*Unofficial translation*

**Answers to the questions on the rights of older persons with disabilities**

1. *Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later in life.*

According to Article 39 of the Constitution of the Russian Federation everyone shall be guaranteed social security in old age, in case of an illness, disability, loss of the bread-winner, for upbringing of children and in other cases established by law.

The legal provisions of laws and regulations adopted in the development of this article of the Constitution can be divided into:

- legal provisions for the entire population without age limits, including the most important rules for older persons;

- legal provisions that are of direct relevance to the rights of older persons, as well as to the activities of state and non-state institutions towards them;

- legal provisions that are referred to special groups of older persons: disabled persons, veterans and other people with age-related advantages.

The rights of older persons has been developed with the adoption and entry into legal force of Civil Сode and Family Сode of the Russian Federation. The following federal laws should also be mentioned: "On fundamentals of Social Service for citizens in the Russian Federation", "On veterans", "On public associations", "On social protection of disabled people in the Russian Federation", "On charity and voluntary work ", "On the status of military servicemen", "On the rehabilitation of the victims of political repressions". The social and cultural rights of older citizens are set out in the following laws: "On education in the Russian Federation", "On librarianship", "On the Museum Fund of the Russian Federation and Museums in the Russian Federation", "On fundamentals of tourist activity in the Russian Federation". In order to respect more fully the rights of older citizens, the legislation in this field is being constantly developed. As an example, the President of the Russian Federation signed Federal law (FZ) No 49-FZ of 1 April, 2019 "On Introducing Amendments to Article 121 of the Federal Law "On State social assistance" and to Article 4 of the Federal Law "On subsistence minimum in the Russian Federation".

The solution of pension issues plays an important role for older persons, since most of them have no other income sources after retirement from employment. According to the legislation of the Russian Federation, the amount of the pension shall not be less than the subsistence minimum for pensioners established in the state.

The social support system is a link between pensions, benefits and social services, it generates incomes and maintains the social status of the older population. This system in the Russian Federation is driven by the presence of people who made a significant contribution to the development of the country and national defense. This is in reference to war and labor veterans, as well as older persons with socio-economic problems (housing, transport, etc.).

Currently, the country provides a considerable number of benefits for older persons at the legislative level. They can make journeys at preferential prices on the railway, water, interurban systems, use specially established call rates, use free health-resort treatment, they are also provided by free prosthetic and orthopedic devices. The rights of older persons are currently enshrined in more than 50 laws and regulations.

A programme-oriented approach to solution of older persons’ problems has been applying in the Russian Federation for decades. Federal targeted programmes are in effect to help older persons, including persons with disabilities, who deserve a special attention from the state.

In the Russian Federation the contribution of older persons to the defense, cultural and economic development of the country is emphasized annually during the events on the occasion of significant historical dates. One-time payment to combat veterans and war workers on the Victory Day on 9 May shall be serve as an example.

1. *Please provide information on discrimination against older persons with disabilities in law and practice.*

According to article 19 of the Constitution of the Russian Federation, all people shall be equal before the law and court. The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership within public associations, and also of other circumstances.

Moreover, initiatives of charity and voluntary acts towards the elderly are supported.

Federal law No 135-FZ of 11 August, 1995 "On charity and voluntary work" is in force in the Russian Federation. There are two types of voluntary activity aimed at supporting of older citizens: voluntary activity, that uses the resources of older people themselves, and voluntary activity of younger people towards older citizens.

Voluntary activity promotes human values, solidarity of generations, improving of the vision of old age before young people’ eyes, the transfer of experience, knowledge, culture and traditions from citizens of the older generation to the young people among citizens of all ages.

The participation of persons of the older generation in voluntary activity gives lives a meaning and has a positive impact on such important areas of life as health, functional activity, physical and mental health, life satisfaction, as well as helps to reduce the level of depression, mortality and morbidity of the older generation. Participation in voluntary activity also contributes to maintaining social contacts, skills and knowledge, preserving the meaning of life in adulthood, and improving social status.

*3. Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas: Exercise of legal capacity; Admission procedures to social or healthcare services, including involuntary admissions; Older persons with disabilities living in institutions; Access to support to live independently in the community; Access to free or affordable healthcare; Access to free or affordable rehabilitation goods and services; Access to social protection schemes; and End of life and palliative care.*

According to the data of the United Nations’ medium-variant the percentage of citizens at the age of 60 and over is projected to increase in the world from 12.3% in 2015 to 14.9% in 2025 and to 21.5% in 2050, in Europe - from 23.5% in 2015 to 28% in 2025 and 34.2% in 2050, in Russia - from 20% in 2015 to 23.9% in 2025 and 28.8% in 2050.

