

# RUSSIA: On the Path to Equal Opportunities

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# RUSSIA:

## On the Path to Equal Opportunities

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This publication has been prepared by a team of Russian experts and consultants. The analysis and policy recommendations in this publication do not necessarily reflect the views of the UN system and the institutions by which the experts and consultants are employed.

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## To the reader

### Dear friends!

The publication 'Russia: on the Path to Equal Opportunities' prepared by a team of Russian experts on the initiative of the United Nations in the Russian Federation addresses vital issues for our country. The publication soundly focuses on the problems of persons with disabilities.

In September 2008 Russia signed the UN Convention on the Rights of Persons with Disabilities. The Council on the Issues of Disabled under the Chairman of the Federation Council contributed to this event. Now the task is to ensure that people with disabilities can get access to education and take an active part in all areas of the economic, cultural and social life of the country.

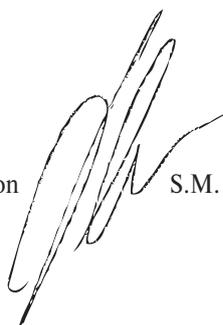
It is notable that authors of the publication mainly focus on the implementation of the rights of disabled to education and work. These rights are guaranteed by the Constitution of the Russian Federation to all its citizens regardless of their social status and health conditions. Access to proper education and decent work helps disabled people overcome barriers of social isolation and economic dependency. These issues have gained special importance for the country in view of the demographic situation and labour force deficit. We should not forget that there are several millions of persons with disabilities in Russia and a lot of them want and are ready to work in various areas including those requiring up to date professional training.

Persons with disabilities belong to the most vulnerable group of society and their material situation often depends only on the state benefits they receive. However state support should not be limited to allowances and payments – the main challenge today is to ensure a fundamental change of the attitude to the issue of disability in our society thus contributing to a better environment for persons with disabilities to live in, enhance the system of rehabilitation for disabled, ensure access to transport infrastructure, communication facilities, cities and towns of the country.

Russia is on the way to ratification of the UN Convention on the Rights of Persons with Disabilities. The Council on the Issues of Disabled under the President of Russia was re-established recently to ensure implementation of the state policy in this area. I hope that it will become an effective coordinating agency for the implementation of the Convention.

This publication is highly relevant and timely. It represents a major contribution to further development of the dialogue on the problems of people with disabilities in the Russian society and solutions for the future.

Chairman of the Federation Council of the Russian Federation



S.M. MIRONOV

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## Introduction

One in 11 Russians has some form of disability. Nationwide, this amounts to 13 million people with special physical, mental or intellectual needs of varying degree, including congenital or acquired mobility, vision and hearing impairment, as well as mental and developmental disorders. These individuals are in need of special accommodations and often require assistance from other people.

Curbs, steps leading into healthcare facilities, shops or cinemas, and narrow elevator doors may present insurmountable obstacles for such people. Many disabled persons are also deprived of even simple everyday human interaction: they commonly receive uneasy glances, and it remains a prevalent belief that persons with disabilities are free riders, unable to make any significant contribution to social and economic development.

The international community believes that persons with disabilities are entitled to the same rights as everybody else and that they should also enjoy equal opportunities to exercise these rights. Therefore, the United Nations remains vigilant with regard to persons with disabilities. At the international level, this belief is reflected in the adoption of relevant international instruments that are open for signing and adoption by all member states. At the national level, legislation is adopted and relevant programmes are implemented to improve the lives of persons with disabilities and to promote their rights and freedoms.

The *Federal Law on Social Protection of Persons with Disabilities in the Russian Federation* was adopted in 1995. Recently, a federal targeted programme to support disabled persons was implemented. The programme, however, largely relies on the concept of social protection, which is based on granting material assistance to the disabled.

Social-economic development, however, both in Russia and elsewhere in the world, requires the use of novel approaches to

maximize the social integration of persons with disabilities.

Causes for concern include the still widespread unwillingness of society to look at persons with disabilities as equals and the effective denial of equal rights with regard to education, employment, healthcare, marriage, child rearing, leisure, physical exercise and sports, and participation in public and political life. Even government officials sometimes harbour misconceptions that disabled persons are of no use for any community activity. As a result, proposals are drafted to establish specialized institutions to accommodate and educate persons with disabilities, as well as special transport routes and social venues. These arrangements encourage society at large to embrace the concept of specialized isolated environments for persons with disabilities rather than the establishment of an environment in which disabled persons can enjoy a full social life with a maximum degree of independence.

It is precisely for this reason that the United Nations initiated the **Convention on the Rights of Persons with Disabilities** (hereinafter referred to as “the Convention”), which was developed with the active involvement of disability groups. The Convention was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008. The Russian Federation signed the Convention on 24 September 2008. Efforts are now underway to analyze this instrument and draft a plan of priority measures to be implemented in case of ratification. It should be noted that in this context the Convention incorporates the theory and enforcement practices inherent to legislation currently existing in various countries to promote the rights and freedoms of persons with disabilities. The Convention is the first comprehensive instrument in this regard that binds UN member states to certain obligations following appropriate signing and ratification.

*Disability is caused not by the health problems associated with a particular medical condition but rather by the status of the development of a given society which impedes, by the barriers it creates, the exercise of rights and freedoms by individuals with health problems*

The Convention applies a rights-based approach to address problems faced by persons with disabilities. This approach institutes a special framework designed to enforce the observance of all human rights — personal, political, economic, social and cultural — in cases when an individual has a disability<sup>1</sup>.

The Convention introduces basic concepts to be recognized by all countries regarding the exercise of rights and freedoms of persons with disabilities. This system of general concepts primarily concerns the definition of “disability” and “persons with disabilities”. According to the Preamble (Item E), “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”<sup>2</sup> “Accordingly, persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” (Convention, Article 1)<sup>3</sup>.

In essence, the Convention unequivocally states that disability is caused not by the health problems associated with a particular medical condition but rather by the status of the development of a given society which impedes, by the barriers it creates, the exercise of rights and freedoms by individuals with health problems. Therefore, these principles imply that — in implementing the provisions of the Convention — a large number of developmental factors relevant to particular countries must be taken into account, including traditions and the availability of resources. All States Parties to the Convention must be consistent and firm in promoting the general provisions laid down in the Convention.

According to experts, the adoption of this Convention will allow the governments of States Parties to perceive persons with disabilities as equal citizens and not as an isolated social group. States that ratify the Convention will thus be legally bound to treat disabled persons as legally entitled to enjoy full civil rights.

The 50 articles of the Convention contain a detailed description of the rights of persons with disabilities, including, in particular, civil

and political rights, the right to physical access and participation in public life, prevention of social isolation, the right to education and healthcare, employment in the open labour market, social protection and other aspects of the lives of disabled persons. The Convention recognizes that in order to attain equality for persons with disabilities, public attitudes must evolve and full social inclusion has to be achieved.

Presently (as of 31 December 2008), the Convention has been signed by 137 States, of which 44 have ratified it. Countries that have ratified the Convention agree to introduce laws and other measures aimed at promoting the full exercise of rights of persons with disabilities and to abolish laws, customs and practices that encourage discrimination against persons with disabilities.

Alongside the Convention, the UN General Assembly adopted an **Optional Protocol** containing 18 articles. Under this Protocol, individuals and groups of individuals may, after exhausting all domestic remedies, submit communications to the Committee on the Rights of Persons with Disabilities. This Committee, composed of independent experts, was formed at the first Conference of States Parties to the Convention on the Rights of Persons with Disabilities on 31 October and 3 November 2008 in New York City. The Conference resulted in the election of twelve Committee members that will regularly review the enforcement of the Convention and receive reports from States Parties on progress made in fulfilling their obligations under the Convention. According to the Optional Protocol to the Convention, the Committee will receive and consider communications from individuals. In addition, the Committee received a mandate to conduct inquiries into alleged grave or systematic violations of the rights of persons with disabilities.

Thus, the Convention not only takes into account the capacity of each State to enforce a particular provision of the instrument but also establishes an international mechanism to monitor implementation. The process involves persons with disabilities and disability associations.

The **purpose** of this publication is to support the Russian Federation in overcoming existing barriers to the promotion of an inclusive approach to persons with disabilities

by analyzing opportunities for greater social and economic integration and proposing appropriate recommendations.

This publication is designed to be used by a broad range of readers interested in disability-related social issues, as well as by experts within those parts of the legislative and executive branches of government that are tasked with formulating and implementing social policies on both federal and regional levels.

The publication **primarily focuses** on the current situation in education and the labour market as it relates to persons with disabilities and is based on an inclusive approach. The selection of particular aspects in the lives of persons with disabilities is explained by the crucial role such aspects play in transforming a human being into a socially active individual.

# Chapter 1

## Situation of persons with disabilities in the Russian Federation

According to the Russian Federal Pension Fund, Defence and Interior Ministries and the Federal Security Service, there were more than 13 million persons with disabilities in the Russian Federation (RF) as of 1 January 2007 and the number is consistently growing (Figure 1.1).

*The guaranteed availability of employment is a top priority for improving the quality of life for persons with disabilities, especially those of young productive age*

According to the *Federal Law on the Social Protection of Persons with Disabilities in the Russian Federation* (Article 1), a disabled person is “an individual with a health condition that is associated with a stable functional disorder and caused by a disease, trauma or defect. The health condition results in limited capability and necessitates the social protection of the individual”<sup>4</sup>.

The act of receiving disability pensions and monthly cash payments from the state is the key characteristics defining the status of a non-working disabled person.

The most recent increase in the pension base rate — an increase of 15% — was enacted on 1 August 2008. Including this raise, the base rates of pensions amounted to (Table 1.1):

- 3,588 Russian Rubles (RUB) — for persons with a third-degree disability (an increase of 468 RUB);
- 1,794 RUB — for persons with a second-degree disability (an increase of 234 RUB); and
- 897 RUB — for persons with a first-degree disability (an increase of 117 RUB).

In addition, the social pension allotted to children with disabilities and children aged 18 or younger who have lost both parents will total 3,588 RUB (an increase of 468 RUB).<sup>5</sup>

The pensions of persons with disabilities due to war injuries and veterans of the Second World War that are eligible for two pensions will equal 11,550 RUB and 11,397 RUB, respectively.

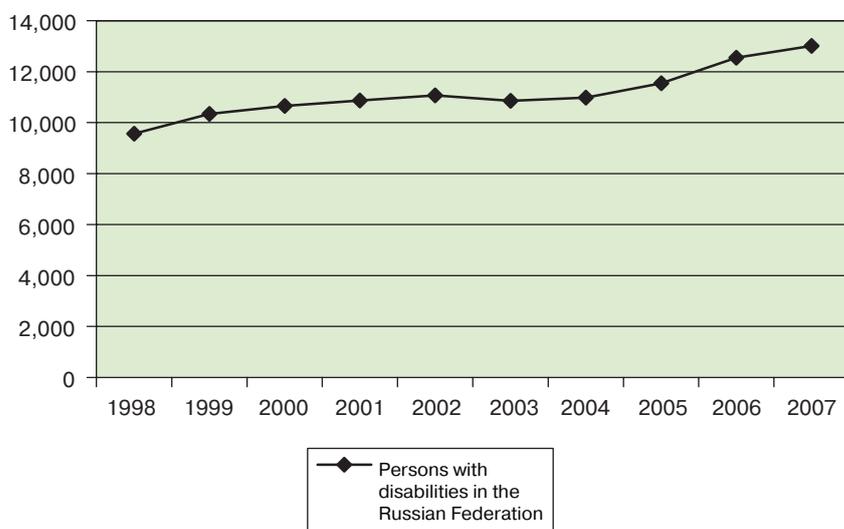
Since 1 August 2008, the average social pension is 3,045 RUB.<sup>6</sup>

In spite of regular inflation adjustments and increases, the level of pensions remains inadequate. For this reason, the guaranteed availability of employment is a top priority for improving the quality of life for persons with disabilities, especially those of young productive age. The willingness of persons with disabilities to be gainfully employed — in particular, as reflected in the number of applications submitted to employment services for assistance in finding appropriate employment — must be recognized (Figure 1.2).

As can be seen from Figure 1.2, the number of individuals who approached employment services in 2007 grew about threefold in comparison to 2000. The number of persons who were successful in finding gainful employment nearly doubled, attesting to the possibility of growth in the employment rate of persons with disabilities.

It is apparent that a dramatic slowdown in the number of successful job seekers occurred over 2005–2007 and coincided with a fundamental transformation in social policy

**Figure 1.1. The increasing number of persons with disabilities in the Russian Federation in 1998–2007 (as of 1 January per year), 1,000 persons**



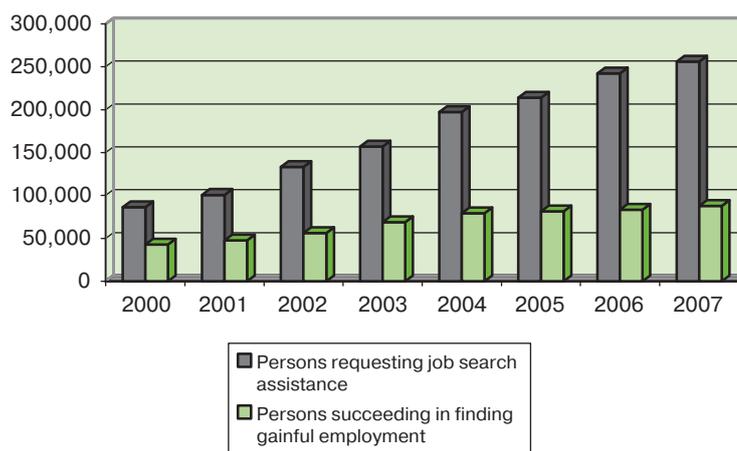
Sources: RF Pension Fund, Defence Ministry, Interior Ministry and Federal Security Service.

with regard to persons with disabilities, including the labour market.<sup>7</sup>

A large-scale social reform was undertaken in 2004, beginning with the adoption of Law No. 122-FZ<sup>8</sup>, which is publically known as the Law on Monetization of Benefits. This law enacted amendments to 152 existing legislative acts — many of which concern social protection. As a result of the reform, most in-kind disability benefits that had previously been guaranteed by federal legislation were replaced with monthly cash payments.

An important feature of the existing social protection system for persons with disabilities is the fact that the main criterion for determining a disabled individual’s need for social protection measures is the degree to which his or her ability to engage in productive employment is limited. This criterion influences the size of pensions and monthly cash payments<sup>9</sup> (Table 1.1).

**Figure 1.2. Persons classified as disabled requesting job search assistance in 2000–2007**



Source: Federal Service for Labour and Employment.

**Table 1.1. Financial situation of various categories of persons with disabilities for August 1, 2008 (in RUB)**

Limitation degree of productive employment	Base rate of disability pension	Monthly cash payment	Total	Total income difference between productive employment limitation degrees
3rd degree	3,588	1,913	5,501	2,341
2nd degree	1,794	1,366	3,160	
1st degree	897	1,093	1,990	1,170
No degree (zero)	—	683	683	1,307

Source: based on RF Pension Fund data.

It follows from Table 1.1 that when the productive employment limitation degree is changed from third to second, a disabled person loses 2,341 RUB, and when the degree moves from second to first, the loss amounts to 1,170 RUB. If a disabled person is refused even the first (lowest) degree of productive employment limitation, such an individual, even if belonging to a particular disability category, fails to receive the base and insurance portions of the pension and almost the entire monthly cash payment.

The past few years have convincingly demonstrated that social innovations have lowered a disabled person’s motivation to

pursue active lifestyles and, in particular, to work. This phenomenon is primarily explained by the fact that the more active attitude a disabled person has, the greater the probability that he or she will be deprived of some part of state-guaranteed pensions and other payments. Given the high unemployment rate among persons with disabilities and difficulties in obtaining education and well-paid employment, it is obvious that disabled persons seek to preserve state-guaranteed payments.

In addition, the mechanism for obtaining state-guaranteed social services is extremely complicated. The employment process is

**BOX 1.1****Employment under the quota system in 2000–2007, persons**

Year	Individuals employed under the quota system:	
	total	incl. disabled persons
2000	109,432	57,146
2001	103,334	13,242
2002	97,677	12,584
2003	79,948	16,421
2004	68,575	19,217
2005	55,125	17,044
2006	38,056	12,834
2007	32,886	10,906

Source: Federal Service for Labour and Employment.

Initially, quotas for persons with disabilities were guaranteed by the *Federal Law on the Social Protection of Persons with Disabilities in the Russian Federation* under Article 21. This system is the only and the most efficient tool that ensures employment for the disabled. According to statistics for 2000, the quota system enabled the employment of over 57,000 disabled persons. Between 2000 and 2007, the applica-

tion of quotas resulted in gainful employment for approximately 160,000 disabled persons. In our opinion, quotas, along with other tools of securing employment, is currently a necessary mechanism for the employment of persons with disabilities, especially since the government has yet to propose alternative efficient mechanisms to replace the quota system.

hindered not only by the existence of productive employment limitation degrees but also by the effective dismantlement of the quota system at small- and medium-sized enterprises (notwithstanding the low efficiency of this tool) (Box 1.1).

