198. Under the country's legislation for the independent evaluation of hotel and other tourist accommodation services, one of the evaluation criteria is whether the necessary conditions have been met to accommodate persons with limited physical capacities.

199. To ensure accessibility in tourism activities, the following instruments have been adopted:

- A national standard entitled "Accessible accommodation for tourists with physical disabilities", approved by Order No. 1346 and issued on 8 November 2013 by the Federal Agency on Technical Regulating and Metrology (Rosstandart)
- Inter-State standard GOST 32613-2014 "Tourism services. Tourism services for people with physical disabilities", Rosstandart Order No. 230, of 26 March 2014
- Procedure for the classification of tourism industry facilities, Ministry of Culture Order No. 1215, of 11 July 2014

200. These standards set out rules, in accordance with the Convention, ensuring equal access for persons with disabilities to hotels, tourist destinations, services and information.

201. The State Duma is currently considering a bill that would amend the Federal Act on the Fundamentals of Tourist Activities so as to include further requirements for accessibility of tourist services for persons with disabilities, taking into account international best practices.

### Reply to question 33

202. In accordance with the Convention, a new system of indicators has been drawn up for statistical reporting. It makes it possible to assess the implementation of the Convention's provisions that are most important for persons with disabilities. Changes have thus been made to 49 existing statistical report forms and a new series of forms has been adopted in order to monitor observance of the rights of persons with disabilities. The overall list of indicators for monitoring implementation of the Convention includes 248 parameters.

203. To give effect to the standards in the Convention, Federal Act No. 419 establishes a legal basis for setting up and keeping a federal Registry of Persons with Disabilities.

204. The Registry is a system for managing State information at the federal level. It entered into operation on 1 January 2017.

205. The Pension Fund of the Russian Federation is responsible for operating the Registry. The establishment of the Registry was assigned to a wide range of participants, including representatives of federal ministries, extrabudgetary funds, regional administrations, medical and social assessment institutions and other bodies providing services for persons with disabilities at the State and municipal levels.

206. All persons in the Registry are given access to an electronic personal space containing information on all monetary payments and other social support they receive and also on the implementation of their individual rehabilitation and habilitation programmes. Using the personal space, they can receive State services in electronic form, give feedback on them and, if necessary, file complaints.

207. The Registry is being set up in phases. Most of the information was entered into it in 2017. The Registry will continue to be filled with information in 2018 as well.

208. There are also plans to integrate the Registry with the Work in Russia job vacancy database, thus informing persons with disabilities about special categories of job openings.

209. This Registry makes it possible not only to collect relevant statistics about persons with disabilities so that effective State measures can be drawn up for them, but also to keep the persons in question themselves better informed of the State services and social protection or support activities available to them.

### Reply to question 34

210. In order to mainstream disability issues and bring national legislation into line with the Convention, the Russian Federation actively takes part in relevant international forums.

211. Specifically, in the period 2014–2017, Russian delegations participated in the following:

- The annual sessions of the Conference of the States Parties to the Convention on the Rights of Persons with Disabilities
- The annual meetings of the Regional Forum on Meeting the Targets for the Asian and Pacific Decade of Disabled Persons and Equalization of Opportunities for Persons with Disabilities in the ESCAP Region, to discuss the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific
- Regular work of the Asia-Pacific Economic Cooperation (APEC) Group of Friends on Disability, with the aim of implementing the Convention in the Asia-Pacific region
- Annual meetings of the Ad Hoc Committee of experts on the Rights of Persons with Disability, of the Council of Europe, which resulted in the adoption in 2017 of the Council of Europe Disability Strategy for the period 2017–2023

212. In addition, in accordance with the State policy on international development assistance, increased attention is being paid to strengthening health and social protection systems in partner countries.

213. These efforts are helping countries that receive Russian assistance to achieve Sustainable Development Goal 3, entitled “Ensure healthy lives and promote well-being for all at all ages”.

214. Some of the projects in this area relate to the prevention of disabilities. Specifically, these include UNICEF projects to develop neonatal services in Armenia (with overall funding of \$600,000); to prevent injuries in Belarus (\$500,000); to prevent disability and integrate into society children with disabilities and children with specific psychological and physical development needs in Belarus (\$2,420,000); to assist with early childhood survival and development in Tajikistan (\$1,430,000); and to ensure social protection and services for children living in the street and working children, with special attention given to support for children of Afghan migrants, in the Islamic Republic of Iran (\$2.6 million).

215. The funding provided by Russia to the Global Polio Eradication Initiative of the World Health Organization (WHO) (\$3 million), completed in 2012, too can be considered to be disability prevention, as can a project currently under way to develop school medicine networks in the countries of Eastern Europe and Central Asia (approximately \$3,940,000).

### Reply to question 35

216. Federal Act No. 419 introduced comprehensive changes to 25 federal laws so as to include in those laws the Convention’s provisions relating to areas such as social protection, transport, communications, housing policy, culture, health, law enforcement, electoral processes and natural disaster mitigation. In accordance with the Federal Act, a legal system was also adopted for the gradual implementation of the Convention in the country (a fact sheet on Federal Act No. 419 is contained in annex 4 to this report). Thus, the Government of the Russian Federation has approved:

- Rules for the preparation of reports on the implementation of the Convention on the Rights of Persons with Disabilities (approved by Government Decision No. 585 of 11 June 2015)
- Procedures for drawing up sectoral, regional and municipal plans to increase access for persons with disabilities to facilities and services, and road maps to assist in overcoming barriers (approved by Government Decision No. 599 of 17 June 2015)

217. These road maps are adopted and drawn up in all of the country's ministries and constituent entities and also by its municipalities and large non-State companies.

218. National implementation of the Convention's provisions in establishing a barrier-free environment is being carried out at all levels with the gradual implementation of these road maps and also through the Accessible Environment Programme for 2011–2020.

219. By a decision of the Ministry of Labour and Social Protection, implementation of the road maps is monitored on an annual basis. Every year, progress in the implementation of the Convention's provisions is analysed at:

- Meetings held by the Chairman of the Government of the Russian Federation (the Prime Minister) on the International Day of Persons with Disabilities
- Meetings of the Presidential Commission for Persons with Disabilities
- Meetings of the central administrative boards of federal ministries
- Meetings of the councils for persons with disabilities reporting to the high officials of the country's constituent entities
- Monitoring of the Convention's implementation in the Russian Federation is carried out independently of the executive branch by:
  - The Civic Chamber of the Russian Federation
  - The Office of the High Commissioner for Human Rights in the Russian Federation, which analyses observance of the rights of persons with disabilities in its annual reports
  - The Presidential Commissioner for Children's Rights

220. The independence of the Office of the High Commissioner for Human Rights in the Russian Federation and the legal basis for its work are guaranteed by article 103 of the federal Constitution and Federal Constitutional Act No. 1-FKS of 26 February 1996.

221. Article 2 of the Federal Constitutional Act specifies that the High Commissioner is independent and is not subordinate to any State bodies or officials. The High Commissioner is appointed by the State Duma and ensures the State's protection of citizens' rights and freedoms. The High Commissioner's Office has A status under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

222. Protecting the rights of persons with disabilities is one of the priorities of the High Commissioner's Office. In its annual reports, it regularly analyses the results of independent monitoring of respect for their rights, and it regularly holds public hearings and forums on the subject.

223. In June 2017, a round table was held in Saint Petersburg under the auspices of the High Commissioner's Office, entitled "Principles in and obligations under the Convention on the Rights of Persons with Disabilities: Eliminating discrimination on the grounds of disability."