According to the data of the Federal State Statistics Service’ medium-variant the percentage of citizens over working age in Russia is projected to increase from 24.6% in 2016 to 27% in 2025 and will amount to 39.9 million people.

Among such a substantial part of the population of our country there are citizens who often need attention and concern, different approach in all spheres of public life as well as the creation of additional conditions to ensure equal to other citizens’ opportunities due to the features of their physical and mental condition.

In the Russian Federation state support ensured to the elderly, the system of social services developed, state pensions, benefits and other social security guarantees shall be established (Article 7 of the Constitution of the Russian Federation).

Legal capacity is an ability to enjoy rights and to be subject to obligations. The legal capacity of capable older persons with disabilities in the Russian Federation shall be equal to legal capacity of citizens of other capable age groups.

Expansion in the absolute number of people of older age groups leads to an increase in the number of citizens facing difficulties in dealing with medical, social and psychological issues.

Health indicators decline with age. About 80% of the older persons suffer from multiple chronic diseases. On average, one patient over 60 years is diagnosed with four to five different chronic diseases. Medical care expenses for a patient at the age of 70 and over is 7 times higher than the treatment expenses for patients from 16 to 64 year-olds. The need for primary health care and specialized medical care is higher among older citizens than among persons of working age.

There are geriatric hospitals within institutions that provide medical care in the field of "Geriatrics", clinical and organizational and methodological geriatric centers, hospitals for war veterans are established within regions of the Russian Federation. Seven to ten doctors acquire the specialty "Geriatrics" in residency, more than 100 people study "Geriatrics" through professional retraining.

Federal law No. 323-FZ of 21 November, 2011 "On fundamentals of health protection in the Russian Federation" establishes an exhaustive list of cases where medical care is provided without the consent of patient.

Medical intervention (treatment) without the consent of the citizen, one of the parents or other legal representative shall be permitted in following cases:

- when medical intervention is urgent to avert a threat to the life, when the person's state of health prevents him from expressing his or her will or in the absence of a legal representative;

- of patients who suffer from serious disorders that constitute a danger to other people;

- of patients who suffer from serious psychic disorders or of patients who have committed socially dangerous deeds (crimes);

- when the forensic medical examination and (or) forensic psychiatric examination is carried out.

It should be noted that the concept of medical intervention without the consent of the person and the concept of compulsory (involuntary) hospitalization are not equal.

When it comes to medical intervention without the consent of the person it should be understood that medical worker is eligible to implement any medical measures including medical examination and observation without obtaining the informed voluntary consent from the patient (or his legal representative).

Compulsory hospitalization is a measure applied to ensure the possibility of providing medical care when a person avoids mandatory hospitalization in a medical institution on the grounds established by the legislation. This measure can be implemented by a medical institution upon a court decision enforced bythe police.

The legislation on social protection of disabled people in the Russian Federation establishes two mechanisms of providing disabled people with technical devices of rehabilitation:

- providing the disabled person with technical rehabilitation device based on the results of tender procedures conducted by the authorized bodies;

- reimbursementfor technical rehabilitation device purchased at its own expense.

These mechanisms suffer from a number of shortcomings, therefore the Ministry of Labor of Russia developed and submitted to the Government of the Russian Federation the relevant draft law on the appliance of an electronic certificate.

Electronic certificates are planned to be applied along with current mechanisms of providing disabled people with technical rehabilitation devices.

The implementation of the certificate will not only minimize the shortcomings in the existing mechanisms for providing the devices (including the waiting time), but also improve the quality of technical rehabilitation devices, since disabled people will have independence to choose suppliers of devices upon their individual requirements.

The policy of obligatory medical insurance is a document certifying the right of the insured person to free medical care throughout the Russian Federation to the extent provided by the basic program of obligatory medical insurance.

In compliance with Federal Law No323-FZ of 21 November, 2011 "On fundamentals of health protection in the Russian Federation" every insured citizen shall be eligible to claim medical care to the extent set out in previously signed contract for services under the insurance policy.

Emergency assistance is one of the most important services that is guaranteed by the state. This service allows eliminate the threat to life and health in a short time.

Outpatient servicesare also provided, in particular: an appointment with the doctor at clinic while having an assignment; medical checkup; therapy — regardless of whether it is in hospital or at home; gynecological services.

In case of hospital care that is provided by the insurance policy, the policy of obligatory medical insurance allows the hospitalization in case of exacerbation of chronic diseases — regardless of whether it is planned or urgent; treatment, which requires in-patient therapy. Separate paragraph prescribes the possibility of obtaining medical care using high-tech methods.

Citizens who participate in the system of compulsory health insurance are eligible to claim: appointment, consultation and examination; prevention and treatment of diseases of oral cavity; teeth filling; surgery. There are also some restrictions on the services of professional dentists. Certain types of services are provided only when the relevant medical referrals are available.