The dismantling of pro-active measures to establish a barrier-free environment in many of Russia's regions had a negative impact on employment and education and was primarily due to the bureaucratic policy of distribution of individuals with benefit entitlements between the federal and regional levels. This division, accordingly, caused regional authorities, especially in poorer regions dependent on federal subsidies, to lose interest in serving the needs of "federal-level" benefit holders, including the disabled. This, in turn, led to a drop in the funding of regional programmes related to persons with disabilities.

A notable element in the evolution of the Russian social sector and in addressing the difficulties faced by persons with disabilities is the fact that now the main focus and the guiding principles of social policy must be checked against and implemented in conformity with the philosophy and standards as laid down in the Convention. The existing Russian legislation regarding the promotion of disability rights and interests is largely in line with the general norms of international law. However, it appears that existing laws require significant improvement in the exercise of concrete disability rights and securing equal opportunities for the disabled in all areas.

## Chapter 2

# Education for persons with disabilities

Along with other human rights, the right to education is fundamental. However, “in the modern world, education as a socio-cultural value and a social institution is gaining additional importance as it serves as one of the major factors in preserving and changing the social structure of the community, as well as in the social and professional mobility of the individual. Education significantly raises the opportunity for social advancement and, overall, is a *sine qua non* for such advancement”<sup>10</sup>. This is equally true of all individuals — with or without a disability.

Today, education plays an even more important role for persons with disabilities than for able-bodied individuals, because education is one of the more effective social resources that can be tapped in order to reduce social isolation and economic dependence. Possessing and applying education as an asset, persons with disabilities are able not only to improve their living standards but also to improve their motivation towards achieving a higher personal status and fuller social inclusion.

The adoption of the World Declaration on Education for All in 1990 and its flagship concept of inclusive education, as well as the adoption of the Dakar Framework for Action in 2000 state that persons with disabilities are to be educated in a given society’s standard educational establishments. “...The fundamental principle of Education for All means that all individuals should have the opportunity to study together, regardless of any existing difficulties this might involve or any differences in the ability to learn that they might have. Inclusive education targets persons with special educational needs, and the disabled are only one such group”<sup>11</sup>.

Inclusive education, as we know it today, has its origins in special education. The development of the field of special education consists of a series of stages in which education systems have explored different ways of responding to children with disabilities and

to students who experience difficulties in learning. In some cases, special education has been provided as a supplement to the general education; in other cases, it has been provided on an entirely separate basis. In recent years, the existence of separate educational systems has been challenged, both from a human rights perspective and from the point of view of effectiveness<sup>12</sup>.

The integration-based approach is realized by incorporating elements of special education into the general education system. The principal shortcoming of the integration approach is the lack of modifications in the general education system — i.e. in curricula and teaching methodologies and strategies. The absence of institutional changes is one of the main barriers in implementing the policies of inclusive education.

There are two aspects to the role played by education in regard to the policy of social integration of persons with disabilities. On the one hand, employment is key to the successful social integration of persons with disabilities, and education and training for the disabled are prerequisites for the achievement of this goal. The realization of the educational potential of persons with disabilities in the labour market may serve as a criterion for the effectiveness of all social policies targeting persons with disabilities. In this case, education is a bridge that leads to employment, and its value is largely pragmatic. On the other hand, education is a fundamental value that determines the individual’s social status, self-realization opportunities and even the meaning of life<sup>13</sup>.

### 2.1. International experience in ensuring standard education for persons with disabilities

The integration of “problem” children into general schools is a natural stage in the evolution of a system of special education in any country of the world and is a process that is

*All individuals should have the opportunity to study together, regardless of any existing difficulties this might involve or any differences in the ability to learn that they might have*

observed in all highly developed countries, including Russia. This approach to educating children with special needs is pursued for a variety of reasons. As a whole, this occurrence can be described as a social expectation emerging in a society in a state that has achieved a certain level of economic, cultural and legal development.

This stage involves society and the state reconsidering their attitudes towards persons with disabilities, not only by recognizing their rights but also by leading the community to realize its responsibility to ensure equal opportunity in various areas, including education.

### *2.1.1. International instruments ensuring the right of persons with disabilities to education*

Since its birth in 1945, the United Nations has been working in conformity with its Charter to focus the efforts of the international community on ensuring the people's right to high-quality, accessible education. In particular, the humanistic value and unique nature of education were enshrined in the **Universal Declaration of Human Rights** adopted and promulgated in General Assembly Resolution 217 A (III) on 10 December 1948: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace"<sup>14</sup>.

It should be noted that rights of persons with disabilities were enshrined in a number of universal (general) and special instruments adopted by the United Nations over the past 60 years. Article 26 of the Universal Declaration of Human Rights proclaims that "everyone has the right to education.... Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit"<sup>15</sup>. Hence, although persons with disabilities, as is the case with other social groups, are not explicitly mentioned in this Declaration, they are, like all other citizens, entitled to the right to education.

Later, in December 1960, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its eleventh session approved the **Convention Against Discrimination in Education**, which provides a definition of "discrimination" and bans all its forms. In the late 1980s, building on the above-mentioned principles of accessible education and equal opportunities for persons with disabilities, the **Convention on Technical and Professional Education** adopted by the UNESCO General Conference at its twenty-fifth session reaffirmed that States "shall pay attention to the special needs of the handicapped and other disadvantaged groups and take appropriate measures to enable these groups to benefit from technical and vocational education"<sup>16</sup>.

Special attention has been paid to the work of the United Nations in protecting the rights of the child, including the right to education, in particular, the right of children with disabilities to education. This has become a priority for the United Nations. In this context, the **Declaration of the Rights of the Child** adopted on 20 November 1959 reaffirmed that "the child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages"<sup>17</sup>. The Declaration further stipulates that "the child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition"<sup>18</sup>. Thus, even 50 years ago, the international community elaborated the standards according to which children with special needs, associated, in particular, with their physical, sensory or mental handicaps, require additional (special) treatment, in strict conformity with the principle of equal opportunities.

The adoption of the **Convention on the Rights of the Child** (General Assembly Resolution 44/25 adopted on 20 November 1989 with the entry into force on 2 September 1990) was an important landmark, which, building on prior international instruments, guaranteed that "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's...disability" (Article 2)<sup>19</sup>. The value of this Convention

*Rights of persons with disabilities were enshrined in a number of universal (general) and special instruments adopted by the United Nations over the past 60 years*

lies in its legally binding status and in the fact that its text referred for the first time to the need of ensuring the right of each child to education regardless of his or her health condition.

Another category of international instruments adopted by the United Nations concerns the rights of persons with disabilities, including their right to education. The **Declaration on the Rights of Mentally Retarded Persons** adopted in 1971 recommended to States in Paragraph 2 that “the mentally retarded person has a right to... such education, training... as will enable him to develop his ability and maximum potential”<sup>20</sup>. In 1975, the **Declaration on the Rights of Disabled Persons** extended this norm to all individuals, not only with mental but also with other health disorders (handicaps) in Paragraph 6: “Disabled persons have the right to... education, vocational training... and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration”<sup>21</sup>.

Developing the principle of the “education for all” laid down in the 1970s, the **World Programme of Action Concerning Disabled Persons** adopted by General Assembly Resolution 37/52 on 3 December 1982 significantly expanded and specified this principle (Paragraphs 120–127)<sup>22</sup>: “Member States should adopt policies which recognize the rights of disabled persons to equal educational opportunities with others. The education of disabled persons should as far as possible take place in the general school system”. In enforcing this right of disabled persons to education, States should “allow for increased flexibility in the application to disabled persons of any regulation concerning admission age, promotion from class to class and, when appropriate, in examination procedures,” and “basic criteria are to be met when developing educational services for disabled children and adults. These services should be: individualized; ...locally accessible; comprehensive; offering a range of choices commensurate with the range of special needs in any given community”.

Under Paragraph 124 of the World Programme, “if, for any reason, the facilities of the general school system are inadequate for some disabled children, schooling for these

children should then be provided for an appropriate period of time in special facilities. The quality of this special schooling should be equal to that of the general school system and closely linked to it”. This is a very important standard which has permitted the preservation of achievements in special education and its advancement towards incorporation into the generally accessible schooling process. However, in defining the fundamental principle of education for persons with disabilities, the World Programme was unequivocal in giving priority to the joint schooling of persons with and without disabilities, making use of the same curricula.

The **Standard Rules on the Equalization of Opportunities for Persons with Disabilities**, adopted by General Assembly Resolution 48/96 on 20 December 1993, are based on the experience of the United Nations Decade of Disabled Persons 1983–1992. The World Programme of Action Concerning Disabled Persons and several other United Nations instruments served as a moral and political basis for the development of the Standard Rules, including their provisions on education for persons with disabilities. According to Rule 6 titled Education, “States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system”<sup>23</sup>.

In addition to joint, “integrated” education, the Standard Rules, following in the footsteps of the World Programme of Action Concerning Disabled Persons, envisage that “in situations where the general school system does not yet adequately meet the needs of all persons with disabilities, special education may be considered. It should be aimed at preparing students for education in the general school system. The quality of such education should reflect the same standards and ambitions as general education and should be closely linked to it. At a minimum, students with disabilities should be afforded the same portion of educational resources as students without disabilities. States should aim for the gradual integration of special education services into mainstream education. It is

*The inclusive approach involves understanding the various educational needs of children and delivering services in line with these needs through fuller participation in the educational process, raising of awareness, desegregation and elimination of discrimination in education*

acknowledged that in some instances special education may currently be considered to be the most appropriate form of education for some students with disabilities<sup>24</sup>.” Thus, the Standard Rules unequivocally identify special education as one form of education for the disabled that aims to ensure high-quality education conforming to all existing standards.

As a result of the implementation of the principles enshrined in the abovementioned international instruments, an approach to education was developed in the 1990s that was directly associated with the new philosophy of disability and crystallized the concepts of “inclusion,” “inclusive education,” “inclusive approach,” etc.

The inclusive approach involves understanding the various educational needs of children and delivering services in line with these needs through fuller participation in the educational process, raising of awareness, desegregation and elimination of discrimination in education<sup>25</sup>.

The 1990 World Conference on Education for All in Jomtien, Thailand, was an important landmark in the promotion of the inclusive approach. Representatives of 155 countries and 160 governmental and non-governmental organizations participated in the Conference and adopted a Framework for Action that set forth clear lines of action and measures to achieve relevant goals, culminating in the approval of the World Declaration on Education for All. Proclaiming that “every person — child, youth and adult — shall be able to benefit from educational opportunities,” the World Declaration on Education for All opened a new chapter in the evolution of education. The Declaration brought to an end the straightjacket, recipe-based educational system and ushered in an era of systemic flexibility. It called on all countries to bring their educational systems into line with user expectations and to adapt the system to user needs, including the cultural and historic backgrounds of students<sup>26</sup>.

Ten years following the adoption of the Jomtien Declaration, the city of Dakar, Senegal, hosted the World Forum on Education in April 2000, during which the Dakar Framework for Action was adopted. The Framework expressed the collective commitment of the international community to

implement a broad-based strategy to satisfy the basic educational needs of every child, young person and adult over the lifetime of one generation and thereafter maintain the achieved level.

An equally important event took place in Salamanca, Spain, between these two international forums in June 1994 and specifically addressed persons with special educational needs. The **Salamanca Statement** on Principles, Policy and Practice in Special Needs Education (Box 2.1.) reaffirmed the “commitment to Education for All... [and] the necessity and urgency of providing education for children, youth and adults with special educational needs within the regular education system and... endorse[d] the Framework for Action on Special Needs Education [so that] governments and organizations may be guided by the spirit of its provisions and recommendations.” (Paragraph 1).<sup>27</sup>

Reading the Salamanca Statement, it can be generally concluded that this instrument, summarizing the prior best practice in the field of education, stipulates that “inclusion” is the main theme in the development of education. It is fundamentally novel in that the educational system is expected to flexibly adapt to the characteristics and needs of every child. The Statement does not rule out that some children may be educated elsewhere along with integrated education in mainstream schools.

The above instruments are not legally binding; although, some countries incorporated their recommendations into national legislation.

The situation changed fundamentally with the adoption of the **United Nations Convention on the Rights of Persons with Disabilities**. This instrument is binding on States Parties that have signed and ratified it. The Convention contains a special article on education for the disabled (Box 2.2).

A general analysis of this Convention demonstrates that this instrument has incorporated the experience accumulated in the development of education for persons with disabilities and is reflective of new trends in the evolution of the process towards inclusion. The Convention, however, does not determine concrete forms of education of persons with disabilities and does not set forth any specific timeframe for making in-

## BOX 2.1

The **Salamanca Statement** on Principles, Policy and Practice in Special Needs Education proclaims that:

- Every child has a fundamental right to education and must be given the opportunity to achieve and maintain acceptable levels of learning;
- Every child has unique characteristics, interests, abilities and learning needs;
- Education systems should be designed and educational programs implemented to take into account the wide diversity of these characteristics and needs;
- Those with special educational needs must have access to mainstream schools which should accommodate them within a child-centred pedagogy capable of meeting these needs; and
- Mainstream schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive

society and achieving education for all. Moreover, they provide an effective education for the majority (without special needs) and improve the efficiency and ultimately the cost-effectiveness of the entire education system.

The Salamanca Statement also sets forth principles that guide policy proposals and the promotion of legislative initiatives to advance inclusive education. Moreover, this is still probably the most important of the fundamental international instruments on the education of children with special educational needs.

In particular, the text states that regular schools with inclusive orientation are “the most effective means of combating discriminatory attitudes..., building an inclusive society and achieving education for all.”

Furthermore, such schools may “provide effective education to the majority of children and improve... the efficiency of the entire education system.”

clusion part of the educational process in States Parties.

Evidently, the United Nations realizes that progress in such a crucial field as education depends on customs and the level of development achieved in each particular country. For this reason, the Convention only specifies the general approaches and principles underlying the development of education in the States Parties.

### *2.1.2. International experience in addressing education for persons with disabilities*

Today, the countries with the most advanced legislation include Canada, Cyprus, Denmark, Iceland, India, Malta, the Netherlands, Norway, South Africa, Spain, Sweden, Uganda, the United States and the United Kingdom. Italian legislation has supported inclusive education since the 1970s. However, even with proper legislation in place,

inclusion does not work everywhere, as has, for example, been the case in India. Germany has a good legislative base, but most children with special needs are educated in specialized schools. Denmark is a pioneer in the transition to inclusive education, but the number of children with special needs educated in special schools is growing. The Netherlands has long had an advanced network of specialized schools, as does the Flemish part of Belgium, and many scholars consider this fact to be a serious obstacle to the development of inclusive education. In Flanders, according to 2000 data, only 0.1% of children with developmental handicaps attended integrated schools.

For comparison, less than 1% of children with developmental handicaps in Greece attend integrated schools. In the United States, this figure is approximately 45% and between 80 and 95% (according to one source) or up to 99.9% (according to other data) in Italy. In Canada, special schools do not exist in

## BOX 2.2

Under **Article 24 of the United Nations Convention on the Rights of Persons with Disabilities**<sup>\*</sup>, “States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life-long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.”

In addition, “States Parties ensure in the exercise of the right of persons with disabilities to education that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c. Reasonable accommodation of the individual’s requirements is provided;
- d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion”.

According to Paragraph 3 of this Convention, “States Parties enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community.

To this end, States Parties shall take appropriate measures, including:

- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development”.

“In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities who are qualified in sign language or Braille and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities” (Article 24, Paragraph 4 of the Convention).

According to Article 24, Paragraph 5 of the Convention, “States Parties ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities”.

<sup>\*</sup> Convention on the Rights of Persons with Disabilities: <http://www0.un.org/disabilities/convention/conventionfull.shtml>

the province of New Brunswick. In Australia and the United Kingdom, the situation varies considerably depending on the region, and the percentage of children with special needs integrated into mainstream schools in various parts of England may vary by up to a factor of six<sup>28</sup>.

If we look at Europe as a whole in 2006, according to Pietro Barbieri, president of the Italian Federation for Overcoming Handicaps, Europe had more than two million people with special educational needs, of whom 57% attended segregated, special schools<sup>29</sup>.

In a curious development, the most radical and swift changes are seen in the world's poorest countries: Uganda, Lesotho, Viet Nam, Lao PDR, Jordan, Palestine, Morocco, Egypt and Yemen. In Uganda and Arab countries, the integration of children with special needs coincides with the integration of girls into mainstream schools. This dynamic is largely explained by the effective implementation of UNESCO programmes in the above-mentioned countries. One such major programme, Education for All, strives to engage those children into the learning process who have previously been deprived of the opportunity to attend schools. This process has involved the inclusion of "special" children from the outset of the programme. As part of such programmes, developing countries — as well as many countries of the former Socialist bloc, e.g. Slovenia, Croatia, Macedonia, Bulgaria and Romania — benefit from assistance provided by experts from countries like Sweden, Norway and the United Kingdom. In the 1980s, UNESCO developed several information toolkits and handbooks on training teachers and administrators, class work manuals, etc<sup>30</sup>.

