

EDUCATIONAL OPPORTUNITIES FOR PHYSICALLY HANDICAPPED STUDENTS  
IN POST-SOVIET RUSSIA:  
THE ROLE OF THE JUDICIAL SYSTEM

BY

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THESIS

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## **Abstract**

This thesis examines the role of the judicial system in deciding educational opportunities for physically disabled students in post-Soviet Russia. First, the history of the approach to education for disabled citizens in the Soviet Union and the legacy this has left for the independent Russian Federation is discussed. Then, twenty separate court cases from varied regions of Russia, adjudicated between 2010 and 2013 are surveyed in order to determine whether Russian judges have required schools and municipal authorities to install ramps for mobility-impaired citizens on the basis of the 1995 federal law “On the Social Protection of Handicapped Persons”. The conclusion is drawn that Russian judges consistently uphold the implementation of ramps for accessibility in school buildings, but that these cases are indicative of a broader piecemeal approach to accessibility.

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## A NOTE ON LANGUAGE

I have made an effort within this thesis to use a mixture of translation, transliteration, and original Russian texts clearly and with distinct purposes. All of the translations are my originals, unless otherwise noted. Transliteration is used as sparsely as possible, with the underlying assumption that translations are more useful to those who do not read Russian, and original text is more useful for those who do. On the rare occasions when I found it necessary to use transliteration, I used the ALA-LC Romanization table which can be found at [www.loc.gov/catdir/cpsd/roman.html](http://www.loc.gov/catdir/cpsd/roman.html). As a note to other scholars doing similar research I would like to emphasize that it is nearly impossible to find Russian court decisions when searching using either translation or transliteration. Therefore, I chose to present information I found within the cases I examined in both translated and original forms in the hopes that it will allow anyone who is interested in finding the original decisions to do so quickly and easily.

## CHAPTER 1: INTRODUCTION

Educational opportunities for disabled students in Russia today are drastically different from those which existed during the Soviet period. In 2012 only two percent of Russian schools were reported to educate both able-bodied and disabled students together in an inclusive educational environment (Lokshina 2012). Disabled students who are not lucky enough to attend one of these schools are educated in one of three ways. Sometimes they are separated from other children their age and placed in schools specifically for handicapped children. In other cases they receive their education in residential schools specifically for handicapped children<sup>1</sup>. A third set of students receive their education within their own apartments as part of an ad-hoc home schooling system. Although there are currently no official figures on the number of disabled students who receive their education in a home school setting, it can be taken for granted that most disabled people currently living in Russia spend a great deal of time essentially house-bound because of the lack of accessible infrastructure to support their movement (Zoteeva and Farkhaeva 2012, 2). Among other changes in the social system since the breakup of the Soviet Union in 1991, the educational system, which basically institutionalized handicapped students in Soviet Russia, has been greatly reduced due to financial necessity and a more diverse set of choices for families<sup>2</sup>. The system that has begun to rise in its place, however, has not directly and quickly followed the models of inclusive education familiar to Western scholars.

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<sup>1</sup> Throughout this work I use the term “residential school” as a translation of the Russian дом-интернаты.

<sup>2</sup> For a further discussion on other aspects of the social system that the breakup of the Soviet Union disrupted, please see Mark G. Field and Judyth L. Twigg, eds., *Russia's Torn Safety Nets: Health and Social Welfare during the Transition* (New York: St. Martin's Press, 2000).

## 1.1 Education for the Physically Disabled in the Soviet Union

Understanding the Soviet educational system for physically disabled students is key to understanding the post-Soviet special education system (Thomson 2002, 34). This system was built on the theories developed by an early Soviet psychologist named Lev S. Vygotskii (1896-1934) (Sutton 1980, 200; Sutton 1988, 71) who worked with disabled children himself (Sutton 1988, 71). Vygotskii developed a group of theories, diagnoses, and corresponding treatments for the disabled. This field, which he largely pioneered on his own, was named дефектология (translated as ‘defectology’ though it has no real English equivalent [Sutton 1988, 80])<sup>3</sup>. Defectology refers to “...the laws of development, the upbringing and education of children with physical and mental inadequacies” (Sutton 1988, 80). In addition, “it includes relevant branches of medicine and psychology, as well as pedagogy” (Sutton 1988, 80). Vygotskii’s writings were heavily influenced by Freidrich Engels’ works on dialectical materialism (Sutton 1980, 202).

The influence of Engels’ writing can be seen in the theoretical basis that underlies defectology, which is that human kind can be perfected (Sutton 1988, 71). In other words, if Soviet defectologists were to engage in the “nature versus nurture” debate they would decisively claim that “nurture” is a more compelling factor for how children, no matter their starting point, turn out. Furthermore, they would argue that with the right stimulation in the right environment almost any human being could become a functioning member of society. Vygotskii’s choice to overtly emphasize Engels’ work within his own theories probably played a role in defectology becoming the exclusive Soviet approach to disabled citizens. It also may explain why

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<sup>3</sup> As the reader will notice, “defectology” is only one of many words that Vygotskii helped to solidify into the Russian lexicon which are now considered offensive by most scholars. The continued acceptance of such words into Russian society at large certainly says something about the negative ways in which disabled people are viewed.

Vygotskii's work is largely unheard of in Western Europe and the United States. What is known can be attributed to Dr. Andrew Sutton, a professor at St. Andrews University in Scotland.

Within his work Vygotskii challenged the system of classification of handicapped children which had been used in imperial Russia and developed his own tri-level system of classification. The system, in brief, classifies children as follows:

Oligophrenes (deti-oligophreni) are children whose mental and academic retardation is caused by central nervous system disorder of such a nature as to prevent their learning and generalizing as most children do. This underlying disorder is irreversible and life-long and though, as with all handicapped children, enormous progress can be made with appropriate special-education help, oligophrenia imposes limits that can never be wholly overcome. Oligophrenes fall into three levels of severity. The largest and least afflicted group are termed 'debiles' (deti-debily), the more severely handicapped 'imbeciles' (imbetsily) and the most profound 'idiots' (idioty) (Sutton 1988, 75).