The Russian state pays special attention to financing the further development of the palliative care system. The total amount of expenses for palliative care in 2018 increased by 24%. In 2017 the expenses amounted to 21 billion rubles, and in 2019 is projected to reach 23 billion rubles.

Since 2018, more than 4 billion rubles are being devoted from the Federal budget to co-Finance such assistance in the regions.

Currently in the regions there are 12 329 beds for palliative care and more than 16 thousand hospital beds for nursing care. The number of hospices has been increased in Russia from 23 to 73, and children's hospices – from 5 to 14, the post of palliative care doctor was established, and the professional standard of this specialty was approved in 2018. Since 2014 the number of palliative care specialists has been increased more than tenfold.

The adoption of Federal law No 18-FZ of 6 March, 2019 "On the amending Federal Law ‘On fundamentals of health protection in the Russian’ on the palliative care" become an important step in making process in this field.

Palliative care can be provided at all levels of health care system in Russia: on an outpatient basis, in a hospital, in a day hospital, as well as at home, in comfortable conditions with his relatives and friends.

The issues of palliative care are resolved in cases when the person's state of health prevents him from expressing his or her will.

1. *Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.*

The average life expectancy in the Russian Federation is 72.5 years, while 25% of citizens of the country are pensioners. This indicates the demographic ageing of the population, majority of which will need long-term care soon.

The social services that provide long-term care for elderly people is regulated**,** in particular, by Federal Law No. 442-FZ of 28 December, 2013 "On fundamentals of social services for citizens in the Russian Federation", Federal Law No. 181-FZ of 24 November, 1995 "On social protection of disabled people in the Russian Federation", by the Resolution of the Government of the Russian Federation No. 1236 of 24 November, 2014 "On approval of the approximate list of social services by types of social services», Orders of the Ministry of Labor of Russia № 861 and the Ministry of Health of Russia № 1036 of 21 December, 2017 "On approval of methodological recommendations for the organization of social services and social support of citizens who have completely or partially lost the ability to self-care, to move independently, and on health care delivery", Order of the Ministry of Labor of Russia of 14 December, 2017 № 847 "On approval of methodological recommendations for the development of various methods of assisted living of persons with disabilities, including the method of assisted living of small groups of disabled persons in separate accommodations."

The current system of long-term care for the elderly includes several options for the delivery of health and social services. Temporary assistance, day hospital of medical and social institutions; outpatient services at home; visiting nursing services; visiting social worker. Continuous assistance on the part of hospitals and nursing divisions; homes for older persons and gerontological centers; specialized residential care facilities; hospices. Social institutions host guests for temporary and permanent residence.

Long-term care is available for outpatients, in-patients and 24 hours a day.

There are 250 thousand people who live in in-patient organizations of social services in the Russian Federation. In order to enjoy this service, one shouldsubmit the application to the municipal department of social protection and confirm the need for long-term state care.

The system of long-term care for elderly citizens in Russia allows to take care of vulnerable and sick older people regardless of income level and family status. The choice of social institution depends on the health conditions, personal preferences, financial means and available support from family members.

For 2018-2020, the amount of State funding aimed at the construction and development of social homes will be 43.6 billion rubles, which will eliminate the queue in such institutions. Long-term care at home is a more humane way to maintain an established way of life in a familiar conditions. Elderly people do not need to spend physical and mental strength to move, adapt to new conditions, break social ties.

Long-term care for the elderly at home is a particularly urgent problem.

The concept and purpose of long-term care is to help an old or disabled person maintain a decent quality of life. An elderly person has every right to decide where and what kind of assistance he wants to receive.

As of 2018, a pilot project to establish the long-term care system for older and disabled persons was implemented in 12 municipal entities of the Volgograd, Kostroma, Novgorod, Pskov, Ryazan and Tula regions. The project is expected to be implemented within all municipal entities of the above-mentioned regions.

For the purpose of the pilot project implementation, in 2018 the Order of the Ministry of Labor of Russia of 29 June, 2018 № 435 "On the implementation of the pilot project on establishment of long-term care system for older and disabled persons" was adopted. The order provides recommendations to the supreme executive authorities within the pilot regions on:

- development and approval of the implementation plan of activities ("road maps") to carry out the pilot project in the relevant constituent entities of the Russian Federation in 2018 – 2020.

- establishment of multi-disciplinary teams in municipal entities where the pilot project was implemented in 2018;

- setting up the information system upon which the integration and (or) synchronization of information systems that contain data in the field of social services, social protection, health protection of citizens will be carried out;

- assessment of the personnel and staffing level of state organizations that provide social and medical services;

- development of proposals on training (vocational education) and supplementary professional education of social service organizations’ and medical organizations’ employees.