This general overview demonstrates that the advancement of inclusion in education, even in economically developed countries, has already been underway for several decades. This means that it is a lengthy and difficult process which exhibits both similar and conflicting characteristics for different countries. We, therefore, can look into the experience of selected countries.

**Italy.** In the opinion of experts, Italy has become an "inclusive education" laboratory for the rest of the world. In the late 1960s, Italians concluded that a shift in the

attitude towards jointly educating children with special needs and children with typical developmental characteristics would take place not in response to the explanation of abstract notions but as a response to concrete events. Therefore, it was deemed best to send such children to schools located in their communities. In 1971, the first law stipulating the right of children with special needs to education in mainstream schools was enacted. A law passed in 1977 laid down certain norms<sup>31</sup>:

- Maximum number of children per class – 20;
- Maximum number of children with developmental handicaps per class – 2;
- Special measures to support children with special needs are "built into" class work;
- Classes using special curricula are abolished;
- Special education teachers team up with regular schoolteachers; and
- Both categories of teachers interact with all students in the class.

Officially, the ratio of special education teachers to students with special needs is supposed to be 1 to 4, but in reality it is 1 to 2. If there is a blind or deaf child in class, then the entire class learns Braille or sign language. A new law enacted in 1992 gives priority not only to socialization but also to high quality teaching of academic courses. According to that law, all children are to be admitted into general schools without any restrictions, and they are to benefit from all conditions necessary for obtaining a high quality education. Under this law, approximately 16,000 children were transferred from segregated special schools to regular schools, and around 10,000 students were enrolled at regular, rather than special education, universities.

After 1997, following the adoption of the Law on Discrimination, about 160,000 children with special needs were transferred to regular schools, including around 1000 children with developmental disorders.

In 2003, the Ministry of Education required all school principals to take part in on-the-job training sessions to improve the implementation of the national inclusion policy. All teachers are instructed to attend

professional development courses that total 40 hours per year.

According to Pietro Barbieri, Italy now has 75,000 special education teachers, who are able to provide inclusive education for all students<sup>32</sup>.

The Italian approach ensures close interaction between schools and healthcare professionals working for diagnostic and therapeutic service providers, including physicians, psychologists, social workers, nurses, speech and functional and physical therapists.

**Sweden.** The concept of integration has been successfully promoted in Sweden. The origin of integration policies dates back to 1969, when a relevant government act was adopted. A new law on secondary education was adopted in 1989, and a reviewed training programme for special education teachers was introduced in 1990. A new educational standard was introduced in 1995, which redefined the roles of teachers, tutors and principals. The standard determines only the obligatory level of knowledge which must be achieved upon completion of five and nine school years. The Ministry of Education expects that teachers will be able to exercise their own discretion in choosing teaching methods that help achieve educational goals. The school principal is generally accountable for the organization of the learning process as a whole<sup>33</sup>.

**Greece.** The concept of integrating children with special needs into regular kindergartens and schools was introduced in Greece for the first time in 1974. However, unlike in many other countries, the decision to initiate integration was made not under pressure from stakeholder groups — that is, teachers and parents — but as a result of the adoption of relevant legislation in 1981. According to statistics, however, the number of special classes and special schools grew dramatically between 1983 and 1993. Why is integration failing in Greece? Apart from the prevailing attitudes towards persons with developmental disorders, several other reasons have been cited, including:

- 1) Lack of physical access to regular schools for children with mobility impairments;
- 2) Lack of widely accessible diagnostic tests or testing;

- 3) Teachers lack training in methodologies for children with special needs;
- 4) Local governments consider pre-emptive assistance and integration too expensive and thus display no interest in such measures; and
- 5) There is an acute shortage of facilities providing essential services (physical therapy, speech therapy, psychological and legal counselling, etc.).

**India.** The National Policy on Education developed in 1986 and revised in 1992 was the product of the collective efforts of many professionals, representatives from a number of states and other stakeholders. Under this programme, which is still in effect, education must be provided to all Indians. Key provisions of the act seek to eliminate barriers that stand in the way of education and guarantee equal rights and opportunities to all those with special needs and to those who historically have not benefited from such opportunities. It dictates the need to take account of the nation's multilingual constitution; religious, social and cultural customs; and the impact of the country's centuries-long colonial status. Children with disabilities, girls, minority children and children residing in remote areas were identified as requiring additional focus. Other marginalized groups include the untouchables and several select tribes<sup>34</sup>.

**Estonia.** Under the Estonian Constitution and legislation, “everyone has the right to education<sup>35</sup>.” However, in the case of children with disabilities, the right to education in a regular school setting often cannot be exercised because schools refuse to accept children with learning disabilities under the pretext that they are unable to provide such individuals with the required support and services. In addition, existing regulations do not specify the requirements of regular schools in regard to children with special needs.

Legislation also prescribes special rules determining the conditions that need to be met for disabled persons to be admitted to vocational schools.

In principle, the family of the child with special needs is supposed to be able to obtain information and support from local authorities. This assistance is mainly limited to med-

ical services. In reality, there are many barriers in Estonia that impede the advancement of integrated schooling for children with disabilities. In particular, these barriers include the deficit of special vehicles, of accessible infrastructure in schools, special manuals and special education professionals.

Educational opportunities for persons with mental disorders are extremely limited. There is only one vocational rehabilitation centre in Estonia, Astangu Rehabilitatsioonikeskus, where individuals with various disabilities can benefit from vocational training. Most students in this centre have physical disorders. For individuals with vision and hearing impairments, the main barrier is the lack of special books, materials, etc<sup>36</sup>.

**Belarus.** At the legislative level, equal access to education is enshrined in the national Constitution; in national laws On Education, On Secondary General Education, On Professional and Technical Education and On Higher Education; and in other legislative acts and regulations. According to the Law on Education, Article 3, adopted on 29 October 1991, citizens' rights to education are ensured, amongst other methods, by establishing an enabling environment for disabled persons to be educated and undergo social adaptation. The Ministry of Education is responsible for including all categories of children — including children with severe, profound and multiple handicaps — in the learning process.

In addition to the above-mentioned legislative and regulatory acts governing education for Belarusian citizens, including children with disabilities, the National Law on Education of Persons with Psychophysical Development Disorders (Special Education) was enacted in May 2004. This law sets out the legal, economic, social and institutional framework for special education and aims to establish the necessary conditions for educating persons with psychophysical developmental disorders, social adaptation and social integration. Under Article 3 of this law, the purposes of special education in Belarus are the following: to exercise the rights of persons with psychophysical developmental disorders to education and special assistance by ensuring accessibility of the latter and instituting special conditions, as well as fostering the social adaptation and integra-

tion of such individuals. In particular, such individuals are to receive independent living skills and preparation for employment, professional careers and family life.

For the first time, legislation has provided clear-cut definitions of terms used in special education (including “special education,” “person with psychophysical developmental disorders,” “special conditions for education,” “integrated teaching and rearing,” and “special education institution”).

To guarantee education for persons with psychophysical developmental disorders, numerous provisions in this law aim to create a centralized system for the identification, examination, diagnosis and monitoring of the development of children with psychophysical developmental disorders.

The establishment of a system of patronage for individuals with psycho-physical developmental disorders for a period of two years following graduation from an educational institution, during which the individual receives support and assistance in obtaining employment and in social adaptation, was an important innovation.

Since 1995, Belarus has been promoting integrated learning in regular school settings and preschool education in regular kindergartens for mentally retarded children. Education is administered in special groups not exceeding six persons. Teachers from secondary general schools with integrated-learning classes are instructed to attend professional development courses on a regular basis. Children with severe and profound mental and multiple handicaps may attend special schools as well as boarding schools (which also admit children with minor handicaps). Presently, classes catering for such children are being enthusiastically organized within centres for special developmental education and rehabilitation which have been created and operate in most of Belarus's district capitals<sup>37</sup>.

Children with minor handicaps attend boarding schools under the assistive schooling programme, and children with more severe disabilities learn under individualized programmes, which primarily include social and household skills and elements of independent living.

Adults with minor forms of mental retardation may benefit from vocational training

in special groups within vocational schools. Agreements have been made with training factories affiliated with secondary schools, and conditions are gradually being developed in vocational schools to train individuals with moderate degrees of mental retardation.

As of early 2002, Belarus had 2,251,753 children under 18, including approximately 1,700,000 school-age children. There were 30,507 disabled children between 0 and 18 years of age. According to the Ministry of Education, the number of school-age children with intellectual disorders in the 2001–2002 school year reached 16,145. In addition to the issue of defining the term “mental handicaps,” the educational system also uses the term “learning disabilities” (or, in medical terminology, “multiple academic skills disorder”)<sup>38</sup>.

Belarus has three specialized preschool institutions for children with intellectual disorders that serve 180 children. There are nine kindergartens for children with mental retardation, which are attended by 232 children. In addition, five regular kindergartens have groups for children with intellectual disorders, attended by 68 children. Twenty kindergartens have groups for mentally retarded children, with an enrolment of 249 children.

The country has 5 schools, 10 boarding schools and 116 classes within regular secondary schools for children with intellectual disorders and 50 special schools for children with learning disabilities. A total of 346 children with intellectual disorders are integrated into regular schools and benefit from support services.

Forty educational institutions provide professional education to adults with mental disorders<sup>39</sup>.

A general analysis of international experience shows that different countries have achieved varying degrees of progress in the implementation of inclusive education. In post-Soviet countries (Belarus and Estonia), the application of inclusive forms so far remains limited, and the education of persons with disabilities is still at an early stage of integrative development, with a notable prevalence of special education. This tendency is largely correlated with a country’s level of development, but is also due to the

complexity of the inclusion process, which is dependent upon multiple factors and cannot be fully implemented within a short period of time.

## 2.2. Education of persons with disabilities in Russia: problems and solutions.

### 2.2.1. Legislative framework

In accordance with **Article 43 of the Constitution of the Russian Federation**, «everyone has the right to education» (Paragraph 1) and «may obtain, on a competitive basis, higher (tertiary) education in a state or municipal educational institution or at an enterprise» (Paragraph 3). In Russia, universally accessible and free-of-charge preschool, primary and vocational education in state or municipal educational institutions and at enterprises are social guarantees.

The above-mentioned provisions of the Russian Constitution have been specified and elaborated upon in several federal laws and regulations concerning the enforcement of the right of persons with disabilities to education.

Russia’s federal legislation, in line with the fundamental international instruments on education, promotes the principle of equal rights to education of persons with disabilities — both children and adults. Guarantees of the right to education as applied to children with disabilities are enshrined in the RF Law on Education and in federal laws 125-FZ (22 August 1996) On Higher and Post-Graduate Professional Education, 181-FZ (24 November 1995) On Social Protection of Persons with Disabilities in the Russian Federation, 120-FZ (24 June 1999) On the System Basis of Prevention of Absence from Supervision and Juvenile Delinquency, 124-FZ (24 July 1998) On Fundamental Guarantees of the Rights of the Child in the Russian Federation, 184-FZ (6 October 1999) On General Principles of Organization of Legislative (Representative) and Executive Authorities of Subjects of the Russian Federation, and 131-FZ (6 October 2003) On General Principles of Organization of Local Self-Government in the Russian Federation<sup>40</sup>.

The **RF Law on Education** 3266-1 (10 July 1992) instituted the guarantee that “the right

to education is one of the fundamental and inalienable constitutional rights of the citizens of the Russian Federation<sup>41</sup>.” In the view of Oleg Smolin, “the innovation in this act is that persons with disabilities are empowered to pursue professional education. Thus, according to Article 16, Paragraph 3, children with disabilities and individuals belonging to the first- and second-disability categories are admitted into secondary- and tertiary-education institutions on a non-competitive basis provided they have successfully passed entrance examinations, unless counter-indications ensue from medical and social examination”<sup>42</sup>. Later, similar rights were granted to persons disabled in active combat as well as to “citizens under the age of 20 with a single parent who qualifies as a first-category disabled person and in cases when the average per capita family income was lower than the subsistence level established in the relevant subject of the Russian Federation. Article 50, Paragraph 7 of the Law on Education was amended to enable persons with disabilities to obtain professional education on multiple occasions at government expense if referred by employment services”<sup>43</sup>.

Another important principle underlying education policy is the “universal accessibility of education... [and] adaptability of the education system to levels and characteristics of the development and training of students” (Article 2). State guarantees concerning Russian citizens’ educational rights include: “the installation of an educational system and relevant socio-economic conditions to obtain an education” (Article 5, Paragraph 2) ...and the establishment of enabling conditions for citizens with developmental disorders to be educated ...[in which] their disorders can be corrected using special pedagogical approaches (Article 5, Paragraph 6). Concurrently, special state educational standards are to be introduced for such students (Article 7, Paragraph 2). In the education of persons with disabilities, a diversity of forms are permitted in which education can be administered (e.g., intramural, combined intra- and extramural, extramural, home-schooling, self-education and non-residence) “based on the needs and abilities of the individual” (Article 10, Paragraph 1)”<sup>44</sup>.

The **Federal Law on Social Protection of Persons with Disabilities in the Russian Federation** further developed the legal norms set out in the RF Law on Education. In particular, this law stipulated that the rearing and education of disabled children in preschool and primary educational institutions were fiscal responsibilities of subjects (regions) of the Russian Federation.

In regard to rearing and teaching children with disabilities (Article 18) and the education of persons with disabilities (Article 19), the provisions of this law allow for multiple forms in the administration of education to disabled persons in Russia. Although there is no ban on educating the disabled in regular schools and institutions, the mandatory requirements and mechanisms that would enforce the disabled person’s right to be educated in regular schools are absent. Thus, the system of education for disabled persons that currently exists in the Russian Federation fails to conform to inclusion requirements and, in particular, to the principles of the UN Convention on the Rights of Persons with Disabilities.

### *2.2.2. Education of persons with disabilities in Russia: current situation*

According to the RF Ministry of Health and Social Development, there are approximately 1.5 million children with disabilities in the Russian Federation. In the 2007–2008 academic year, 474,700 children with disabilities were taught, reared or underwent rehabilitation in compensation and combined preschool educational institutions; 214,700 were educated in 1884 special educational institutions for students with disabilities; and 161,900 attended special classes for students with disabilities within non-specialized educational institutions.

In the recent years, the number of special educational institutions in the Russian Federation has decreased along with a decline in the number of disabled children attending them. In 2001, there were 1957 special educational institutions, each of which is classified as one of eight types, attended by 312,000 children with disabilities. A similar downward tendency is seen in the number of students educated in special classes within non-specialized educational institutions; in

*Russia’s federal legislation, in line with the fundamental international instruments on education, promotes the principle of equal rights to education of persons with disabilities—both children and adults*

*The availability of such kindergartens does not imply the existence of inclusion in preschool education, since not all kindergartens are able to admit disabled children and provide them with the required childcare and educational services*

*In order to expedite the process of inclusion, an environment needs to be created for the full integration of disabled children into the learning process in regular schools, including professional training and the preparation of well-tested methodologies for desegregated teaching*

*It is equally essential to sensitize all parents to the need for integrated learning*

1998, such classes had over 200,000 children with disabilities. This situation has formed due to existing trends in the development of integrated forms of education and distance learning, as well as to an overall drop in the national birth rate and especially the consequent decrease in the number of disabled children.

In the recent years, the focus in working with children with developmental disorders has shifted to preschool age children. Presently, within the system of preschool educational institutions, teaching, rearing and corrective services are provided in 10,486 compensation and combined preschool institutions attended by 474,700 children. These kindergartens provide an environment in which children with certain developmental disorders and “ordinary” children learn together and interact. Special methodologies are applied by skilled professionals who work with children with developmental disorders. Virtually all children graduating from such kindergartens are ready to continue their learning experience in primary schools. The availability of such kindergartens does not imply the existence of inclusion in preschool education, since not all kindergartens are able to admit disabled children and provide them with the required childcare and educational services.

The fundamental premise behind Russia’s current policy states that students with disabilities are not excluded from the educational environment. Students in special educational institutions cover academic material based on the regular general education curricula but adapted to students’ psychophysical characteristics (there are 15 such curricula designed for different kinds of disorders). Graduates of special educational institutions are issued a state-standard document certifying the relevant level of completed education or a state-standard certificate declaring them eligible to continue their education in a state or municipal educational facility at the subsequent level.

However, such schools are in essence segregated and out of line with inclusion requirements. The quality of education achieved in special schools is often higher than what disabled children would otherwise obtain in contemporary regular schools, which, regrettably, are short of necessary

education professionals with experience in working with disabled children. Therefore, today primarily only specialized educational institutions are able to provide the necessary medical and rehabilitation services required by children with disabilities. This implies that in order to expedite the process of inclusion, an environment needs to be created for the full integration of disabled children into the learning process in regular schools, including professional training and the preparation of well-tested methodologies for desegregated teaching.