There are two major elements associated with defectology that have had a profound effect on the post-Soviet opportunities for handicapped Russian citizens. Firstly, a child's developmental age should be determined by specialists who observe a child's interaction with adults, other children, and objects in order to classify him or her into one of the three categories described above (Sutton 1988, 76-78). These specialists play an important role considering that many decisions about education and state support are made based on their findings. Secondly, defectology demands that a separate educational environment be provided for children whose developmental age does not reflect their chronological age (Sutton 1988, 75-80). Before continuing, however, it is important to keep in mind throughout this discussion that Vygotskii himself worked to create an environment that allowed many students previously thought to be

uneducable the opportunity to learn, and therefore, participate in society more than their predecessors in the Russian Empire were able to<sup>4</sup>.

That being said, Vygotskii's work was instrumental in limiting the educational opportunities for physically handicapped students in the Soviet Union and it has been criticized for focusing on the medical and psychological aspects of a disabled student's education (Phillips 2011, 64). As stated earlier, his system of classification was based on a child's ability to demonstrate key markers of interaction with adults, peers, and objects. Because of their physical limitations, physically handicapped children in the Soviet Union often did not demonstrate the expected markers of interaction which led to their being classified as severely psychotic or "idiots" (Russian: идиоты), the most severe of the mentally disabled categories of the time. Severely psychologically and/or mentally disabled children were considered to be uneducable and were left either to the complete care of their families without an opportunity for education, or placed within the care of the Ministry of Health, also without the opportunity for education (Sutton 1988, 78-79).

Because educational opportunities for physically handicapped Soviet students were often defined by their physical impairment rather than any intellectual impairment, or more precisely severe intellectual impairment was often assumed to coexist with physical disability (Thomson 2002, 35) many children with severe physical disabilities missed out on the opportunity for an education throughout most of the Soviet period. This was not the case for children with other disabilities, such as those who had been diagnosed with blindness or deafness and who were considered, at least to a certain extent, to be educable. This is illustrated at multiple points in

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<sup>4</sup> This is to say that this work is in no way an attempt to vilify Vygotskii or call into the legitimacy of his work based on the theories currently in use in either the United States or the Russian Federation.

Ruben Gallego's recollection of his childhood spent in Muscovite residential schools (see below) in his memoir *Black on White*.

While the Soviet system has been blamed for denying some handicapped children an education<sup>5</sup>, some scholars, as well as some handicapped citizens, have praised the Soviet system for its distinctive and effective methods in special education (Phillips 2011, 64-67). Kate Thomson notes that Western observers to the Soviet Union in the 1980s remarked on the success of the Soviet system, and references Dr. Andrew Sutton who "...identified the success of this system, in that special school pupils with mild to moderate learning difficulties apparently reached much higher levels of achievement than their counterparts in the UK" (2002, 34). The situation for those with physical handicaps, however, was often different (Phillips 2011, 64). Thomson continues later in her discussion that "for those whose motor impairments were regarded as severe, there was little available within the remit of the education system itself. Many such children were placed in residential institutions for children with severe learning difficulties, regardless of their actual level of intellectual impairment" (35).

The "residential institutions" which Thomson references, existed for the purpose of educating, housing, and often medically treating Soviet children who had been diagnosed with physical, emotional, and/or mental disabilities. They were, and continue to be, known as *dom-internaty* (Russian: дом-интернаты). This residential school system served several different populations, including disabled children, but also the elderly, people with psychoneurological disorders, and people with exceptional work histories (Phillips 2011, 61). The individual *internat* was what Phillips calls a "total institution" (2011, 62), a place of residence, a place to receive medical care, a place to gain an education, and a place for socialization. The Soviet rationality for the residential school system was that "...the collective care of disabled persons in

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<sup>5</sup> See Ruben Gallego's memoir *White on Black*.

institutions designed especially for that purpose was considered optimal for their quality of life” (Phillips 2011, 62). The residential school was a physical manifestation of Vygotskii’s theory that a comprehensive approach toward a disabled child should be taken, meaning that physiological, psychological and social factors should be incorporated into his or her education.

Some view the residential school system as a way to hide undesirable citizens from view, while others believe it was a way to hide the low level of care for these citizens from other Soviet citizens and from outsiders. Others viewed the system as a preferable way to educate disabled citizens in an environment where their needs could be more easily met and where they could share experiences with others in similar situations. Whether or not the residential school system is viewed positively or negatively, however, it surely relied upon a great amount of money from the state budget, the amount of which the schools did not continue to receive in the post-Soviet period, although they do still exist in Russia to the present day (Phillips 2011, 67).

Vygotskii’s work continued to be important in the post-Soviet period as we can see from V. M. Astapov’s “The Introduction of Children with Physical Disabilities into the Education System” (Russian: В. М. Астапов “Введение детей с ограниченными физическими возможностями в образовательный социум”) which uses Vygotskii’s work and was published in 1993. In the post-Soviet period the system of residential schools continued to exist but was less utilized for multiple, and at times, overlapping, reasons. Parents of children with disabilities had different choices to make about how and where their child should be educated as the pressure to institutionalize disabled children abated and the residential schools themselves began to deteriorate<sup>6</sup> (Phillips 2011, 67-68).

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<sup>6</sup> As an example, Rasiuk writes that 38 children died of hunger and cold at the Tsiurpyns’kyi residential school in Ukraine in 1995-1996 (Phillips 2011, 67).

## 1.2 The Disability Rights Movement in Russia

The awareness of the education of physically handicapped children, and more broadly of physically handicapped citizens in Russia, began to change before independence in 1991 (Thomson 2002, 33; 36). The strongest movement towards public awareness and political attention for the rights of the physically handicapped in Russia came from soldiers returning from the conflict in Afghanistan (Dunn 2000, 157-158; 167). The press has covered the disability rights movement at least since the breakup of the Soviet Union. Domestic legal changes concerning the disabled occurred rapidly beginning in the 1990s. The 1995 law “On the Social Protection of Handicapped Persons in the Russian Federation” (Russian: “О социальной защите инвалидов в Российской Федерации”) outlines aspects of life as they relate to handicapped citizens and the state, including entitlement to social welfare payments from the state, the right to rehabilitation services, the right to work, the right to accommodations in the workplace, the right to accessible transportation and living facilities, and the right to education.