The long-term care project will be expanded geographically every year. By 2024, the long-term care system is projected to be implemented in all 85 regions of the Russian Federation.

1. *Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities.*

In accordance with Article 17 of the Constitution of the Russian Federation recognition and guarantees shall be provided for the rights and freedoms of man and citizen according to the universally recognized principles and norms of international law and according to the Constitution. Fundamental human rights and freedoms are inalienable and shall be enjoyed by everyone since the day of birth. Hence, every citizen including older persons with disabilities shall be guaranteed access to justice.

1. *Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.*

In compliance with Article 30 of the Constitution of the Russian Federation everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed. No one may be compelled to join any association and remain in it.

Participation of older persons in public organizations allows to engage in the development, planning, implementation and evaluation of policy on ageing and /or disability.

Federal law N 82-FZ of 19 May,1995 "On public associations" regulates establishment, reorganization and (or) liquidation of public associations.

In the Russian Federation there are many public organizations aimed at protecting the rights of older persons and persons with disabilities. Some examples are: The Union of Pensioners of Russia; All-Russian Society of Disabled persons; the Yaroslavl city office of the Yaroslavl regional public organization of war, work, military and law enforcement veterans (pensioners); the Yaroslavl regional organization of the All-Russian public organization of disabled people "the All-Russian Blind Society of Order of the Red Banner of Labor "; the Yaroslavl city public human rights organization "Association of victims of political repressions of the city of Yaroslavl»; The Yaroslavl regional public organization "Inhabitants of Blockaded Leningrad"; the Yaroslavl regional office of the All-Russian public organization "Union of Pensioners of Russia"; the St. Petersburg city organization of the All-Russian public organization "All-Russian Society of Disabled people"; the St. Petersburg regional organization of the All-Russian public organization of disabled people "All-Russian Blind Society of Order of the Red Banner of Labor"; the St. Petersburg regional office of the All-Russian public organization of disabled people "All-Russian Society of the Deaf »; Interregional public organization "Association of veterans, disabled persons and pensioners"; St. Petersburg public human rights organization of the disabled "No barriers for wheelchair users"; St. Petersburg public organization of combat veterans "War disabled veteran" and many others.

1. *Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.*

Innovative forms of social services for the elderly, such as social tourism, home hospices, new forms of outreach and in-home care, district social service, foster family for the elderly, and others have recently become widespread in Russia.

Various approaches and methods are being applied in the organization of social assistance to the elderly in social institutions of the Russian Federation.

Club work project for older persons is one of the most popular forms of their lifestyle revitalization in Russia. In the club the older person has an opportunity to show his or her knowledge and skills, share experience, learn something new. Currently the club work with elderly citizens is being developed in the Russian Federation in different directions: social-pedagogical, social-psychological, social-cultural, legal, etc. This work is carried out both in the social services centers, and at a place of residence, previous places of work, in cultural and education institutions, public organizations, etc.

In the Russian Federation there are many clubs aimed at older persons support. For example, "Silver age" club was established in September, 2011. The club is intended to help pensioners and elderly people to use effectively their free time for intelligent, aesthetic and physical development, public activity and communication. Within the year, the club holds meetings with interesting people, organizes talks, legal consultations with invited experts from various departments, exhibitions, watching movies, lectures, round tables and other programs.

"Harmony" club pursues the aim to assist voluntarily older persons in improving their life standards. The club develops programs on health care activities.

"Philanthropist" club is aimed at maintaining of decent life, promoting the conception of healthy lifestyle and organization of area for intelligent communication, psychological and social assistance.

Social programs dealing with assistance to older people become widespread in Russia. The main objectives of public organizations and programs are to promote the adaptation of older people to social life, to create the conditions that provide their independence, to preserve the dignity of the individual, to help overcome diseases, poverty.

Thus, the Vologda regional branch of the all-Russian public organization "Knowledge" helps elderly people to adapt to life in modern conditions, gain confidence in their abilities, to realize themselves, thus solving an urgent social problem. The organization seeks to create conditions for a rich, full and decent life of older people; involvement in the sphere of full-fledged civil activity, creative and social activity, awareness-raising and legal literacy.

The charity program "The meeting place isdialogue" is one of the programs aimed at increasing public recognition and improving the social status of elderly people who have survived the Nazi and Stalinist totalitarian regimes, encouraging them to actively participate in public life, drawing public attention to their destinies, life achievements, their role in public life, as well as promoting fruitful dialogue between generations.

In order to improve the quality of citizens’ life, including the elderly people, a whole range of measures on implementation of structural changes in the social sphere, that determine the prospect for further improvement of the social service system based on public-private partnership, is being developed. An important role in this process is played by monitoring the social services market within the relevant area, as well as improving the quality of social services through the specialization and professionalization of social work.