It is equally obvious that in implementing inclusive forms of education, it would be inappropriate to focus on the sheer number of students. Rather, various models of integrated education must undergo quality analysis, after which the more effective models are to be promoted in regular schools with due account of regional characteristics.

A number of the models currently being tested (Box 2.3.) qualify as integrated and ensuring a transition to inclusive education.

However, it is important to understand that the introduction of inclusion requires more than just having the schools and kindergartens in place, even if they are fully equipped, accessible and properly staffed. It is equally essential to sensitize all parents to the need for integrated learning. In addition to these prerequisites, the urban environment (including transportation) should also be adapted to the needs of persons with disabilities. Families of disabled children are in need of adequate support. Only a systemic approach can ensure a real and significant drop in the number of children attending special educational institutions and advance the progress of inclusive schools.

There is a growing trend in the number of disabled persons and disabled children completing basic professional education programmes (Figure 2.1). Compared to 2001, this number grew by more than 10,000 in 2007, i.e. by more than a factor of 1.5. Almost all disabled children attended daytime educational institutions.

An increase has also been observed in the number of certified professionals from among disabled students who have been admitted to, studied at or have graduated from secondary and tertiary professional education institutions (Figures 2.2 and 2.3).

## BOX 2.3

### Tsvetik-Semitsvetik School Centre

The Tsvetik-Semitsvetik School Centre, is a non-governmental general education facility that was established in Veliky Novgorod in north-western Russia in the early 1990s as a public school where children diagnosed with any disability can be educated jointly. The idea to found this nonstandard form of schooling was initiated by the Novgorod Regional Chapter of the Russian Association of Persons with Disabilities. In the 1993–1994 school year, the school centre was officially recognized by decision of Veliky Novgorod municipal administration.

The school centre has 13 classrooms, 2 workshops, a computer lab, a speech therapy room, a special room for psychological relaxation, auditorium, gym, nurse's office and a library. The classrooms are outfitted with all required teaching equipment, visual aids, and technical aids. School bus service is also available. This school for children with disabilities is an integral part in the Veliky Novgorod educational system.

The school attaches great importance to empowering parents as participants in the learning process. Parents are consulted during the design of individual study plans and the general school programme, and teachers help parents properly assess their child's potential. Parent workshops and personal counselling sessions are organized for parents and focus on ways to improve and preserve children's health, ensure their development and assist them in their studies.

The experience of Tsvetik-Semitsvetik has demonstrated that if certain conditions — financial, human resources, etc. — are met, mainstream and special education systems can enrich and influence each other. Tsvetik-Semitsvetik itself is a transition model and differs from typical special schools in that the programmes are multi-disciplinary and offered at varying levels, the learning process is administered at different paces, flexibility is exercised in

organizational matters and in study plan modelling, and opportunities are created to overcome the social and psychological marginalization of children, especially those with severe disabilities.

Between 10 and 15 students are conferred general education certificates every year. Upon request, students may complete their secondary education at Tsvetik-Semitsvetik, in another secondary general school, or be enrolled at secondary vocational or professional institutions. Upon completion of secondary education, graduates may enter higher educational institutions.

Graduates of this school attend higher education institutions in Veliky Novgorod, Saint Petersburg and Moscow, as well as vocational and professional schools in Veliky Novgorod.

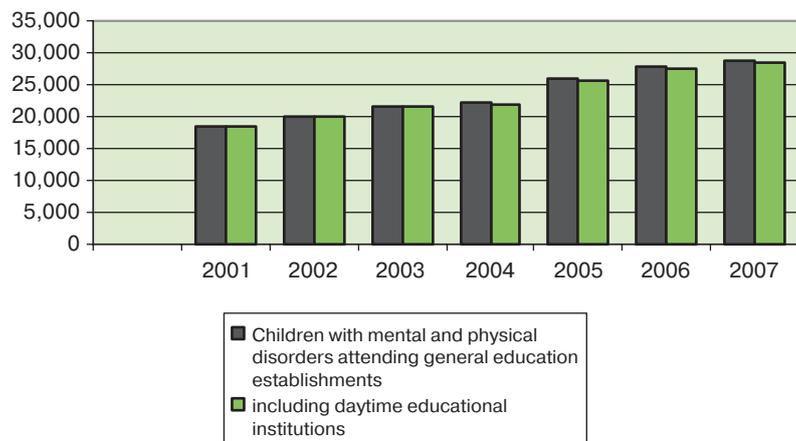
### School No. 1321 – Kovcheg (Moscow), General secondary integrated school

Kovcheg School has been in operation since 1990 and is attended by 514 students. Within the school, several divisions have been established: preparatory (for children aged 2.5–7 years old), home schooling, health centre, ecotourism club and emergency management. In addition to integrated and correction classrooms, there are classrooms for children with hearing impairments. Integrated classes are attended by children with mental retardation, including Down syndrome.

Teachers attach great importance to developmental correction through extended education: art workshops (ceramics, weaving and tapestry), visual arts, wood-working, blacksmithing, human and puppet theatres and school publishing. Hypotherapy and art therapy are particularly emphasized.

*Sources:* websites of the Tsvetik-Semitsvetik School Centre non-governmental educational institution: <http://www.novgorod.fio.ru/projects/Project1590/index.htm>, of School No. 1321 Kovcheg (Moscow), General secondary integrated school <http://kovcheg.best-host.ru/index.php>.

**Figure 2.1. Disabled persons and children with mental and physical disorders attending educational institutions offering basic professional education programmes in 2001–2007 (at the beginning of academic year)**



Source: Federal Education Agency.

Higher professional education involving disabled persons in Russia began in the 1930s when N. E. Bauman Moscow Higher Technical School (currently, Moscow State Technological University) for the first time admitted students with hearing impairments. The systemic education of disabled persons, however, began to progress in the 1990s when the Moscow Institute for Persons with Mobility Impairments (currently, Moscow State Institute of Social Science and Humanities) and the Institute of Social Rehabilitation of Novosibirsk State Technological University admitted their first students. These three universities were authorized by the Russian Ministry of Education to educate disabled persons and entitled to funding for these purposes from the federal budget.

Over the same period, disabled individuals were enrolled upon the initiative of many other university administrations at their own expense. This initiative is being addressed most successfully at Chelyabinsk State University, A. I. Herzen Russian State Pedagogical University, Moscow State Pedagogical University and Krasnoyarsk State Institute of Commerce and Economics. By 1996, 2,500 disabled students were enrolled at 26 of the nation's universities. In 2001, there were already 7,000 students with disabilities at 262 universities and colleges.

On 15 May 2001, the collegiate meeting of the Ministry of Education on the "Expe-

rience of Russian Universities in the Professional Education of Persons with Disabilities" imparted renewed momentum to the college enrolment of disabled persons. Over just two years, the number of disabled students doubled and, in 2003, when the Ministry of Education held a collegiate meeting on the "Improvement of Professional Education of Persons with Disabilities" (23 June 2003), there were 14,190 disabled students.

In the 2007–2008 academic year, 345 state institutions of tertiary professional education were catering for 19,483 disabled students, and 810 institutions of secondary professional education were serving 5,185 students with disabilities.

The following universities are leaders in terms of disabled student enrolment: the Russian State Social University with a total of 386 students with disabilities (208 full-time, 6 in evening school and 172 in correspondence courses), Moscow State Institute of Social Science and Humanities (302 students), and Yakutsk State University (276 students).

Another noteworthy example is the experience of TISBI Management Academy, a non-governmental educational institution of higher professional education which provides distance courses to more than 100 disabled students with hearing and mobility impairments. Among the universities that introduced enrolment of students with disabilities, one of the leaders is Chelyabinsk State University providing education to over 200 disabled students at the Institute for Accessibility of Higher Education established within its organizational structure.

Russia has gained a considerable wealth of experience in the professional education of blind and partially sighted individuals on the basis of universities. The nation's universities and colleges presently have more than 1,300 students with vision impairments. More than 5,000 blind graduates are gainfully employed in their field of professional competence. In socio-psychological terms, the most appropriate field for students with severe vision impairments is humanities. For example, the Department of Special Education at A.I. Herzen Russian State Pedagogical University has established a resource centre to support students with vision impairments (over 100 undergraduate and graduate students).

Application of state-of-the-art technology in teaching blind students is currently undergoing a period of growth. Educational institutions in Saint Petersburg, Moscow, Yekaterinburg, Nizhny Novgorod, Novosibirsk and Saratov are increasingly making frequent use of Braille computer screens, talking and raised-surface books, and visual enhancers for the partially sighted.

Professional rehabilitation allows disabled persons to restore their competitiveness in the labour market and lays the foundation for equal opportunity. According to the RF Ministry of Education and Science, 65% of disabled graduates from secondary and tertiary professional education institutions are gainfully employed in their professional field (in the case of Moscow State Institute of Social Science and Humanities, this figure is over 90%). As compared to all working-age persons with disabilities, less than 20% have any form of permanent employment.

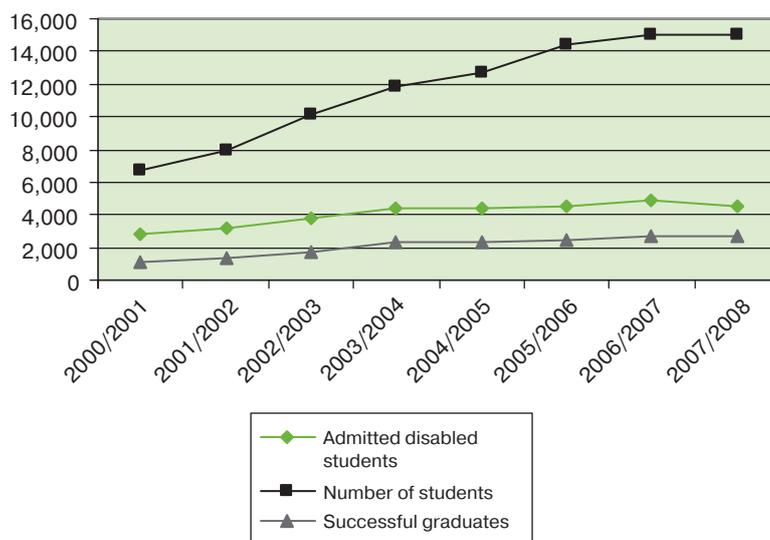
Some universities—including N. E. Bauman Moscow State Technological University and Moscow State Institute of Social Science and Humanities—have especially progressed towards inclusive forms of education (Box 2.4).

### 2.2.3. Inclusive education in Russia: development prospects

In spite of progress in introducing integration models into the education system, segregated forms of education still prevail. The RF Government has adopted a policy according to which education of persons with disabilities should develop towards inclusive forms — i.e. in accordance with international instruments, including the United Nations Convention on the Rights of Persons with Disabilities.

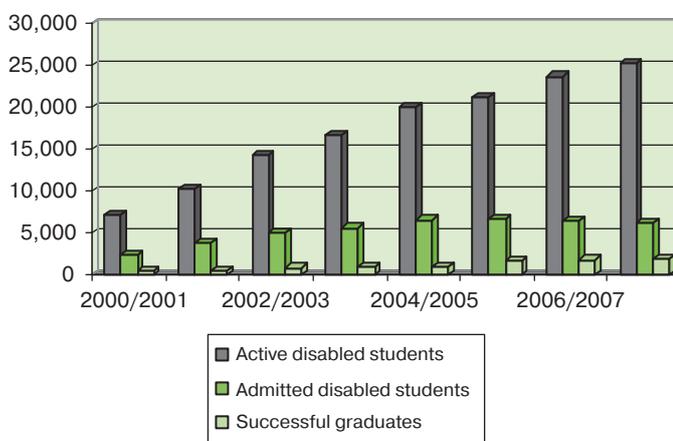
According to the **Concept of Modernization of Russian Education Until 2010** approved by RF Government Decree 1756-r dated 29 December 2001, “it is necessary everywhere to ensure equal access for young people to full, high-quality education in line with their interests and inclinations, regardless of family income, place of residence, ethnicity and health condition.... Children with disabilities must be provided with medical and psychological support and

**Figure 2.2. Disabled students attending state and municipal institutions of secondary professional education in 2000/01 – 2007/08 academic years (at the beginning of academic year)**



Source: Federal Education Agency.

**Figure 2.3. Disabled students attending state and municipal institutions of tertiary professional education in 2000/01 – 2006/07 academic years (at the beginning of academic year)**



Source: Federal Education Agency.

special conditions for education, as a priority, in general schools near the place of residence, or, if so required by relevant medical indications, in special schools and boarding schools<sup>45</sup>.”

In the light of the forthcoming ratification by Russia of the abovementioned Convention, it will be necessary to intensify the transition towards inclusion in the education of persons with disabilities. This, however, will not happen overnight and will

## BOX 2.4

### Rehacomp Institute of the All-Russian Association of the Blind

The Rehacomp Institute was established within the All-Russian Association of the Blind in order to organize multi-vectoral cooperation with persons with vision impairments and is based on the Centre of Computer Technology and the Institute of Professional Development. The mission of the Institute is to restore the personal and professional status of persons with vision impairments by using state-of-the-art technology based on the computer.

In its work, the Rehacomp Institute relies on the most up-to-date expertise and best practice in the fields of information technology and social rehabilitation, as well as on its own research. The results of this efforts have been applauded by leading Russian and international organizations; in particular, professional rehabilitation methodology using special computer-based workplaces was awarded the Russian Brand Golden Award for Quality. The Institute has also been awarded multiple awards in a variety of exhibitions and contests.

The Institute is working efficiently to enable visually impaired individuals to pursue diverse careers, including management. To this end, the Institute provides the following services:

- occupational guidance;
- socio-psychological rehabilitation;
- psychological counselling;
- a basic course in management knowledge and skills; and
- a computer course.

### Main Academic, Research and Resource Centre for Professional Rehabilitation of Persons with Hearing Impairments at N.E. Bauman Moscow State Technological University

The Academic, Research and Resource Centre for Comprehensive Rehabilitation of Persons with Hearing Impairments (GUIMC) was established in 1994 by the order of the RF Minister of Education.

The Centre was created in order to develop methodological approaches and implement comprehensive rehabilitation models for persons with hearing impairments, as well as to provide specific services, devices, software and hardware designed to promote equal opportunity and an enabling environment for social integration of persons with hearing impairments.

The Centre develops and implements a full range of current and continuously evolving elements of social rehabilitation, including:

- professional education and professional rehabilitation;
- career guidance;
- teaching and education;
- socio-psychological engineering (social and psychological correction);
- special rehabilitation and educational devices, software and hardware;
- medical rehabilitation and prevention;
- rehabilitation sports and physical education;
- awareness raising and consulting;
- social environment adaptation and independent living; and
- social rehabilitation and integration.

The Centre gives hearing-impaired persons the opportunity to earn secondary vocational or tertiary education diplomas, depending on the level of training and individual abilities. The

best-performing alumni may continue to graduate studies and undertake a research career.

Work at the Centre is based on a custom-tailored approach to each student and on methodologies developed by Centre staff and leading international experts in the education of hearing-impaired persons with the use of state-of-the-art computer and information technology. The Centre cooperates with several organizations engaged in similar efforts both in Russia and abroad.

### Moscow State Institute of Social Science and Humanities

In 1990, the USSR State Committee for Education and the All-Russia Association of Disabled Persons proposed that the USSR Government establish an institute for students with mobility impairments in Moscow. The USSR Council of Ministers issued a decree On the Organization of the Institute for Disabled Persons in Moscow on 11 October 1990.

In November 1992, the Institute opened its own preparatory school, which admitted 58 persons on a competitive basis. The students received prep courses in mathematics, computer, physics, Russian history, literature, Russian language, foreign languages (English and German) and law.

The first full-time students were admitted to the Moscow Institute for Disabled Persons in 1993. Eighty percent of these students had completed the prep course offered by the Institute. The first graduates were awarded their diplomas in 1998.

In August 2005, the Federal Education Agency endorsed the new name of the institute: Moscow Institute of Social Science and Humanities.

The Institute is presently Russia's only higher education institution for youth with mobility impairments. Federal budget-funded education benefits this category of students and aims to ensure their social and psychological adaptation. Students are provided with free-of-charge accommodation, meals and medical services at the Institute's rehabilitation department. Non-budget-funded education is also available.

The Institute currently issues diplomas in the following specializations:

- Applied mathematics and computer science;
- Translation and translation science;
- Publishing and editing;
- Law;
- Labour economics;
- Applied computer science in economics;
- Applied computer science in management;
- Accounting, analysis and audit; and
- Business management.

The Institute is now working to attract secondary-school graduates who would be willing to seek enrolled and education at the Institute. A distance-learning facility is planned.

The institute has its own sports, intellectual, arts and music clubs. The Institute's printing house, located on the premises, publishes scientific articles by professors and students. The students also publish their own newsletter, *Vis-a-Vis*.