As is well known, from the creation of the United Nations and the precursor organizations to the European Union, the post-World War II period saw a great number of treaties and agreements drawn up in an attempt to define and prevent crimes against humanity and war crimes. Disability rights activists saw a gap in these agreements in that they often did not address the rights of the disabled within the human rights framework. Dube et al., comment on the necessity for the *Convention on the Rights of Persons with Disabilities* in the post-War period:

Of crucial importance to disability rights and to the disabled individual are the UN human rights instruments which were introduced in 1948 to ensure that the horrors of the holocaust did not happen again and to set an ethical agenda whereby member states recognized and protected the right of every individual to life, freedom and dignity. However, although disabled people were one of the

main targets of the eugenic movement, resulting in many being sterilized in the US and Europe, as well as being the first group to face the Nazi gas chambers, except in the Convention on the Rights of the Child, disabled people are not specifically mentioned as a discrete group requiring protection from discrimination (2006, 106).

We can see in Dube's assessment that although within Russia and the wider international community disability rights movements have grown out of the framework of the broader post-War movement for human rights, the latter have not always gone far enough to directly protect the rights of the disabled within a broader human rights framework.

Both the Russian federal government and Russian civil society have taken note of the international change in expectations of and responsibility towards disabled populations (Thomson 2002, 36; 39). The Russian Federation has signed and ratified the three major international agreements which carry responsibilities related to the treatment of the disabled. These are the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child* and the *Convention on the Rights of Persons with Disabilities*.

The *Convention on the Rights of Persons with Disabilities* largely focuses on the role of the state which is a signatory (Mathiason 2011, 5.4). It entered into force on 3 May 2008. Some scholars attribute the idea for such a treaty to the experience of disabled veterans in the post-World War II period (Mathiason 2011, 5.2). By signing such conventions, countries make a commitment that they will examine their domestic situation and take action in order to change the domestic state of affairs to align with the responsibilities entailed in the treaty. Mathiason explains the implementation of international law according to conventions as follows:

In most countries, an international convention takes on the same status as domestic law adopted by Parliament, and in most countries acceptance of an international convention means that all national laws, regulations, and procedures have to be brought into conformity with the convention. Governments are not legally obligated to implement the rules' provisions. Rather, they accept a moral obligation to implement as many of the provisions as they can (2011, 5.2).

### 1.3 Disability Rights as Part of the Development Agenda

In recent years there has been a push, largely from academics and disability rights activists in the developed world, to include disabled people themselves in the development agenda.<sup>7</sup> Former president of the World Bank James Wolfensohn said that “unless disabled people are brought into the development mainstream, it will be impossible to cut poverty in half by 2015 or to give every girl and boy the chance to achieve a primary education by the same date - goals agreed to by more than 180 world leaders at the UN Millennium Summit in September 2000” (Dube, et. al, 2006, 104)<sup>8</sup>. As a recipient of international development aid from such organizations as the United States Agency for International Development, Russia has been affected by this<sup>9</sup>.

The situations that disabled people in developing countries are described as encountering often ring true for disabled people in Russia as well. For example, Harknett writes that “disabled people in developing countries tend to be excluded from development initiatives for many reasons. They are often the poorest, most uneducated people in society and are marginalised because of poverty and discrimination. This exclusion, coupled with physical difficulties in mobility that many face, lead to them being relatively invisible in society” (Harknett 2006, 179).

### 1.4 Inclusive Education as Part of the Disability Rights Movement

A push towards the use of the model of inclusive education for physically handicapped students has been incorporated into the overall movement for disability rights in places like the

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<sup>7</sup> For more on this topic as a whole see: Bill Albert, ed., *In or Out of the Mainstream? Lessons from research on disability and development cooperation* (Leeds: The Disability Press, 2006).

<sup>8</sup> Here Wolfensohn is referencing the United Nations Millennial Development Goals.

<sup>9</sup> Of course, it is notable that USAID was asked to leave the Russian Federation by the first of October 2012. “Russia expels USAID development agency.” BBC News Europe. 19 September 2012. Web.

United States<sup>10</sup>. Described simply by Hasan, “integrated education involves the admission of children with special educational needs in mainstream schools— i.e. ‘integrating’ them into an existing system— changes are required of learners so that they can ‘fit in’ to an already established system. Extra support is provided where necessary” (2006, 194). The effort to integrate handicapped students in mainstream classrooms was made out of a sense that “by their very nature, special education systems serve to isolate disabled children from their non-disabled peers and society as a whole” (Hasan 2006, 198). This shift has been delayed in Russia for two reasons. First, the legacy of defectology has left many professional educators and private citizens with the impression that separate education systems are inherently better. And second, the alternatives to mainstreaming, particularly that of home-schooling, continue to be widely accepted because of the barriers that exist for the physically handicapped to attend schools.

### 1.5 The Aim of this Work

The public school system of the Russian Federation continues to face a choice about education for physically disabled students. Some have argued for the return to the residential schools or a similar type of boarding school system. Proponents of this system argue that it could more readily account for the needs of disabled students without requiring the overwhelming tasks of remodeling apartment buildings, public transport, and schools to include wheelchair ramps, elevators, and accessible restrooms, as well as the training of a whole crop of teachers who would be prepared to instruct students with many different types of disabilities. Alternatively, the Russian Federation could continue providing education within a home-school model which allows students to live within their biological family units. The third option, that of revamping the current system to fit into the inclusive education model, would allow students to

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<sup>10</sup> Alternatively referred to as “integrated education” or “mainstreaming”.

continue living within their biological family units but provides for their education within an equal and social setting.

When the Russian Federation signed the *Convention on the Rights of Persons with Disabilities* it, in essence, agreed to follow a model of inclusivity. This observation is also supported by the 1995 law “On the Social Protection of Handicapped Persons in the Russian Federation”, which allows physically handicapped students to attend public educational institutions. This study seeks to examine the judicial supports and/or impediments for students to attend public educational institutions by looking specifically at cases that deal with the implementation of a ramp at the entrance to a school building. Although supporting physically handicapped students to attend a public school will require a number of physical modifications, one of the cheapest and least intensive of the modifications is installing a ramp at the entrance to the school building.

#### 1.6 Significance of this Research

Russian and Western researchers and the physically disabled living in Russia in the post-Soviet period mostly agree that the current model is not meeting the needs of physically handicapped students. From a moral perspective, Russian and Western scholars agree that “humane treatment of handicapped children, [particularly] overcoming the disdainful and insulting treatment of them is a real problem today” (Ian’kova 2001, 316). From a practical perspective, Russia chose in the post-Soviet period to follow a capitalist model. Those citizens who are physically handicapped, and who would have been cared for by the state in Soviet times, are often not able to successfully compete for employment in the economic market (Ian’kova 2001, 316). Converting to an inclusive education model will help to take action on both of these issues by taking on the issue of equality in education (the notion that “separate is inherently

unequal”) and also prepare Russian handicapped children to become active, productive members of society, helping them prepare to find work, earn their own incomes, and participate in social life (Ian’kova 2001).

This thesis will show that Russian citizens have recently gained some access to school buildings through their legal initiatives to pressure local authorities to install ramps in their local school buildings. This demonstrates the agency of individuals, public prosecutors and non-governmental organizations. It also shows that Russian court systems are open to hearing and adjudicating cases of fair access and the implementation of national law. It also demonstrates Russia’s willingness to adopt international standards for access.

### 1.7 Limitations of This Study

It should not be taken for granted that I participate in this dialogue with a perspective much colored by the changes made within American society, particularly American public spaces, since the disability rights movement began, and particularly since the passage of the Americans with Disabilities Act in 1991, a law that “...canonized disability as a civil rights issue in the United States, and has subsequently, based on the continued lobbying of activists, resulted in a dramatic restructuring of American physical public space” (Hartblay 2012, 28).

Additionally, my own perspective is inherently informed by the social model of disability which imagines disability “...as a historically contingent relationship in which people with impairments become a socially oppressed group, as has occurred with women, black and ethnic minorities, lesbians and gay men” (Barnes and Mercer 2004, 2). This can be seen in opposition to the perspective that disability results from a personal “flaw” or “abnormality” (Barnes and Mercer 2004, 4).<sup>11</sup>

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<sup>11</sup> For a more in-depth discussion of the social model of disability please see Colin Barnes and Geof Mercer, eds., *Implementing the Social Model of Disability: Theory and Research* (Leeds: The Disability Press, 2004).

I must also state up front that barriers to education do not only include physical barriers to entering school buildings. Certainly if a person cannot exit his or her own home he or she will not be able to attend school. Even within the home environment an inhabitant must be able to maneuver around his or her apartment (Canadian Human Rights Commission 2006, 11).

Reaching the school building usually involves transportation, either public or private. Between the home and public transport and public transport and the school students will have to maneuver either roads or sidewalks, or both. Finally, one must arrive at a school filled with well-trained teachers and open-minded peers and accessible restrooms. This study seeks to examine only one small aspect of the issue of accessibility in the Russian Federation.

## CHAPTER 2: LITERATURE REVIEW

### 2.1 Literature on Inclusive Education in Russia

The research on inclusive education for mobility impaired students in post-Soviet Russia is quite small. The works that have been published can be divided into two groups based on the language in which they are published. Overall, there is noticeably more material published in Russian than there is in English. In the post-Soviet period, however, examining the literature written in English on this topic is important because many Russian researchers compare their own systems to those in the United States and Western Europe. In addition, many noteworthy studies have been done in Russia and published exclusively in English. This includes studies conducted by both Western scholars and scholars from the region. Russian researchers and teachers working in Russia occasionally contribute to the global dialog about education for handicapped students by publishing articles in English-language journals.

As concerns the information available about education for the mobility impaired during the late Soviet period, Andrew Sutton's "Special Education for Handicapped Pupils," published in *Soviet Education: The Gifted and the Handicapped* in 1988, is the most prominent work published in English. It provides a foundation for several of the other works consulted for this thesis. It was unique at the time that it was written largely because Sutton was by all accounts the first Westerner to study the subject of education for the disabled in the Soviet Union. It remains important because it explains to a Western audience the theories of Lev S. Vygotskii upon which the Soviet educational system was built and for the evidence that Sutton provides via his own first-hand experience. The drawback is that it is dated. E. A. Khudorenko's "Problems of the Education and Inclusion of Peoples with Disabilities," published in the journal *Russian Education and Society* in December 2011, provides research on Russia's current educational

system and its commitments to the United Nations. Unfortunately, it is only a few pages long. Cassandra Hartblay's 2012 master's thesis, entitled *Accessing Possibility: Disability, Parent-Activists and Citizenship in Contemporary Russia*, is also an important contribution to the discussion, though it largely deals with the ability of parents to overcome the challenges presented to their children by their children's disabilities. Kate Thomson's "Differentiating Integration: Special Education in the Russian Federation" published in the *European Journal of Special Needs Education* in 2002, also deals with the educational opportunities for handicapped students. It focuses on her own research in the cities of Samara and Saratov. However, Thomson's work largely focuses on educational opportunities for students with learning disabilities.

Sarah Phillip's 2011 *Disability and Mobile Citizenship in Postsocialist Ukraine* is a remarkable book dedicated to all aspects of inclusivity in contemporary Ukrainian society. It provides quite a bit of information on both Soviet and post-Soviet educational systems for the disabled and is therefore a great resource. It provides information on the themes of isolation, the importance of relationships within the physically handicapped community, the differences between opportunities available to urban versus rural populations, and discrimination, all of which are related to the sphere of education. As the title suggests, however, its primary focus is on Ukraine and its usefulness in this study is, therefore, limited.

In Russian, the seminal work that deals with the topic of education for the disabled is 2003's *Social Integration of Disabled Children in Contemporary Russia* written by D. V. Zaitsev (Russian: *Социальная интеграция детей-инвалидов в современной России* by Д. В. Зайцев). Other valuable publications include I. A. Ian'kova's article "Social-Teaching Programs, for the Purpose of Overcoming the Social Exclusion of Handicapped Children" (Russian: И. А.