*Source:* websites of the Institute of Professional Rehabilitation and Training of the All-Russian Association of the Blind (<http://www.rehacomp.ru>), of the Main Academic, Research and Resource Centre for Professional Rehabilitation of Persons with Hearing Impairments at N.E. Bauman Moscow State Technological University (<http://guimc.bmstu.ru/index1.php>), of the Moscow State Institute of Social Science and Humanities (<http://www.mgsi.ru>).

require time and significant resources. A prerequisite for the development of inclusive forms of education of disabled persons in Russia is the adoption of a Federal Law On Special Education which would provide a clear legal framework for the process of inclusion and the requisite conditions for its implementation.

According to Nikolai Malofeyev, academician of the Russian Academy of Education, “For the organization of efficient integrated learning, special training is required for teaching staff. The purpose of such training is to equip teachers in mainstream schools and kindergartens with the basics of special psychology, correction pedagogy and special teaching technologies that ensure an individualized approach to a non-standard child. Such training involves a set of interconnected tasks, including the following primary tasks:

First, teachers in mainstream kindergartens and schools must develop an accepting attitude towards the special child: empathy, interest and willingness to teach such child.

Second, the learning potential of non-standard children must be revealed. It must be shown and proven that such children can, with professionally organized support in place, achieve a level of progress comparable to most of their peers and even potentially surpass them in some respects.

Third, the acceptance of the integrated child by the teacher, primarily as a child, must be combined with a clear understanding of the characteristics of his or her mental development, cognitive processes, strengths and weaknesses.

Fourth, special efforts should be invested in reaching out to parents and the immediate environment in order to establish cooperation and partnership.

Finally, teachers need to be exposed to concrete methods and devices of correctional support for the child in a system of integrated learning at preschool and school level, as well as become familiar with the existing system of special education.

These tasks are already being addressed in a special programme of teacher training for mainstream kindergartens and schools for children with hearing impairments integrated into general educational institutions.

It is necessary to build up legal support for the national integration programme in Russia, which, as has already been stated, has remained largely absent in practice up to now”<sup>46</sup>.

Priority legislative measures suggested by N.N. Malofeyev include:

- “Legislative definition of the status of integrated children, including their ability to obtain the proper volume of adequate corrective assistance at school and of the status of mainstream kindergartens and schools admitting children with special needs (limits on group and class size, additional financial compensation for teachers, etc.);
- Legislative support for the need to train and re-train teachers at mainstream kindergartens and schools and defectologists to work in the new context of integrated learning and amendments to the status of special educational institutions by amending their mandates to include the responsibility of providing corrective assistance to integrated children;
- Focused efforts to promote the public acceptance of individuals with disabilities; and
- Improved logistic support for mainstream general schools in order to establish proper conditions for the rearing and instruction of children with disabilities and children with developmental disorders”<sup>47</sup>.

Upon review of these proposals by Malofeyev, a leading expert on the education of children with disabilities, we agree that the transition to inclusive education is a complex, multi-stage process and that attempts to accelerate this process today by disbanding corrective schools and integrating them with general schools would actually result in the infringement of the rights of disabled persons to education and rehabilitation. This is primarily due to the fact that mainstream schools are not prepared to teach children with serious health problems. The methodologies of integrated education are absent, and the training and skill level of teaching staff is currently out of line with the requirements of inclusion. Most im-

*It will be necessary to intensify the transition towards inclusion in the education of persons with disabilities. This, however, will not happen overnight and will require time and significant resources*

*The instruction and developmental correction of children with disabilities, including those who attend regular classes at a general education institution, should be based on curricula developed on the basis of mainstream general education curricula, but also take into account the psychophysical characteristics and abilities of such student*

portantly, the public at large — both those identifying with the parents of disabled children and those identifying with the parents of “ordinary” children — is psychologically ill-equipped for mass inclusion of disabled children into schools.

This does not imply that the requirements of the Convention on inclusive education are unfeasible in Russia, but rather recognizes the complex and multi-faceted nature of the development of inclusion in contemporary Russian education. In regard to government education policy, the position of the Ministry of Education and Science is reflected in Letter AF 150/06 of 18 April 2008 to the heads of executive authorities of the subjects of the Russian Federation, in which the Ministry states that this policy focuses on the development of integrated and inclusive forms of education. However, the Ministry of Education also believes that “An essential prerequisite for the organization of successful education and rearing of children with disabilities in general education institutions is the establishment of an adaptive environment that enables the full integration and self-realization of disabled children in educational institutions.

Appropriate physical conditions must be instituted in general education institutions to ensure the unimpeded access of children with physical and mental disabilities to buildings and the premises of the educational institution and the organization of their presence in this institution—including ramps, special lifts, specially equipped study areas and specialized teaching, rehabilitation and medical equipment.

The instruction and developmental correction of children with disabilities, including those who attend regular classes at a general education institution, should be based on curricula developed on the basis of mainstream general education curricula, but also take into account the psychophysical characteristics and abilities of such students<sup>48</sup>.”

The following priority actions are required in order to implement and develop inclusive education in Russia:

1) Legislation should institute inclusive education as the primary form of education;

2) A plan of priority actions and an implementation strategy should be drafted regarding inclusive education in Russia, including the following steps:

- establish a barrier-free environment in general education institutions,
- train professionals and prepare integrated education methodologies for disabled children in mainstream schools,
- design and test inclusive education models in several regions of Russia, including rural schools, and
- design measures to disseminate efficient models of inclusive education in mainstream schools;

3) Necessary resources should be allocated for the development, testing and implementation of inclusive education models;

4) Ongoing monitoring of international experience in the field of inclusive education should be conducted and analyzed for future use in Russia;

5) Measures and forms of supporting families with disabled children should be envisaged; and

6) Television, radio and other mass media should be used on an ongoing basis to inform the public about the meaning of inclusive education in order to promote positive public attitude.

International instruments concerning education, including the Convention, proclaim the right to high-quality education conducive to the full realization of the human potential, dignity and self-respect and enable persons with disabilities to participate effectively in free society. This statement implies that inclusive education should make the high standards of education accessible to every student. It should be emphasized again that no international instrument on inclusive education contains recommendations that would encourage lowering national education standards. On the contrary, it is inclusion that is considered to be a new form of effective and, hence, good education, thus enabling universal realization of individual potential. This approach involves major preparatory work, purposefully preferring diligent effort over haste and totality in imple-

menting inclusive education. It is important to continue along this path using all available national and international expertise and taking into account the developmental level of Russia, including national and regional char-

acteristics and customs. When inclusive education is considered to be a right, it must not be forgotten that education is a key prerequisite for the broader inclusion of disabled persons into society, including employment.

*It is inclusion that is considered to be a new form of effective and, hence, good education, thus enabling universal realization of individual potential*

## Chapter 3

# Employment of persons with disabilities

*Society perceives them as people who are unable to independently support themselves due to physical or other kinds of handicaps and, consequently, to assume responsibility for themselves in the full sense of the word, i.e. to be full-fledged citizens*

From 1970 to 2000, the employment of persons with disabilities was viewed by various international organizations in the following sense. “Too often their lives are handicapped by physical and social barriers in society which hamper their full participation. Because of this, millions of children and adults in all parts of the world often face a life that is segregated and debased<sup>49</sup>.”

The right to work is one of the most important human rights. If an individual has the opportunity to exercise this right, then, in the eyes of the public, he appears to have realized his potential. This is even more relevant for persons with disabilities, because society perceives them as people who are

unable to independently support themselves due to physical or other kinds of handicaps and, consequently, to assume responsibility for themselves in the full sense of the word, i.e. to be full-fledged citizens. The public opinion gives rise to development of an overly peculiar, and sometimes openly aggressive and negative, attitude toward persons with disabilities. “If a citizen is a disabled person and doesn’t work for this reason, he is confronted with fundamental standards (often negative) that prevail in social behaviour with regard to disabled persons. In this instance, he is perceived by society as an inadequate individual and this shapes his own image of himself<sup>50</sup>.”

### **BOX 3.1. Persons with disabilities and access to information**

Over recent years, the widespread accessibility of electronic resources — including computer technology, the Internet in particular, and mobile phones, for persons with disabilities — has gained ground worldwide. There is a growing awareness that, for disabled individuals, information and communication technology (ICT) is not only an important tool of social integration but also an essential operational factor enhancing their human development potential. The challenge is addressed along two fronts: by applying adaptive technology (screen access software, speech synthesizers, Braille displays and printers) and by adapting design of web content. Both methods are subject to continuous improvement.

A study of the 100 most visited websites in twenty countries commissioned by the United Nations in 2006, however, demonstrated that most of them were inaccessible for large numbers of individuals with physical disabilities. The study also confirmed that an absolute majority of Ru.net websites were not adapted mainly for reading or another perception by blind, partially sighted or hearing-impaired users, neither

for persons with special physical, mental or intellectual needs.

Still, one of the innovations in the Convention on the Rights of Persons with Disabilities is a provision stipulating that access to ICTs is a right, along with the right of access to enabling environment and transportation.

With this in mind, the United Nations office in Russia joined forces with a number of civil society organizations, business community and ICT experts in order to urgently raise the awareness of regional and local officials, business and the public in Russia to the opportunities created by state-of-the-art technology for persons with disabilities and to reach an agreement on priority actions.

A workshop on The Rights of Persons with Disabilities and ICT Access organized by the United Nations in June 2007 represents a landmark effort in this direction. The key proposal ensuing from that meeting was an appeal to establish an interagency working group under the aegis of the RF Ministry of Communications and Mass Media that addresses the issue of ICT

### **BOX 3.1** (*continuation*)

accessibility for disabled individuals. It appeared at that point that the recommendation was well received by the government agencies, but the proposed mechanism still remains to be created.

One of the few locations on the Russian web that has been successfully adapted to the needs of partially sighted and blind users is the website of the United Nations in the Russian Federation. It was upgraded in line with Web Content Accessibility Guidelines developed by the Web Accessibility Initiative of the World Wide Web Consortium (W3C). The website has thus become easier to navigate and richer in visual performance and content.

In addition, an informal task force on accessibility has been created in Russia under the aegis of the United Nations office and is composed of ICT experts and members of the NGO and business communities. This flexible structure meets regularly to discuss cross-sectoral issues. Task force members examine synergies and gaps in existing initiatives and seek to identify best practice conducive to the social integration of persons with disabilities.

Overall, the issue of ICT accessibility asserts itself as an important item on the education and employment agenda for persons with disabilities. In autumn 2008 – winter 2009, this issue was featured rather prominently at a series of important meetings in Moscow and other Russian regions, including InfoCom Forum, User Experience Russia 2008 and Information Technologies for Visually Impaired Persons in Contemporary World.

Key tasks identified by the expert community and disability advocates include:

organizing a series of workshops for government agency employees to expedite the process of adapting official websites, developing an online course for Web designers and administrators on universal accessibility standards and methods and establishing an integrated portal to showcase all major advances relevant to disabled user access to ICTs.

Regrettably, obvious barriers to universal accessibility still exist in Russia. The official interest in this issue is limited; although, the Public Chamber's Working Group on Information Society Development in Russia has promised to promote this idea. In addition to recognizing the generally weak position of web-based retail and banking services, business continues to see disabled persons as a social group with inferior purchasing power.

There is also a deficit of legal and regulatory incentives for any efforts to improve the accessibility of information resources. The good news, however, was the implementation of a government standard (GOST 52872-2007) on 1 January 2009 that sets forth the general requirements of Web accessibility for visually-impaired individuals.

Unfortunately, the official text of the above mentioned GOST itself remains not-accessible for visually impaired persons despite the requirements it is setting as it is posted at the website of the Federal Agency on Technical Regulation and Metrology (Rosstandart) in the form of graphic files. Thus, it becomes impossible to read it with the screen-reader software.

*Source:* United Nations Information Centre.

This is a pressing and urgent social problem, because presently millions of Russian citizens have modest incomes. However, a large proportion of persons with disabilities, although willing to be employed on equal terms with other citizens and primarily by “conventional” employers, is now unable to do so for a number of objective and subjective reasons.

Therefore, the goal of this publication is to discuss international experience, includ-

ing on the national level, to overcome the exclusion of disabled persons in industrial relations and to explore existing problems that arise in the context of the employment of disabled persons in contemporary Russian society, as well as possible ways to address this challenge. The major condition for the integration of people with disability is access to information and modern technologies (Box 3.1).

### 3.1. International instruments protecting the right of persons with disabilities to work

The employment of persons with disabilities and their rights to work and equal employment opportunities in comparison with other citizens have been widely covered and reflected in international instruments. It is important to emphasize that the 1948 **Universal Declaration of Human Rights** asserts the rights of all individuals, without any discrimination, to marry, own property, enjoy equal access to public services and social security and exercise their economic, social and cultural rights. All subsequent international instruments concerning persons with disabilities are based exclusively on these fundamental principles. However, these universal principles have not been effective enough in protecting the rights of the disabled.

The **Declaration on the Rights of Mentally Retarded Persons**<sup>51</sup> adopted in 1971 stipulated for the first time for individuals with mental disorders that a “mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings (Paragraph 1)” and that a “mentally retarded person has a right to...education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential (Paragraph 2).” These provisions of the Declaration thus contain recommendations on measures to be adopted at the national and international levels to protect the rights of mentally retarded individuals in all aspects, including the right to work.

Paragraph 6 of the **Declaration on the Rights of Disabled Persons** adopted by the United Nations General Assembly on 9 December 1975 proclaimed for the first time that “disabled persons have the right to... education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capacities and skills to the maximum and will hasten the processes of their social integration or reintegration<sup>52</sup>.” However, the Declaration on the Rights of Disabled Persons had only advisory status.

The International Year of Disabled Persons (1981) and the **World Programme of**

**Action Concerning Disabled Persons** (1982) gave a strong impetus to progress in promoting the rights of the disabled. It was stressed in the course of implementation that individuals with disabilities were entitled to equal opportunities with all other citizens and equal improvement of living standards resulting from economic and social development.

On 20 June 1983, the International Labour Organization (ILO) adopted **Convention 159 on Vocational Rehabilitation and Employment (Disabled Persons)**, “considering that the year 1981 was declared by the United Nations General Assembly the International Year of Disabled Persons, with the theme ‘full participation and equality’ and that a comprehensive World Programme of Action concerning Disabled Persons is to provide effective measures at the international and national levels for the realization of the goals of “full participation” of disabled persons in social life and development, and of “equality”, and considering that these developments have made it appropriate to adopt new international standards on the subject which take account, in particular, of the need to ensure equal opportunity and treatment to all categories of disabled persons, in both rural and urban areas, for employment and integration into the community”<sup>53</sup>.

This Convention took on board new trends in understanding disability and the rights of disabled persons and adopted principles underlying vocational rehabilitation and employment policies with regard to persons with disabilities. In particular, Articles 2 and 3 of the Convention note that each Member of the Organization that has signed and ratified the document “shall, in accordance with national conditions, practice and possibilities, formulate, implement and periodically review a national policy on vocational rehabilitation and employment of disabled persons...[which] shall aim at ensuring that appropriate vocational rehabilitation measures are made available to all categories of disabled persons, and at promoting employment opportunities for disabled persons in the open labour market<sup>54</sup>.” Recognizing the role and influence of associations and movements, the ILO envisaged an advisory mechanism in the Convention

(Article 5) to consult such organizations along with “the representative organisations of employers and workers [that] shall be consulted on the implementation of the said policy, including the measures to be taken to promote co-operation and co-ordination between the public and private bodies engaged in vocational rehabilitation activities”<sup>55</sup>.

The most systematic and concrete measures to ensure full participation in the exercise of the right to work are to be found in the **Standard Rules on the Equalization of Opportunities for Persons with Disabilities** adopted by United Nations General Assembly Resolution 48/96 on 20 December 1993. Rule 7, “Employment of Persons with Disabilities”, recommends that “States should

### BOX 3.2

Article 28 of the **Convention on the Rights of Persons with Disabilities**\* contains an anti-discriminatory legal norm according to which “States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.”

According to the Convention, “States Parties should safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, among other things to:

- a. **Prohibit discrimination on the basis of disability** with regard to all matters concerning all forms of employment, including the conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe and healthy working conditions;
- b. **Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work**, including equal opportunities and equal remuneration for work of equal value, and safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- c. Ensure that persons with disabilities are able to **exercise their labour and trade union rights on an equal basis with others**;
- d. Enable persons with disabilities to have **effective access** to general technical and vocational guidance programmes, placement services and vocational and continuing training;

- e. **Promote employment opportunities** and career advancement for persons with disabilities **in the labour market**, as well as assistance in finding, obtaining, maintaining and resuming employment;
- f. **Promote opportunities for self employment**, entrepreneurship, the development of cooperatives and business start up;
- g. **Employ persons with disabilities in the public sector**;
- h. **Promote the employment of persons with disabilities in the private sector through appropriate policies and measures**, which may include affirmative action programmes, incentives and other measures;
- i. **Ensure that reasonable accommodation is provided to persons with disabilities in the workplace**;
- j. **Promote the acquisition of work experience by persons with disabilities in the open labour market**; and
- k. **Promote vocational and professional rehabilitation**, job retention and return-to-work programmes for persons with disabilities”.

Furthermore, under the Convention, States Parties “ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.”