Янькова “Социально-педагогические программы, направленные на преодоление социальной эксклюзии детей-инвалидов”) published in *Postgraduate Collection NGPU* in 2011 (Russian: *Аспирантский сборник НГПУ*) and V. M. Astapov’s article “The introduction of children with physical handicaps into educational society” (Russian: В. М. Астапов “Введение детей с ограниченными физическими возможностями в образовательный социум”). Astapov’s article provides a unique perspective because he examines the issues in relation to the current homeschool system. He concludes that this model does not provide for the social and emotional development of a child, and argues that it is the visiting teachers (within the existing homeschool system) who should be better trained in order to facilitate this development. Oleg Orestovich Mironov’s 2001 booklet *Special Report of the Commissioner for Human Rights in the Russian Federation: the Rights of the Disabled in the Russian Federation* (Russian: Олег Орестович Миронов *Специальный доклад Уполномоченного по правам человека в Российской Федерации: Права и возможности инвалидов в Российской Федерации*) devotes a great deal of time specifically to educational opportunities for the disabled and provides an explanation of the laws that govern responsibilities of the state to handicapped people.

Besides their differences in language, the literature mentioned above also provides several other points for comparison. Whether or not the authors take a comparative approach to the subject is a distinctive feature. Ian’kova’s article, Mironov’s booklet, and all of the works published in English use a comparative framework. Specifically this means that they compare the opportunities available to Russian handicapped students to those opportunities available to students in the United States, Canada, and/or Western Europe. Astapov’s article is a resource that maintains a Russo-centric perspective.

Furthermore, the authors have a fundamental disagreement on which elements in society should concern themselves with the education of the disabled. Are these problems for all of society or just for disabled individuals themselves and their families? Are the difficulties of integration a result of a failing of the state or of cultural attitudes towards the disabled? Ian'kova directly states that it is a society—wide issue (313) and calls for an increase in attention to the issue from Russian society (316). Astapov focuses on the role of families and teachers rather than greater society. Mironov explores the responsibility of the state. The authors published in English all mention a societal refusal to make inclusivity a priority.

Moreover, on the subject of responsibility there are major obstacles identified within the works surveyed: financial boundaries to inclusivity, and cultural boundaries to inclusivity. They are not always mutually exclusive, though most authors choose one or the other as the greater obstacle. Khudorenko focuses on practical barriers to inclusivity within the cultural sphere. Khudorenko is also the only author to discuss directly Russia's lack of compliance with the United Nations *Convention on the Rights of Persons with Disabilities*, to which Russia is member. Ian'kova's 2001 article discusses both the financial boundaries to inclusivity (briefly) as well as the cultural boundaries (in more detail). The reader finds an interesting separation between the Russian researchers and their approach to the question of cultural inclusivity and Western scholars and their approach. For instance, Ian'kova and Astapov agree that the social development of children diagnosed as 'invalids' and educated at home as a result of this diagnosis (in the post-Soviet period) suffer within the homeschool model. This phenomenon is largely ignored in the English-language literature, with the exception of Phillips and Hartblay. Ian'kova admits the practical problem of lack of funding for education, but she reminds the

reader that more successful models do not simply focus on a lack of government funds but incorporate businesses and social organizations to help make up the difference.

Ian'kova notes Russian society's cultural intolerance of handicapped citizens, particularly on the part of teachers but also in Russian society at large. She goes further to say, in agreement with Astapov, that this cultural view has so permeated society that handicapped people do not imagine themselves as potentially productive members of society. Ethel Dunn's "The Disabled in Russia in the 1990s," in *Russia's Torn Safety Nets: Health and Social Welfare during the Transition* (2000), briefly examines both the financial and cultural boundaries to inclusivity.

## 2.2 Related Literature

In order to understand the phenomena which interplay to create the problems examined in this study, the researcher must take into account several other types of research. One type of literature that could be quite helpful is memoirs. Unfortunately, very few exist. Ruben Gallego's *White on Black* is, therefore, a treasure-trove for the investigator looking to corroborate or illustrate academic research with first-hand experience<sup>12</sup>. Gallego, the grandson of Igancio Gallego, the former General Secretary of the Spanish Communist Party (Fishman 2004, 9), recalls the memorable events of his childhood in the residential school system after his family abandoned him there shortly after his birth. Though interesting and illustrative, Gallego's work is set in the late Soviet period and therefore not indicative of the system today. Ksenia Riabova's short story "Disability is not a Prison Sentence" (Russian: Ксения Рябова "Инвалидность—не приговор") may also fall into the category of memoirs<sup>13</sup>. The many

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<sup>12</sup> Originally published in 2004 by Limbus Press in Russian as *Белое на чёрном*. The English translation was used for this study.

<sup>13</sup> Riabova's 2011 short story is notable. However, this is not a discussion of self-published blog entries, which may, indeed, provide a place for future research.

human interest stories in Russian newspapers since the late Soviet period and into the present also help to provide real life examples of the effects of the current situation.

The discussion of Universal Design is important for this study.<sup>14</sup> In relation to this topic several works were instrumental. The most prominent collection on this topic is 2011's *Universal Design Handbook* (Second Edition) edited by Wolfgang F. E. Preiser and Korydon H. Smith. These editors organized the most thorough and up-to-date collection on international thought concerning universal design. Articles address the theoretical underpinnings of universal design, differences in design in developed versus developing countries, an explanation of the principles of universal design, and examinations of existing codes, regulations, and conventions that deal with accessibility and how they may or may not coincide with the principles of universal design. Though this book provides an international perspective, none of the contributors mention the Russian Federation. There are places for potential comparison, however. A section in this book examines universal design in Brazil which is a more useful as a comparison to the Russia situation than the Norwegian or the French, which are also included in this work.

Within the literature examined here there are several recurring problems that the researcher must deal with. Most problematic is that almost all of the research examines the opportunities for “disabled” people in general.<sup>15</sup> This has created a confusingly broad field of study which examines opportunities and limitations for the physically, mentally, and emotionally disabled, often without specifications. Imagine the vastly different challenges presented for the education of a blind child, for example, and those for a child with cerebral palsy or the education of a child diagnosed with schizophrenia. This, however, is more a reflection of the Soviet

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<sup>14</sup> Please see the “Discussion” chapter of this project for a further discussion of Universal Design.

<sup>15</sup> In Russian this is easy to identify as authors simply use the word “инвалиды”.

system, as reflected in academic work and personal testimonies of the period. The work of Ethel Dunn, Andrew Sutton, Astapov, Ian'kova, Zaitsev, Mironov, and Khudorenko discussed above all fall into this mode to one degree or another. As seen in a lot of the works published later, such as Phillips' book, Thomson's article, and Hartblay's thesis, different disabilities are starting to be handled individually or in more succinct groups than previously.