Thus, reinforced by this legal norm, the Convention only reaffirms its “anti-discriminatory” nature and its commitment to the universal legal protection of the right of persons with disabilities to a free choice in the form of employment, with unconditional observance of civil rights and freedoms.

\* *Convention on the Rights of Persons with Disabilities and Optional Protocol* (<http://www0.un.org/disabilities/convention/conventionfull.shtml>).

recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market<sup>56</sup>.”

These Standard Rules also indicate that national employment legislation must not discriminate against the disabled, and relevant laws and regulations should not create obstacles to their employment. Moreover, the States, as employers, should establish enabling conditions for the employment of persons with disabilities in the public sector, and the Standard Rules recommended to States that “the aim should always be for persons with disabilities to obtain employment in the open labour market<sup>57</sup>.” However, realizing that not all disabled persons can be integrated in the open labour market for a variety of reasons, small economic operators may be created to provide guaranteed and secure employment. It is important for the quality of such programmes to be evaluated in terms of their appropriateness and sufficiency to secure employment opportunities for the disabled in the labour market.

A decade of implementation of the recommendations provided in the Standard Rules demonstrated, around the world, which of the rules proved most acceptable in a majority of countries and effective in terms of the exercise of the civil rights of persons with disabilities. In addition, it became clear that the time had come to proceed from recommendations to binding norms for countries sharing the provisions of the Standard Rules, including the enforcement of disabled persons’ rights in the field of employment. This was realized through the efforts of both the United Nations and non-governmental organizations in the adoption of the **Convention on the Rights of Persons with Disabilities** in 2006 (Box 3.2).

### 3.2. International experience in the employment of persons with disabilities

In the twentieth century, many countries, primarily the industrialized and socially developed nations of Europe and North Amer-

ica, adopted measures to equip disabled persons with the right to work. As a result of social change in the relationship among the disabled population, society and the state, national systems of state employment support of disabled persons were established in these countries over the past 50 years based on the adopted international instruments. European and North American countries designed their social policies with regard to disabled persons at different times and rates, but have overall moved in the same direction, although a number of divergent trends can be identified. For example, in many European countries, a variety of forms of support for the employment of disabled persons have been introduced, but job quotas and sheltered employment still play a significant role in the support system. In the United States and Canada, by contrast, efforts over the past 20–25 years have focused on enforcing anti-discrimination legislation with regard to persons with disabilities, particularly in the field of employment.

#### 3.2.1. European experience

When describing European experience in addressing the problems of persons with disabilities exercising their right to work, **three general approaches to disability employment policy** can be identified<sup>58</sup>:

- 1) provision of support for workers with a disability and their employers, whereby workers with a disability obtain employment in the competitive labour market;
- 2) reservation of a specific quota or percentage of jobs for workers with a disability; and
- 3) establishment of a separate sheltered labour market exclusively for workers with a disability.

Below each of the above approaches to disability employment is discussed.

The **first approach**, whereby workers with a disability are given support and assistance to obtain and maintain employment in a competitive environment, is usually targeted at workers with less severe disabilities. Over the past ten years, continued attempts have been made to secure the integration of such workers in the conventional labour market.

*Many European countries provide support to persons with disabilities and their employers*

Many European countries provide support to persons with disabilities and their employers. This support often takes the form of financial or personal support. The best known are the following forms of support for disabled workers in the open labour market:

- 1) Special assistance and advice targeted at persons with a disability that is designed to help employment obtainment.
- 2) Rapid intervention to help prevent long-term unemployment of persons with disabilities, for example offering training or educational courses after only a relatively short period of unemployment. In Denmark, a leader in the policy that favours active engagement of persons with disabilities in the conventional labour market, a system of supervisory monitoring exists in the field of education and vocational training. Mentors are paired with disabled children from the age of 13 and are responsible for career guidance and professional training. Mentors are available to the disabled child and his family members during the entire transition period from school to work. Young unemployed people, including the disabled, up to 25 years of age are obliged to attend training classes for 18 months<sup>59</sup>.
- 3) Rent or purchase of specialized equipment — for example, specially adapted computer systems, furniture and protective equipment — that enable an individual with a disability to perform a specific job.
- 4) Provision of a job coach (on a temporary basis) to assist an individual with a disability to obtain necessary skills. For example, Spain has a system of on-the-job vocational training that lasts from three months to three years and ends with an employment contract within the same enterprise, which receives a grant. Two additional national job training programmes are also available<sup>60</sup>.
- 5) Grants to enable an employer to make physical adaptations to the workplace, such as the British Access to Work Scheme.

- 6) (Temporary) subsidies or tax credits granted to employers who take on a worker with a disability. For example, in the Czech Republic and Slovakia, enterprises are eligible to annual tax deductions for each disabled individual in the amount of 7,500 korunas, or 22,500 korunas for each employed person with a severe disability<sup>61</sup>.
- 7) Additional legislative provisions concerning workers with disabilities that offer protection from dismissal.

The effectiveness of this approach is widely questioned and depends to a significant extent on the general situation in the labour market. When the unemployment rate is high and small businesses are prevalent—small businesses provide disabled persons with few opportunities to work commensurate with their skills—the result may prove disappointing and fail to fulfil official expectations. However, **it is precisely the open labour market that can provide better jobs and higher incomes to persons with disabilities.**

Hence, the very concept of involving the core of disabled population in the life of the community is not just an ideal to be pursued but also a realistic prospect, provided that the disabled jobseeker obtains an education and has a chance to master a marketable occupation to benefit from job placement guarantees.

The **second approach** to addressing disability employment is the introduction of quotas for disabled workers.

For much of the twentieth century, governments have tried to secure employment for the disabled by demanding that all but the smallest enterprises allocate a certain proportion of their jobs for the disabled. Although this approach was attractive to many policymakers, it had deficiencies that were ignored. Success, it was believed, was only contingent upon the adoption of necessary laws.

Presently, excepting Scandinavian countries, the quota system has become and largely still remains the standard response of practically all European countries to addressing employment problems faced by disabled persons searching for jobs in the conventional labour market<sup>62</sup>. Today, 10 out of

*Concept of involving the core of disabled population in the life of the community is not just an ideal to be pursued but also a realistic prospect, provided that the disabled jobseeker obtains an education and has a chance to master a marketable occupation to benefit from job placement guarantees*

15 Member States of the European Union enforce a quota system. Quota systems can also be found in many other European countries, including Russia.

As experience shows, the effectiveness of quotas is low: nowhere are quotas alone sufficient to secure employment for persons with disabilities.

For example, in 1986 a law on disability employment was adopted in the Netherlands that required employers, including private businesses, to ensure employment for disabled individuals. To this end, a quota of 3% to 5% of total staff was established. Quotas were supposed to be adopted by employers on a voluntary basis, and legislation did not envisage any penalties or other sanctions for not doing so. The experience of the Dutch conclusively shows that the voluntary application of quotas, without legally binding employers or enforcing sanctions, has little effect on the growth of disability employment in the open labour market<sup>63</sup>.

The Disabled Persons Employment Act adopted in the United Kingdom in 1944 contained the following requirement: all private businesses with 20 or more employees were to guarantee that disabled persons accounted for at least 3% of their staff. According to the Act, an employer who was found in breach of the quota requirements could be charged a fine not exceeding GBP 500 or sentenced to no more than three months in custody. However, since 1944, the fines for non-compliance with the 3% quota were not raised until the Act was repealed in 1995. Over that entire period, only ten cases were reported in which any sanctions were imposed for non-compliance with quota requirements. The last such case dates back to 1975<sup>64</sup>.

Many years later it became apparent that these provisions were not as effective as had originally been intended. For example, the 3% quota requirement for employers with 20 or more workers proved unfeasible for employers, since only one third of workers meeting registration requirements actually underwent registration, resulting in a registered quota of 1%. Such quota only reflected the percentage of employment (and to some extent the percentage of those who remained unemployed), but it was not conducive to effective employment policy.

In practical terms, the British experience in allocating quotas was not successful in expanding the employment of persons with disabilities. Every year, the number of employers conforming to the legislative norms on quotas was falling — in 1993, only 18.9% of employers fulfilled the 3% quota (compared to 30.4% in 1984)<sup>65</sup>.

Consequently, the example of quota applications for disabled workers in the United Kingdom clearly shows that similar quota systems target nothing more than the “good attitude” of employers, but do nothing to expand employment for persons with disabilities. Quotas were ultimately repealed in the United Kingdom on 2 December 1996.

Germany’s 1986 law on persons with severe disabilities stipulates that enterprises in both the public and private sectors with more than 16 employees are bound by a 6% quota for disabled workers; otherwise, enterprises are levied a compensatory tax of DM 200 per month for each unoccupied workplace. Furthermore, employers are charged a fine should they ignore their responsibility to provide jobs to persons with disabilities. Amendments to this law enacted in 2000 lowered the quota to 5% and introduced a variable compensatory tax. Companies filling up to 3%, but less than 5%, of the quota were obliged to pay DM 200 per month for each unoccupied post; companies filling between 2% and 3% of the quota were charged DM 300 per post; and employers filling up to 2% of the quota owed DM 500 per post<sup>66</sup>.

Cash generated by the collection of fines for quota non-compliance is used exclusively for rehabilitation and job creation for persons with disabilities, in particular, the money may go back to employers in the form of grants for workplace accessibility, special equipment procurement and additional vocational training.

The German system of job quotas for persons with disabilities has certainly contributed significantly to the promotion of employment among persons with disabilities. However, in the recent years, quotas in Germany have become less effective. Since 1982, when the average real quota was 5.9%, the situation has consistently deteriorated, and in 1992 the average actual quota was 4.3%. The German system of quotas proved

unable to maintain an acceptable employment rate for the disabled in a period of economic downturn. Economic difficulties, conspiring with a relatively low tax rate, make it more attractive for the employer to pay a certain amount of money rather than deal with the uncharted risks of hiring a disabled person<sup>67</sup>.

According to Waddington, “Quota schemes remain in force in most European countries and are an important element of government policies which seek to promote the employment of people with disabilities. In addition, such schemes are frequently popular with people with disabilities, who often identify the problem with such schemes as weak enforcement and lack of sanctions for employers who do not meet their obligation, rather than with the schemes per se. Organizations representing people with disabilities in the United Kingdom, whilst generally welcoming the adoption of disability anti-discrimination legislation, opposed the repeal of the quota law during the period c. 1993–1995, when it became apparent that the then Conservative government might repeal the quota legislation as the ‘price’ for adopting the Disability Discrimination Act. Instead they argued that both the new anti-discrimination law and quota law should be strictly enforced”<sup>68</sup>.

However, in many countries the negative repercussions of quotas outweighed any positive effects because the schemes used to determine quotas were complex and expensive and resulted in the halted development of other measures that might have imparted marketable skills on disabled persons.

Some problems involve the enforcement mechanism ensuring that employers hire disabled workers; others are due to the low awareness of the quota system among disabled persons and the need to register. A third group of problems is caused by the resistance of employers and the fact that the introduction of quotas provokes a greater negative public attitude with regard to the disabled.

Although disabled persons who obtain their jobs by virtue of the quota system work for the same enterprise or organization as able-bodied employees, disabled workers still form a separate labour market. This labour sector, specially created for the disabled

within the framework of general industrial relations, cannot be considered a part of an “open” labour market, since competition for jobs in this sector is limited in theory and is only possible among disabled persons themselves.

The **third approach** to disability employment is the creation of a separate sheltered labour market exclusively for workers with a disability. The idea is to provide jobs to those disabled persons who have no chance of employment in the open labour market and are deemed by the employers as non-competitive in conventional employment conditions. The sheltered labour market is a popular element of disability employment policy in several countries of Northern Europe — particularly the United Kingdom, the Netherlands, Ireland, Belgium, Germany and France — but is not widely used in Southern Europe.

In 1986, the European Commission adopted a recommendation on the employment of disabled persons, including sheltered employment, which stipulates that all European Union Member States must undertake efforts to provide those disabled persons who cannot work at conventional enterprises with specialized remunerated jobs.

Following the Second World War, the International Labour Organization (ILO) and many other international and regional organizations adopted instruments aimed at developing various forms of sheltered employment. ILO Recommendation 99 of 1955 on Vocational Rehabilitation of Disabled Persons addresses sheltered employment in Articles 32–35, according to which governments should undertake measures for the training and employment of those disabled persons who cannot partake in ordinary competitive employment. The recommendation sets forth that such arrangements should include establishment of sheltered workshops and other special measures for those disabled persons who cannot travel regularly to and from work. Therefore, “special programmes for the homebound should be so organized and developed as to provide, under effective medical and vocational supervision, useful and remunerative work in their own homes”<sup>69</sup>.

An ILO commission report notes that the definitions of sheltered jobs and persons for

*Some problems involve the enforcement mechanism ensuring that employers hire disabled workers; others are due to the low awareness of the quota system among disabled persons and the need to register. A third group of problems is caused by the resistance of employers and the fact that the introduction of quotas provokes a greater negative public attitude with regard to the disabled*

whom such jobs are created vary considerably. Three types of differences are listed:

1. Differences among specialized enterprises, specialized workshops within a conventional enterprise and specialized work designed for disabled workers.
2. In France, Ireland, Italy, Luxemburg, Spain and the United Kingdom, a distinction is drawn between sheltered employment, in which disabled workers engage in productive operations and are remunerated, and other forms of employment that can be described as “support through work.” This latter form of employment is in fact a social service giving disabled persons a chance to remain occupied, rather than employment resulting in a commercially valuable product or service.
3. Furthermore, there are distinctions in determining the persons who are entitled to sheltered jobs. In some countries, they are intended for anyone who cannot find a job at a conventional enterprise; whereas, in other countries, access is granted only to those individuals whose productivity is lower than a certain minimum level. Individuals with assumed capabilities at this normal level search for jobs at conventional enterprises<sup>70</sup>.

Specialized enterprises are probably among the more widespread forms of sheltered jobs. They are usually designed for certain categories of disabled persons—such as the blind, persons with intellectual disorders or mobility impairments. Hence, the main goal of specialized enterprises is to provide jobs for those disabled persons who are farthest from meeting the requirements of open competitive employment and to provide rehabilitation opportunities to those who are able to enter the conventional labour market. These enterprises may be managed by state-run organizations, such as local and central government agencies, cooperatives or non-governmental organizations.

In some European countries, specialized enterprises had existed before 1955. After ILO Recommendation 99, most Western European countries adopted relevant laws to

build the required legislative base, and over the course of the 1960s and 1970s, the number of specialized jobs began to grow.

In Flemish part of Belgium, for example, specialized workshops and enterprises emerged in the 1950s and 1960s and became especially active in the 1970s and 1980s. In the 1990s, the number of specialized workshops and enterprises remained unchanged, but the number of people working in them continued to grow. Now, there are 68 recognized organizations managed by 54 non-profit organizations and, in the case of one workshop, by a state agency. Some workshops are comparatively large (with more than 1000 employees), while others have less than 100 workers, but on average there are a few hundred employees per workshop.

Most persons with disabilities engaged in production have mental disorders (75%), but there is also a sizable group of persons with psychological and physical problems. Many employees have multiple disorders — including mental, psychological, psychiatric and sensory: 60% are men, and 17% are aged over 50.

Some companies establish so-called enclaves by forming separate teams of disabled workers at a conventional enterprise, normally within a separate organizational unit. They are paid a regular wage, which often includes a subsidy provided by government or other agencies. Enclaves are found in France, Ireland, Italy, the Netherlands and Portugal, as well as in most countries of Central and Eastern Europe, although they are gradually disappearing in the latter.

Sheltered jobs are found mainly in Denmark and the United Kingdom; some disabled persons work side by side at conventional enterprises with other employees. Disabled workers are paid regular wages, which include a government subsidy compensating for low productivity. In particular, the Belgian government pays an amount equivalent to 65% of the remuneration of employees working at a specialized enterprise. For a start-up company, the subsidy may be increased to 70% for a period of two years as long as the disabled person is paid a minimum wage. In the Netherlands, companies providing “social employment” to the disabled receive subsidies that cover up to 100% of the payroll account<sup>71</sup>.

Another form of sheltered employment is “employment support.” This approach was pioneered in North America and is becoming increasingly popular in Western Europe. This is a flexible system which allows persons with severe physical disabilities to move on to the system of open employment and offers practical assistance both to employers and to disabled persons. Such assistance usually involves the assignment of a mentor who helps the disabled worker at the enterprise for a brief period of time.

One of the more widespread forms of employment is work from home. Recent technological advances make it possible for persons with disabilities to perform their work responsibilities outside of the office. For example, due to the penetration of information technology and satellite communications, it is not uncommon in some countries, such as Ireland, for people in remote rural areas to perform data processing services for companies based in Dublin, or even in the United States<sup>72</sup>.

Looking only at the better known and more common forms of “sheltered” employment, their respective pros and cons can be evaluated.

First, in most cases, a sheltered post is the only realistic option for a disabled worker to obtain gainful employment. Second, for conventional enterprises with specialized tasks and workplaces, the introduction of sheltered employment arrangements is an opportunity to hire a well-trained and hard-working employee, whose presence may be subsidized in case of low productivity. Third, the state benefits by reducing spending on social protection by giving disabled persons the opportunity to engage in productive, gainful employment.