It may be worthwhile to note that several of the leading international human rights organizations have not issued major reports on the issue of access to education for disabled populations in Russia. Well respected organizations such as Human Rights Watch would be a rational place to search for information but they have not issued a major report on the subject. Human Rights Watch does periodically include the issue in its publications such as an article written by Tanya Lokshina and a sponsored photo exhibit in 2012.<sup>16</sup> The website "Disability World" and the NGO "Perspektiva", which is the major Russian disability rights activist organization, both served as important sources of up-to-date information for this project.

### 2.3 Further Research

Based on the review of relevant literature provided here, it seems that the interest in aligning the Russian disability rights movement and international standards for accessibility has started to grow in post-Soviet Russia. Unfortunately, most works, even those that deal specifically with the non-Western sphere such as Bill Albert's *In or Out of the Mainstream? Lessons from Research on Disability and Development Cooperation*, do not deal directly with post-Soviet Russia. Phillips' *Disability and Mobility in Post-Soviet Ukraine*, which is important for trying to understand the ways that popular culture in the post-Soviet space imagines and understands disability differently from the American perspective and which has provided an

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<sup>16</sup> Lokshina, Tanya. "Breaking Barriers: The Disability Rights Movement in Russia" *Human Rights Watch*. [www.hrw.org/news/](http://www.hrw.org/news/). 24 August 2012.

important framework for disability study in the post-Soviet sphere, cannot directly speak to the situation in Russia.

### CHAPTER 3: METHODS AND MATERIALS

During their presidencies and periods as prime ministers both Vladimir Putin and Dmitry Medvedev voiced their support for inclusive education. On 24 September 2008 Medvedev signed the United Nations *Convention on the Rights of Persons with Disabilities* which includes provisions for inclusive education. In September 2009 Medvedev visited elementary school number 518 in Moscow, one of only a handful of schools in Russia that already offers inclusive education for handicapped children along with their able-bodied peers, demonstrating his support for inclusive education (Perspektiva 2009, 2). As prime minister in November 2012 Medvedev visited Moscow State Institute of Humanities and Economics for Students with Disabilities for a roundtable discussion about educational and work opportunities for disabled students in Russia. On 2 June 2012 Vladimir Putin signed the decree “On the National Strategy of Action for Children for 2012-2017” (“Novosti inkluzivnogo obrazovaniia...” 2013). On 25 September 2012 the Russian Duma ratified the *Convention on the Rights of Persons with Disabilities* with no reservations under the presidency of Vladimir Putin (“United Nations Treaty Collection”).

Despite this level of political support the majority of physically handicapped students in Russia do not attend schools with non-disabled students (Perspektiva 2009, 1). In fact, as the disability rights NGO Perspektiva reports on their website, “in Russia today the majority of children with disabilities are still segregated in residential or special education institutions, educated in their homes, or receive no education at all”. For the transition to widespread inclusive education, physical accessibility to schools must be improved. As illustrated in the “Introduction” and “Literature Review” of this project, there has been very little academic writing about the problems of physical accessibility and inclusive education. Much of the scholarship that has been done has focused on the training of teachers, the societal perceptions of

disabled people, and the legitimacy of the residential school system, with passing remarks made about the lack of physical infrastructure. In its February 2011 “Joint NGO Shadow Report on Disability Rights”, issued to the Committee on the International Covenant on Economic, Social and Cultural Rights, Perspektiva only touches in passing on physical inaccessibility when it writes “educational institutions are not accessible to disabled persons with mobility difficulties” (Perspektiva 2011, 5).

Making the shift from the residential school system or the home school model to inclusive education will require many changes. Determining a place to start might seem overwhelming. However, one of the quickest and cheapest ways to start making inclusive education more accessible is to install ramps at schools’ entry ways. Yet, local authorities in Russia seem hesitant to do this, as evidenced by the court cases examined for this study and presented below.

### 3.1 Methods

This project seeks to understand one of the most basic barriers to inclusive education in Russia: the lack of ramps at the entrances to educational institutions. To examine this issue I have reviewed the publically available records of twenty court cases adjudicated between 2010 and 2013 with the following questions in mind: (1) what laws govern the installation of ramps at schools’ entry ways? (2) Who is invested in having ramps installed at schools entry ways? (3) What kinds of consequences exist for not installing them? (4) What reasons do defendants give for not previously, voluntarily installing them? (5) How did the cases come to the court? (6) Are there patterns in the way the courts view the installation of ramps in schools?

Relevant cases were identified through a variety of methods, all online. Since the early 2000s online access to Russian legal documents and judicial decisions has grown. In 2001 the

federal government initiated a program for the development of the judicial system which included provisions for online access to judicial resources (“Gosudarstvennaia avtomatizirovannaia sistema...” 2013) and again showed support for access in December 2008 when the law “On Providing Access to Information on Courts’ Activity in the Russian Federation” (“Russia: Upper House Passes Bill...” 2008) was passed.

This openness to publishing full-text decisions online has made it easier to locate relevant cases through reliable sources, such as the Russian courts’ official website “State Automated System of the Russian Federation ‘Justice’” located at sudrf.ru. The publishing of full-text cases on sudrf.ru began in the early 2000s as a result of a governmental initiative to guarantee the independence of the judiciary and ensure the rights of Russian citizens to access judicial information (Gosudarstvennaia avtomatizirovannaia sistema 2013). Because of its status as the official Russian database of cases, it was my preferred source for locating full text court decisions. However, this website does not easily allow for the key word searching of full-text judicial decisions without already knowing quite a bit of identifying information. Such identifying information could conceivably be found via general searches on yandex.ru using Russian key words written in the Cyrillic alphabet. However, such searches usually turn up more news stories and personal blog entries than legal documents. These results sometimes lead to identifying a specific case which can be tracked in the official Russian legal websites, but this is rarely the case as news stories and blogs do not usually include any of the relevant identifying information, such as a case number, or an exact location of the court and date of the decision.

If cases were not identifiable on sudrf.ru, the second preferred method of locating full-text decisions was through three open access websites that publish decisions in full, “Aktoskope”

(Russian: Актоскоп) located at [actoscope.com](http://actoscope.com), “Pravo” located at [docs.pravo.ru](http://docs.pravo.ru), and “Invisible Novosibirsk” (Russian: Незримый Новосибирск) located at [novodostup.ru](http://novodostup.ru).

Aktoskope describes itself as a “legal information system” aimed specifically at Russian legal professionals. It offers free access to the full text of more than three million civil and criminal court cases. It also offers access to full-text legislation.

Pravo describes itself as a “legal reference system.” It is a new project which is currently free, but in the future the website states that the administrators are planning to charge a 500 ruble subscription fee (“pravo.ru o sisteme”). Its focus is largely on decisions made in the Russian arbitration courts although other cases are currently available. The website also hosts a judicially focused blog and an archive of published news stories related to issues of law and justice and the legal profession. Searches to find specific cases can be done in Russian if the researcher has any of the following information: participants in the case, name of the judge, name of the court in which the case was tried, case number, and/or date of the decision. The more information one has, the easier the case is to locate.

“Invisible Novosibirsk” is a portal specifically designed for the visually impaired and was initially funded through a local organization for the visually impaired. Although the site includes access to the full-text decisions of some court cases related to physically handicapped Russian citizens, the main purpose of the site is to serve as a general resource for handicapped persons and includes news stories, discussion forums, and information about local, national and international programs and policies which affect disabled people (“Незримый Новосибирск главная”).

A third method of locating relevant cases for this project was through press releases issued by the courts, also found on [sudrf.ru](http://sudrf.ru). This method was used when individual case

histories themselves could not be located. These press releases provide summaries of the cases and the decisions of the judge, though they do not provide specific identifying information, such as a case number. In addition, they sometimes reference multiple cases which are related. For example, if several cases were filed within a few months of each other concerning physical access to schools, stores, and municipal buildings in one region a single press release may be issued in reference to all of the cases.

### 3.2 Materials

In order to respond to the six questions outlined above, this project examines twenty court cases adjudicated between 2010 and 2013. All of the cases deal with the installation of ramps at school buildings. An effort was made to include cases from many of the varied regions of Russia to give a country-wide perspective. The cases are listed below in chronological order.

Information included in the appendix is in both a translated form and the original Russian to make it is clear to the reader, and also as useful as possible to other researchers. As much identifying information as could be found is included. Occasionally, information such as case numbers or the names/ numbers of the exact schools affected by the ruling have been removed from the information provided by the court before publication. This happens in situations where the court deems such information to be sensitive.

## CHAPTER 4: FINDINGS

### 4.1 A Very Brief Introduction to the Russian Legal System

Although this study does not require an advanced understanding of the complicated workings of Russian law and the court system, a brief overview of the relevant aspects of the Russian legal system is helpful to understand the results of the study. The judicial system consists of several courts. The Constitutional Court system adjudicates cases which have been purported to have violated the federal constitution. Federal Courts of General Jurisdiction and Arbitration Courts deal with legal disputes of the economic variety<sup>17</sup>. There are also local justices of the peace who deal with small claims. Local courts can be found in all administrative districts of Russia and they serve as the court of first instance. Above them are situated Federal District Courts (*Legal Research Guide: Russia*). It is important to note that “historically, Russia belongs to the continental legal system, and a written law, which was passed under the established legislative procedure, is the main legal source” (*Legal Research Guide: Russia*). In this study, cases were tried in regional or city courts under the category “citizens’ cases”.<sup>18</sup>

### 4.2 Results of the Study

The full-text decisions and the press releases issued on the cases used in this study provide a wealth of information. In order to discuss this information in an organized way, I will return to the questions I outlined in the “Methods” section of chapter two and answer each question individually in summary before moving on to the next.

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<sup>17</sup> Arbitration Courts (Russian: арбитражные суды) exist within the federal legal system, but are quite separate and serve a very different function from the other courts discussed here. As cases examined for this study did not go through arbitration courts, they will not be further discussed.

<sup>18</sup> Russian: Гражданское дело.

(1) What laws govern the installation of ramps at schools' entrances?

Although several of the cases are adjudicated on the basis of more than one law, in almost every case examined, the law "On the Social Protection of Handicapped Persons" was applied. From the published decision of each case it seems that this law has been applied uniformly. Judges take seriously the rights of handicapped persons to access all buildings, especially those managed by municipal authorities such as schools.

(2) Who is invested in having ramps installed at the entry ways?

There was not as much evidence provided to answer this question as originally hypothesized due to the court's system of removing sensitive information, such as personal names, from public records. In the vast majority of the cases, prosecutors were acting on behalf of an "unidentified number of people." Only guesses can be made about who these people may be. Most likely, they are relatives of disabled students.

(3) What kinds of consequences exist for not installing ramps?

This topic is rarely addressed in the decisions themselves. However, if one considers that in most of the cases the ruling of the court required only that the schools install ramps and that the defendants pay court fees which amount to only a few hundred rubles, it seems that these are not sufficient deterrents for not installing the ramps.

(4) What reasons do defendants give for not previously, voluntarily installing ramps?

This is a key question for understanding the root of the problem. Answering it could provide valuable information for civil society groups that want to initiate accessibility without filing a court case. The majority of the cases examined here do not provide much information that is

helpful to answer this question. Indeed, the fact that the defendants in the case do not often show up to court on the day of the ruling, but rather send a written statement to the court instead, has probably affected this lack of information.

The few cases that do offer explanations as to why ramps were not previously installed offer several different explanations for their failure to comply with federal law. Several of the schools mention that there simply were no funds in the budget to cover the cost of installing a ramp that year (case from Evraninskii regional court and Sovetskii regional court). Although this may be seen as an easy excuse to make up, it might also be interpreted as a legitimate problem that either local or federal authorities could potentially solve by issuing funds specifically for the building of ramps. The other reasons stated for lack of compliance are less excusable. The reason most often provided is that there are currently no students in wheelchairs or with mobility problems who currently attend the school in question and that therefore, a ramp is not needed (case number 2-2209-2011 Mikhailovskii regional court).