According to Waddington,

“Under sheltered employment schemes, it is recognized that individuals with disabilities are capable of work of economic value — for the goods and services produced by sheltered workshops are sold in the open market — but also that these workers are not yet able to hold down jobs in the open labour market. This reduced ability was seen, until recently, as justifying the separation and segregation of such workers from the rest of the workforce.... Recently efforts have been made to re-

duce the barriers between open and sheltered employment; however, this is proving to be time-consuming and expensive, and the vast majority of people employed under sheltered employment schemes still work in a segregated and separate environment<sup>73</sup>.”

Hence, in assessing the social and political utility of sheltered employment, it is important to combine such work forms with rehabilitation and anti-discriminatory mechanisms and measures that encourage employment. Although conventional forms of employment are preferable, it is still very important to preserve acceptable forms of sheltered employment and to make them worthwhile types of activity as well as bridges for persons on the margins of the labour market to cross over into conventional employment.

### 3.2.2. North American experience

Certain countries, mainly those with a legal system based on English common law (United States, Canada, United Kingdom, Australia, New Zealand and South Africa), made a firm decision to move towards anti-discrimination legislation in the early 1990s. The past decade has been marked by the universal advancement of international law relevant to disabled persons’ rights towards anti-discriminatory approaches to the disabled in all spheres of life, including employment. Many countries are presently able to follow the example of these countries. In Germany, for example, an article was added to the federal constitution in 1994 banning discrimination against persons with disabilities — “No one can be marginalized on the grounds of a handicap (mental or physical)” (Article 3)<sup>74</sup> — in spite of the country’s pro-active labour market policies in the form of quotas and sheltered employment.

Canada was the first country to include a full-equality provision in its Constitution (the Charter of Rights and Freedoms) that stipulates the following with regard to disabled persons: “Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particu-

*Employment support... this is a flexible system which allows persons with severe physical disabilities to move on to the system of open employment and offers practical assistance both to employers and to disabled persons*

lar, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” (Canadian Charter of Rights and Freedoms) The Canadian Human Rights Act created a special Human Rights Commission for dealing with complaints regarding discrimination<sup>75</sup>.

The enactment of the Charter was an important event for disabled persons in Canada, because it implied that all federal and provincial legislation had to be reviewed (and later amended) to eliminate any bias against persons with disabilities. Discrimination in accessibility, education and employment, as well as in criminal or civil litigation, may now be interpreted as disregard for guaranteed equality<sup>76</sup>.

In 1998, the federal, provincial and territorial governments drew up a blueprint entitled *In Unison: A Canadian Approach to Disability Issues*. The document reflects the major themes of long-term policy and is based on three ideas:

- 1) persons with disabilities have the same rights and the same responsibilities as other Canadians;
- 2) persons with disabilities must be able to participate in all areas of community life; and
- 3) conditions must be created to transform persons with disabilities into independent members of the community. Regardless of the nature of any future programmes, persons with disabilities will be participants rather than fully dependent, passive recipients of government handouts.

However, in the view of many experts and disability advocates, the key special anti-discrimination act is the Americans with Disabilities Act (ADA), which was passed in 1990 and clearly and comprehensively lays out the rights of the disabled. Prior US legislation, e.g. the 1973 Rehabilitation Act, had laid the groundwork for delivering and expanding services to disabled workers. The 1973 Act also addressed the rights of disabled persons and was primarily concerned with disabled persons employed by federal contractors.

The ADA attempted to overcome some of the existing shortcomings by applying

the ban on discrimination to the private sector.

The Act envisages that employers will ask disabled workers about their accommodation needs. The ADA sets out a number of options that are deemed reasonable, although it is to be determined in each particular case to what extent they are reasonable. Experts do not consider workplace accommodations excessively expensive; on the contrary, such measures may even be profitable for employers. In the opinion of Richard Light, “for every dollar a company spends on making an ‘accommodation’, they get back 35 dollars in terms of increased productivity, reduced employee turnover, lowered training costs, and savings in insurance compensation costs”<sup>77</sup>.

The ADA prescribes the remedies and procedures to which any worker with a disability, as defined in the Act, that is facing discrimination can resort. This is a comprehensive set of remedies that includes applications to the Equal Employment Opportunity Commission and, certainly, the courts.

However, in spite of these positive changes brought about by the enforcement of the ADA, a 1998 poll commissioned by the National Organization on Disability found that 71% of persons of working age (18 to 64 years of age) with disabilities were not employed, as compared to 21% of Americans without disabilities. In a comparable poll carried out in 1986, four years before the ADA came into effect, 67% of persons with disabilities were not employed, as compared to 10% of all Americans<sup>78</sup>. Hence, the percentage of the unemployed among the disabled is higher than among able-bodied workers. It follows that the existence of anti-discrimination legislation is a necessary, but in itself not a sufficient, prerequisite to ensure employment for the disabled. It appears that in every country, this challenge should be addressed on a systemic basis, with legislative provisions backed up by incentives for employers and measures enhancing a disabled person’s motivation to work, as well as efforts to make the public accepting of this process, especially in the periods of recession and crisis.

In addition to North American countries, the United Kingdom was one of the pioneers

on the European continent (along with Ireland and Sweden) in the adoption of anti-discrimination legislation.

In the United Kingdom, the Disability Discrimination Act (1995) introduced a new definition for disability and repealed the quotas, registration and the recommended list of occupations contained in the 1944 Disabled Persons Employment Act, which were deemed out of touch with the needs of the disabled in the contemporary labour market.

A number of characteristic provisions introduced by the UK Disabled Persons Discrimination Act (hereinafter “the Act”) can be identified. A disabled person is discriminated against if, for a reason which relates to the disabled person’s disability, he is treated less favourably than others to whom that reason does not or would not apply, and the treatment in question cannot be shown to be justified. Furthermore, it is unlawful for employers to discriminate against persons with disabilities in the terms of the employment which he affords them, in retention, promotion, transfer, training, professional development or dismissal.

Secondly, under the Act, discrimination against current or future workers is recognized as unlawful for employers having 20 or more employees. If necessary, employers are supposed to make reasonable adjustments to the workplace. It is the duty of the employer to take steps inasmuch as it is reasonable for him to take in order to prevent the arrangements or feature having that effect.

The following employers are exempt from this Act:

- companies with fewer than 20 employees;
- charities benefiting persons with certain types of disability are permitted to treat disabled persons more favourably than other persons in providing employment; and
- organizations providing supported employment may treat persons with severe disabilities more favourably than other persons in providing such employment.

Another important feature underlying the anti-discriminatory nature of the British Act is the availability of explicit legal rem-

edies in case a disabled person’s employment rights are violated. If a disabled person concludes that his rights have been violated and if the fact (or event) of discrimination is established, he may file a complaint with a tribunal or special commission which, if necessary, takes action to send the case to court.

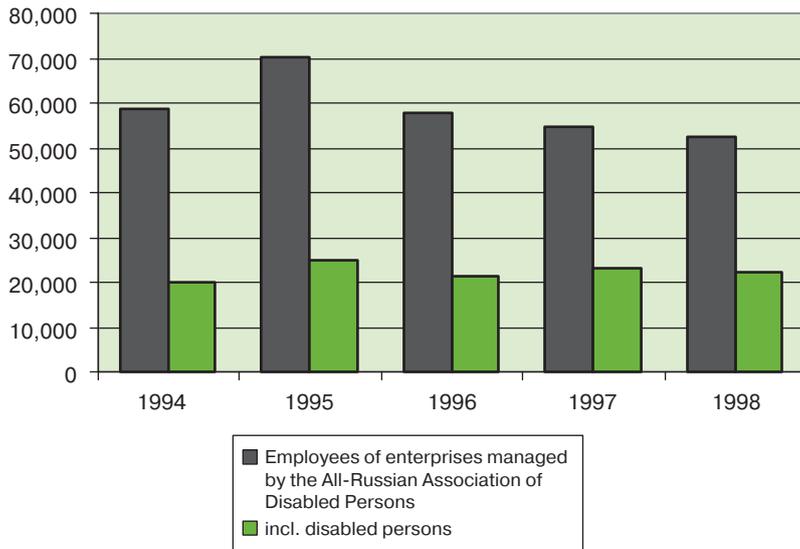
The positive impact of the Disability Discrimination Act is demonstrated by certain statistics which were published in the United Kingdom in 2005 showing that the share of disabled workers in the British public sector expanded significantly. The number of working women with disabilities rose from 385,000 to 534,000 between 1998 and 2004, a growth of 26%. More than 840,000 persons with disabilities were employed in the public sector in 2004, one third more than in 1998. Over that period, the number of disabled public servants grew faster than that of their able-bodied counterparts. A total of 140,000 working-age blind or partially sighted persons are registered in the United Kingdom, of which 27% are employed<sup>79</sup>.

### **3.3. Employment of disabled persons in Russia: problems and solutions**

#### ***3.3.1. Russian government policy regarding disabled persons in the labour market***

During Russia’s transition to a market economy, an open labour market began to take shape. The challenge of securing employment for persons with disabilities in the context of market competition emerged in this connection, changing employment reasons both for the disabled and the employers. The ultimate goal of any business is to generate profit, which makes efficient use of labour a key factor. Economic liberalization led to minimal governmental interference in the economy and a decrease in its direct support of organizations employing persons with disabilities. In the 1990s, disability associations and their enterprises enjoyed a rich gamut of benefits and preferences as indirect support of disability employment. These controversial actions by the government in a period of market transition helped to retain a relatively high employment rate among the disabled (Figure 3.1).

**Figure 3.1. Employees at enterprises managed by the All-Russian Association of Disabled Persons, 1994–1998**



Source: All-Russian Association of Disabled Persons.

*Economic liberalization led to minimal governmental interference in the economy and a decrease in its direct support of organizations employing persons with disabilities*

Overall trends in the employment of disabled persons during in the mid-1990s demonstrate that the number of disabled workers in Russia continued to fall, dropping by 10% between 1995 and 1998. Less than a third of working-age disabled persons were employed. For many years, the share of gainfully employed persons with disabilities amounted to approximately 2% of the average declared number of workers, the employment of disabled persons reached a maximum in 1988 and 1989, when approximately 25–28% of all disabled persons were employed. This figure is currently in the vicinity of 10–11%, although sometimes existing only on paper<sup>80</sup>. During the previous decade, the proportion of working disabled persons failed to exceed 11% of the total number of disabled persons. The situation was especially dismal for individuals belonging to the first- and second-disability categories, of which fewer than 8% were employed<sup>81</sup>.

Over the same period, the government launched a number of legislative bills aimed at reversing the pattern of decreasing employment among persons with disabilities based on the norms of international law. The Federal Law on Social Protection of Persons with Disabilities in the Russian Federation was adopted on 24 November 1995 and proclaimed that the purpose of governmental policies regarding the social

protection of persons with disabilities was to “ensure equal opportunities for persons with disabilities with other citizens in the exercise of their civil, economic, political and other rights and freedoms enshrined in the Constitution, as well as in accordance with the universal principles and norms of international law and international conventions to which the Russian Federation is party”<sup>82</sup>. Under this federal law, the definition of disability encompasses not only limitation of work capacity but also limitations in all other life activities, and the focus of social policy benefiting disabled persons shifts from passive forms of support to rehabilitation and social integration.

For the last two decades, disabled persons have exercised their rights to work under Article 21 of the law, which approved the procedure for the allocation of quotas for disabled persons at organizations with more than 30 employees. This law was later amended to alter the quota procedure and size, authorizing subjects (regions) of the Russian Federation to establish their own disability job quotas. Instead of the flat 3% quota, enterprises were required to establish a higher quota, between 2% and 4%. The implementation of the quota process has progressed with varying degrees of difficulty in the Russian regions.

These legislative measures and the system of state support — including benefits and preferences for enterprises hiring disabled workers in both open and sheltered markets — led to an increase in the employment of disabled persons. Regrettably, a reduction in government support for employers of disabled workers after 2000 decreased the number of disabled workers, both in the open and the sheltered market. Specialized enterprises employing disabled persons, including enterprises managed by disability associations, were especially hard-hit because they were more dependent on state support than conventional market enterprises. The attitude of the state towards the efforts of disability associations resulted in a steep drop in the number of such enterprises and, by extension, in decreased employment among disabled persons (Figures 3.2 and 3.3).

Figure 3.2 illustrates that over five years the number of disabled workers at the en-

terprises managed by the All-Russian Association of Disabled Persons has fallen at an average annual rate of 15%. The fastest rate of decline was observed in 2002 and 2003 and was primarily due to the abolition of most tax deductions for disability associations and their enterprises. In particular, the abolition of tax benefits amounted to more than RUB 300 million in losses for enterprises and organizations under the All-Russian Association of Disabled Persons. More than 1,200 small and medium-sized enterprises had to be closed. A total of more than 46,000 jobs were shed between 2002 and 2005, including over 21,000 held by disabled workers.

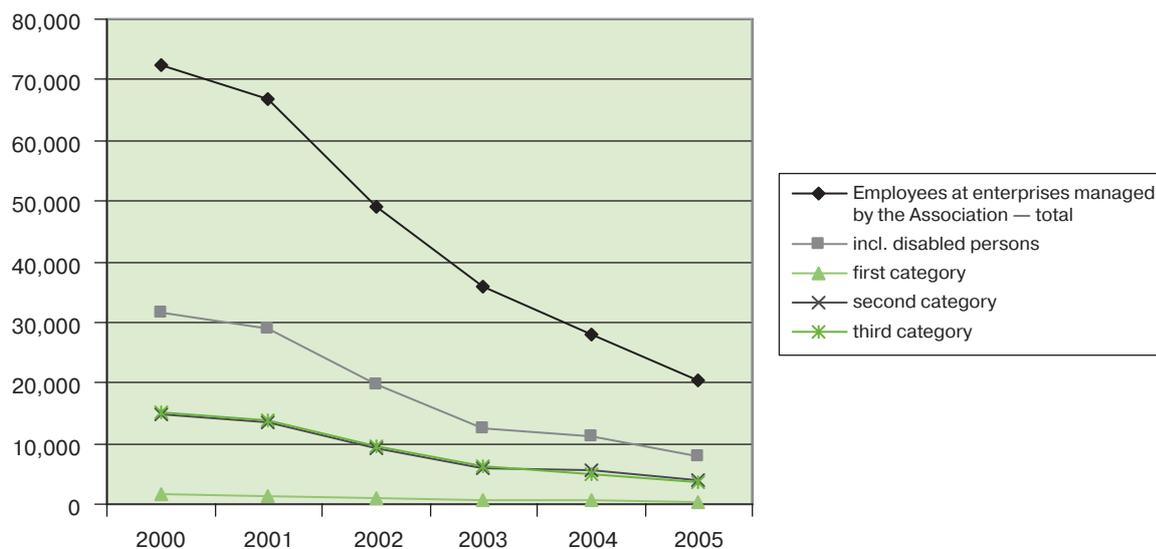
The situation of disabled persons in the labour market degraded even further with the changes introduced into state social policy in 2005.

Thus, the situation has deteriorated for disabled persons willing to find employment. Employers with less than 100 workers — i.e. virtually all small- and medium-sized enterprises — were exempted from the required allocation of job quotas for the disabled. Additionally, managers of enterprises that employ more than 100 workers, and are therefore obliged to apply quotas for the disabled, are not accountable for non-compliance with the legislative requirements. In fact, effective quotas for persons with disabilities are now absent, which has a negative effect on disability employment.

New barriers emerged after 2005, mainly due to the cumbersome procedures involved in obtaining the status of a disabled person, a reduced list of guaranteed rehabilitation devices and most importantly, the repeal of

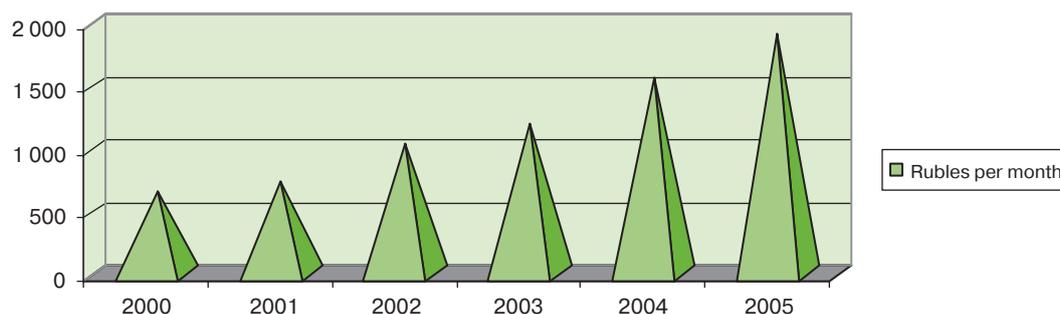
*Legislative measures and the system of state support — including benefits and preferences for enterprises hiring disabled workers in both open and sheltered markets — led to an increase in the employment of disabled persons*

**Figure 3.2. Employment at enterprises managed by the All-Russian Association of Disabled Persons in 2000–2005**



Source: All-Russian Association of Disabled Persons.

**Figure 3.3. Rise in wages at enterprises managed by the All-Russian Association of Disabled Persons in 2000–2005**



Source: All-Russian Association of Disabled Persons.

discounts on motor vehicles for most Russians with disabilities, which also has negatively influenced employment among disabled persons. Many persons with disabilities have lost not only their motivation to work but also their willingness to pursue medical and social rehabilitation, resulting in a pattern that leads to increased dependency.

*Another priority measure to ensure employment of persons with disabilities is the improvement of existing statistical methods. At present, no regular statistical records are kept on the number of disabled persons working in the open and sheltered markets or on the demand by disabled persons for jobs in various regions of the country*

Government policies with regard to the employment of persons with disabilities remain incoherent and are still devoid of any clear scientific and practical base. It appears, therefore, that the adopted Convention on the Rights of Persons with Disabilities is precisely the structural support that is needed in order to design the kind of social policy that would benefit the productive employment of disabled individuals.

The implementation of Article 27 of the Convention should primarily lead to the adoption of anti-discrimination legislation concerning disabled persons based on international experience in enforcing the right of disabled individuals to work and live with dignity.

Another priority measure to ensure employment of persons with disabilities is the improvement of existing statistical methods. At present, no regular statistical records are kept on the number of disabled persons working in the open and sheltered markets or on the demand by disabled persons for jobs in various regions of the country.

Addressing the challenges of employing persons with disabilities is a comprehensive process and, in the view of Arthur O'Reilly, involves:

- measures to prevent and discourage welfare dependency;
- mainstreaming of employment and training services for persons with disabilities;
- incentives to participate in educational, training and work initiatives;
- improvement of employment support services;
- more effective implementation of anti-discrimination legislation; and
- greater enforcement of existing quota provisions<sup>83</sup>.

The above recommendations are critically relevant for Russia. In the view of disability associations, there is an urgent need

to eliminate the link between eligibility for state-funded payments and employment. This initially involves the dismantlement of productive employment limitation degrees as a criterion in assigning pensions and other payments.

Therefore, based on the previously mentioned international experience and the requirements of the Convention on the Rights of Persons with Disabilities and ILO Recommendation 168, recommendations should be proposed to ensure the support and growth of employment among disabled persons in Russia.

To ensure the employment of disabled persons, the right conditions need to be created in both the open and the sheltered labour markets. As a matter of priority, employment should expand in the open labour market. The following measures are necessary to this end:

- legislation should ban discrimination on the grounds of disability in regard to all forms of employment, including recruitment, employment, retention, promotion and health and safety;
- rights of persons with disabilities must be enforced in the field of employment, including equal pay for equal work;
- persons with disabilities should be guaranteed access to mainstream technical and professional guidance programmes, employment services and professional and continuous learning;
- opportunities should be expanded for self-employment, entrepreneurship, development of cooperatives and organization of private business;
- priority should be given to disabled persons in public sector employment on the open market (Box 3.3);
- comprehensive measures need to be adopted to encourage the recruitment of disabled persons by employers in the private sector, including tax concessions, direct subsidies for creating jobs for the disabled, compensation of additional costs involved in the recruitment and employment of disabled persons, and other measures;
- methods need to be developed to accommodate workplaces and create jobs for the disabled in various sectors of the Russian economy;

- a network of counselling and training centres should be established to help disabled persons acquire knowledge and initial exposure to the open labour market; and
- programmes need to be drafted and implemented to ensure professional and vocational rehabilitation, job retention and reintegration of disabled persons into the workplace.

### BOX 3.3. Employment of persons with disabilities in the public sector on the open labour market

“Tax authorities in the Nizhny Novgorod Region are presently taking active steps to employ persons with disabilities, who form a socially vulnerable group and need support from the state and society. In spite of the adoption of the Federal Law on Social Protection of Persons with Disabilities in the Russian Federation, which requires that federal and regional authorities provide guarantees of employment to disabled persons, most persons with disabilities have a hard time finding jobs and perceive themselves as unwanted by the community. The Nizhny Novgorod Region alone has more than 370,000 such individuals — i.e. every tenth resident of the region has a disability. Almost all of them are of working age, but only 5% have jobs.

Presently, territorial tax inspectorates in the Nizhny Novgorod Region employ 50 disabled individuals, including 31 persons with mobility impairments. The most promising line of work for disabled persons is employment as taxpayer service representatives in tax inspectorate service areas. An enabling environment has already been established for employees with mobility impairments holding 141 jobs in 11 inspectorates. Accommodations include ramps, lifts, wide doors, accessible fixtures and special restrooms. The remaining 13 inspectorates are to be equipped before the end of 2009, and the total number of jobs will reach approximately 300.

In addition to accommodating workplaces for disabled employees, the Nizhny Novgorod Region Tax Service is working hard to cultivate a favourable attitude and an accepting environment among staff members that will smooth the adaptation of a disabled newcomer.

The Nizhny Novgorod Region Tax Service is cooperating with healthcare institutions to organize rehabilitative treatment for employees whose health condition requires rehabilitation.

When talking to disabled persons working in the customer service areas, taxpayers display a great measure of patience, which helps to defuse emotional tension and avoid conflicts in the inspectorates. As a consequence, the staff turnover rate in the inspectorates is decreasing. The stable staffing situation in the Nizhny Novgorod Regional Tax Authorities is evidenced by the turnover rate,

amounting to 6.6% in 2007. This figure is lower than the turnover rate in the Volga Federal District (9.5%) and than that for tax authorities in the Russian Federation overall (10.2%).

Despite a strong desire to work, many persons with disabilities have no opportunity to obtain a job with the tax authorities because they reside too far from tax office locations, a distance that becomes still more of an obstacle due to the lack of ramps, wide-door (cargo) lifts in high-rise apartment buildings, escalators, etc. As a token of active support for the employment of disabled persons by the tax authorities, the Government of the Nizhny Novgorod Region has allocated funding to purchase apartments for disabled employees in special need in apartment buildings located close to inspectorates. In the past three months, four single-room apartments have been bought for individuals with mobility impairments involving the active participation of the tax service.

Considerable efforts are being made by the tax authorities to recruit disabled graduates of Nizhny Novgorod universities with degrees in finance, economics, law and information technology, which will assure stable, state-guaranteed remuneration for these individuals and help them to put their academic skills to practical use. In 2007, the Nizhny Novgorod Region Tax Service hired eight disabled graduates with mobility impairments, including wheelchair-bound individuals. The inspectorates have made arrangements to organize internships for disabled students, which has allowed them to collect information needed for their coursework and theses.

According to Nikolai Polyakov, chief tax inspector in the Nizhny Novgorod Region, “disabled employees are performing very well; the tax service is satisfied with the results of the programme and intends to continue implementing it. By welcoming disabled persons, tax authorities are not only rewarded by the work of enthusiastic and efficient employees but also contribute to their successful social integration.”

\* Rossiyskaya Gazeta website (<http://www.rg.ru/2008/04/18/reg-privolzhe/polakov.html>).

Source: Press release from the Nizhny Novgorod Regional Division of the Federal Tax Service, 9 April 2008 (<http://www.klerk.ru/inspection/?105574>).

The state should support employment in the sheltered market, first and foremost, by investing in job creation for the disabled. Second, organizations and enterprises employing disabled persons should continue to be entitled to benefits and priorities, in particular by the inclusion of their products in government procurement programmes. Third, counseling, methodological and other assistance should be provided in order to train professionals specializing in the employment of disabled persons, and methodologies should be developed and implemented to facilitate the employment of persons with various pathologies and disabilities of varying degrees of severity.

In order to resolve problems experienced by disabled persons in employment and education, disability associations need to get become widely involved, in terms of both participation in public consultations to assist government agencies and the actual employment of persons with disabilities.

Barrier-free access to social centres and other buildings based on the “universal design” philosophy enshrined in the Convention on the Rights of Persons with Disabilities is a priority that reflects the constitutional right to education and work that persons with disabilities in Russia possess.

## Major conclusions

1. The situation of disabled persons changed dramatically following the adoption of Federal Law 122 in 2004<sup>84</sup>. In exchange for the introduced monthly cash payments and the retained possibility of benefiting from free-of-charge medications, medical leave and commuter train service, the size of disability pensions is now calculated based on the degree of work capacity loss, which is an obvious throwback that contradicts the fundamental principles of the United Nations Convention on the Rights of Persons with Disabilities. Furthermore, additional obstacles have been created in the employment of disabled persons, and efforts to establish a barrier-free environment have effectively been dismantled.
2. An overview of international experience demonstrates that all countries are currently at varying stages in the implementation of inclusive education. Moreover, in post-Soviet countries (Belarus and Estonia) inclusion is effectively non-existent. This is reflective both of the developmental level of particular countries as well as of the complex and multi-faceted nature of the inclusion process, which cannot be rapidly implemented.
3. The education system that currently serves disabled persons in the Russian Federation is out of line, in particular, with the inclusion requirements and the principles of the UN Convention on the Rights of Persons with Disabilities.
4. Inclusion is a new form of effective and, by extension, high-quality education enabling an individual to realize his potential. Viewing inclusive education as a right, it should not be forgotten that education is a key prerequisite for a broader process of social inclusion of disabled persons, including employment.
5. The existence of anti-discrimination legislation is a necessary, but in itself not a sufficient prerequisite to ensure employment for the disabled. It appears that in every country this challenge should be addressed on a systemic basis, with legislative provisions backed up by incentives for employers and measures enhancing a disabled person's motivation to work, as well as efforts to encourage the public acceptance of this process, especially in periods of recession and crisis.
6. In light of a reduction in state support for enterprises employing disabled persons in Russia, recent years have witnessed a drop in the number of disabled workers, in both the open and the sheltered market. Specialized enterprises employing disabled workers, including enterprises managed by disability associations, were especially hard hit because such enterprises are more dependent on state support than employers in the open market.
7. The proper conditions should be put in place in both the open and the sheltered labour markets to ensure the employment of disabled persons. Priority should be focused on expanding employment in the open labour market. The following measures should be adopted to this end:
  - legislation should ban discrimination on the grounds of disability in regard to all forms of employment, including recruitment, employment, retention, promotion and health and safety;
  - rights of persons with disabilities must be enforced in employment, including equal pay for equal work;
  - persons with disabilities should be guaranteed access to mainstream technical and professional guidance programmes, employment services and professional and continuous learning;
  - opportunities should be expanded for self-employment, entrepreneurship, development of cooperatives and organization of private business;
  - priority should be given to disabled persons in public sector employment on the open market;

- comprehensive measures should to be adopted to encourage the recruitment of disabled persons by employers in the private sector, including tax concessions, direct subsidies for the creation of jobs for the disabled, compensation of additional costs involved in the recruitment and employment of disabled persons and other measures;
- methods need to be developed to accommodate workplaces and create jobs for the disabled in various sectors of the Russian economy;
- a network of counselling and training centres should be established to assist disabled persons in acquiring knowledge and initial exposure to the open labour market; and
- programmes need to be designed and implemented to ensure professional and vocational rehabilitation, job retention and reintegration of disabled persons into the workplace.

## Conclusion

If the Convention on the Rights of Persons with Disabilities is ratified in Russia, significant changes will be required in legislation and disability policies. In effect, however, this comes down to *changes in public attitude*. The focus must shift from charity to equal partnership with disabled persons, their families and their associations.

Without abolishing existing payments, benefits and other preferences targeting disabled persons, the implementation of the fundamental principles of the Convention will *necessitate a new quality of existing civic institutions*.

Thus, the education system, which is increasingly focused on an individualized approach to the student, is organically prepared to work with disabled persons. In Russia, such a system still remains to be created.

A pro-active government policy in the labour market reimbursing employers for additional costs of hiring disabled workers will not only permit more efficient use of the nation's workforce but also will give millions of persons with disabilities the opportunity to realize their potential as equal citizens of Russia. Such employment policy still remains to be designed.

Implementation of universal design principles will make environments more comfortable for disabled persons as well as for anyone living in a town or district.

Comprehensive development and support for disability associations and their involvement in fundamental decision-making in regard to establishing the proper conditions for the disabled will help avoid mistakes in decision-making and decrease social tension.

Judging by international and Russian experience, however, this will take more than one year. Still, the first steps need to be taken, and priority measures might include the following:

1. Amendments should be made to Federal Law 122, under which the financial situation of the disabled person depends directly on the degree of work capacity loss. It will be necessary to introduce into Russian legislation a provision defining disability as resulting from “the interaction between persons with impairments and attitude and environmental barriers that impedes their full and effective participation in society on an equal basis with others”<sup>85</sup>;
2. A federal law on special education should be finalized and adopted that determines the need for a transition to inclusive education and, in the event that this is impossible for certain individuals, the establishment of as favourable as possible conditions for the exercise of their educational rights;
3. Amendments should be made to employment legislation abolishing any discriminatory measures concerning the inclusion of persons with disabilities into the open labour market (repealing quotas and the requirement to submit individual rehabilitation programmes to employment services, thus creating a mechanism whereby the state could partially subsidize, if necessary, the disabled employee's remuneration and the costs of accommodating the workplace). At the same time, the state should determine the role and significance of enterprises belonging to disability associations, which should make their own contribution to the employment of disabled persons;
4. It is recommended that the RF Ministry of Education and Science set up a best practice database on inclusive and special education in order to disseminate this experience in all Russian regions;
5. It is recommended that the RF Ministry of Health and Social Development set up a best practice database on successful integration of disabled persons in the open

labour market using the mechanisms of state co-financing to disseminate such experience in the local business communities and local governments;

6. In order to monitor progress achieved during the implementation of the fundamental provisions of the Convention, a Public Council under the President of the Russian Federation should be established that includes representatives of government and disability associations. The mandate of this Council would encompass the annual drafting of a report on the situation

of disabled persons in Russia which could be sent, in addition to other information, to the UN bodies authorized to collect and analyze information on the enforcement of the Convention by its signatories; and

7. The Russian government and public will need to prepare and use the mass media to inform the public about the fundamental provisions of the Convention—an instrument that can only be successfully implemented if the entire community becomes involved.

## Notes

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<sup>4</sup> <http://www.invalid.ru/laws/law1.htm>

<sup>5</sup> <http://www.vostokexpress.ru/articles/52/show/1393>

<sup>6</sup> <http://www.pfrf.ru/content/view/3824/120/>

<sup>7</sup> For additional information on changes in social policy with regard to persons with disabilities in the labour market, see Chapter 3, “Employment of Persons with Disabilities”, pp. 50–53.

<sup>8</sup> The Federal Law No. 122-FZ. On Amendments to Certain Legislative Acts of the Russian Federation and on Repealing Certain Legislative Acts of the Russian Federation in Connection with the Adoption of Federal Laws on Amendments and Additions to the Federal Law on General Principles of the Organization of Legislative (Representative) and Executive Authorities of Subjects of the Russian Federation and on General Principles of Organization of Local Self-Government in the Russian Federation.

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<sup>10</sup> *Education as a Factor of Social Mobility of Persons with Disabilities: A Collection*. Ed. by Prof. D.V.Zaitsev, PhD, Sociology. Saratov: *Nauchnaya Kniga*, 2007. p. 5.

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<sup>14</sup> *Universal Declaration of Human Rights* (<http://www.unhchr.ch/udhr/lang/eng.htm>).

<sup>15</sup> Ibid.

<sup>16</sup> *Convention on Technical and Professional Education* ([http://www.unevoc.unesco.org/fileadmin/user\\_upload/pubs//conv-e.pdf](http://www.unevoc.unesco.org/fileadmin/user_upload/pubs//conv-e.pdf)).

<sup>17</sup> *Declaration of the Rights of the Child* (<http://www.unhchr.ch/html/menu3/b/25.htm>).

<sup>18</sup> Ibid.

<sup>19</sup> *Convention on the Rights of the Child* (<http://www2.ohchr.org/english/law/crc.htm>).

<sup>20</sup> *Convention on the Rights of Mentally Retarded Persons* (<http://www2.ohchr.org/english/law/res3447.htm>).

<sup>21</sup> *Declaration on the Rights of Disabled Persons* (<http://www2.ohchr.org/english/law/res3447.htm>).

<sup>22</sup> *World Programme of Action Concerning Disabled Persons* (<http://www.un-documents.net/wpacdp.htm>).

<sup>23</sup> *Standard Rules on the Equalization of Opportunities for Persons with Disabilities*: (<http://www.un.org/disabilities/documents/gadocs/standardrules.doc>).

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<sup>25</sup> *Inclusive Approach to Education for All: The Role of UNESCO. Published in EENET “Enabling Education”, Educational Support and Inclusion School of Education, The University of Manchester. Issue 8, June 2004.* ([www.eenet.org.uk](http://www.eenet.org.uk)).

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<sup>35</sup> Constitution of the Republic of Estonia (Paragraph 37) (<http://www.humanities.edu.ru/db/msg/6482>).

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