The director of the school involved in case number 2-4077/2010 from Ioshkar-Olinskii city court claimed that since the school was built before the passing of the law “On the Social Protection of Handicapped Persons” it should not be required to install a ramp. The only case that deals with the situation at a residential school disturbingly argues that no ramp has been previously installed because the layout of the entrance to the building simply does not allow for the installation of a ramp (№ 2-1441/2011 Severomorskii city court).

(5) How did these cases come to court?

There are two distinct ways that cases came to court. One way is through an audit presumably conducted by some local authorities. The other, seemingly more popular way, is through civil

society organizations, though they are rarely deemed as such. Usually the wording is that the local prosecutor is acting on behalf of an “unidentified number of people.”<sup>19</sup>

(6) Are there patterns in the ways the courts view the installation of ramps in schools?

The cases examined in this study show clear support from the regional and city courts for following the letter and the spirit of the law “On the Social Protection of Handicapped Persons.” The courts view physical access to schools as non-negotiable and have not accepted arguments such as the one put forth by the defendants in one case that there are currently no handicapped students in the school system and therefore no ramp is necessary.

#### 4.3 Notable Specificities

Several interesting and unexpected results became apparent during the study. The case of the Metallurgicheskii regional court in Chelyabinsk provides an interesting anomaly among the results. While all other factors remain within the trends of the results of the group, this case resulted in a total of 18 schools in the region being ordered to install ramps. This may be seen as a result of further awareness about disability rights in the region or a widespread grassroots activism effort. As this case was decided in late 2012, we might notice a growth in awareness since the first cases examined in 2010.

Outside of initiatives for court cases taken by members of civil society, it seems evident that local authorities are implementing the few tools they have to ensure accessibility. A number of the cases reviewed here began with an audit that found schools to be in non-compliance. This auditing process did not presumably result in efforts to install proper equipment. This seems to

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<sup>19</sup> As the decisions have been printed in Russian, the phrase that is usually used is: прокурор...в интересах неопределенного круга лиц.

have been the situation with case number 2-702/12 from the Kirovskii regional court in Kazan as well as the 2010 case from Yakutia.

Case number 2-57-2010 from Novosëlskii regional court in Krasnoiarsk region is the sole instance in the cases I examine which cited the factor that the school serves as polling place during elections and that its inaccessibility may also violate the constitutionally-guaranteed rights of citizens to vote in elections.

Another unexpected finding was the unexplained variation in lengths of time courts gave to defendants to install ramps. All different lengths of time were represented, from 30 days from the date of the decision to eight months. A reason could not be determined, based on the evidence provided in the decisions, for the differences in time.

Finally, in several of the cases the defendant did not contest the accusations and agreed to have a ramp installed in the amount of time the court demanded. An explanation could not be found for this within the publically available court decisions.

As a whole, the results of this study reflect that judges in Russia do stand behind the letter and spirit of the law “On the Social Protection of Handicapped Persons” and that the judicial system, in fact, may be part of the solution to the problem of establishing a model of inclusive education in Russia. The refusal to install ramps shows that the deterrents currently in place to keep educational institutions from excluding physically handicapped students are not strong enough. This is most evident in the decisions which state the amount of money defendants needed to pay, in the form of court fees or fines. These pitiable sums are not large enough to persuade those who are not convinced by their own moral compass to voluntarily install ramps.

## CHAPTER 5: DISCUSSION

The findings presented in chapter three provide several important points of discussion for the ways the Russian educational and judicial systems reflect and refute previous research done on wheelchair accessibility. They also present their own sets of difficulties yet to be examined either by researchers on accessibility or by researchers who focus on post-Soviet Russia. In this chapter I will discuss how the findings from this study demonstrate that there are both legal and practical issues involved in determining access to education. The results clearly show that the judicial system is not a direct impediment to inclusive education, although they do reflect the piecemeal approach to deal with accessibility evident throughout the country. The results hint at the importance of international agreements in the form of conventions, and the ways they may have influenced Russian legal perspectives. From a practical perspective, it seems that the cases bring to light the problem of funding for ramp installation and that experts are not consulted for accessibility projects. Furthermore, the cases exemplify two important ambiguities in the law—first, the acceptability of homeschooling in place of physical attendance at educational institutions and second, the problem of retrofitting buildings. Next, I will discuss two broader problems illustrated by the legal texts consulted for this project but not directly mentioned in them—the problem of a piecemeal approach to accessibility and the need for a new framework, or model, to use when thinking about disability in Russia. Finally, I will echo the sentiment of many other scholars and highlight that most of the issues and specificities in this study reflect the cultural barriers to acceptance of disabled people into society.

First, and most importantly, it can be concluded that Russian judges and the judicial system as a whole are not an impediment to educational inclusivity. On the contrary, the cases

examined show that judges have consistently applied and upheld the law “On the Social Protection of Handicapped Persons” and have been supportive of equipping entrances to schools with ramps. This is especially clear in the cases where the defendant does give an excuse for why the ramps have not been previously installed. The judges’ decisions do not seem affected by claims of lack of funds or the absence of mobility-impaired students. Judges may have considered these excuses when determining the length of time given to allow for the compliance of the ruling.

In several cases Russian judges specifically recall international obligations to make public education facilities accessible to all members of the community. None of the cases examined mention specifically which agreements they are referring to, but it can be assumed that they are recalling the *International Covenant on Social, Economic and Cultural Rights*, the *Convention on the Rights of the Child*, and the *Convention for the Protection of Rights of Persons with Disabilities*. Russia is a state party to each of these conventions.<sup>20</sup>

The judges’ mentioning of international obligation provides an interesting counter-perspective to popular public opinion. Many teachers and school administrators, although well educated, seem to exhibit the same prejudices about handicapped students as does the public at large (see Kate Thomson’s research), while judicial officials and NGO leaders make up a distinctly separate group of people who believe in educational equality similar to the ideal in western countries. While educators seem to cling to the Soviet separate-is-better idea, judges are

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<sup>20</sup> Each convention mentions the right of all students to receive an education. Article 2 of the Convention for the Protection of Rights of Persons with Disabilities states that “‘discrimination on the basis of disability’ means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.” The convention defines “reasonable accommodation” as “‘necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.’”

more keenly aware of international expectations for inclusive education. Considering this, we might determine that the perspectives on disability and accessibility are highly fragmented within Russian society.

In about half of the cases examined, the defendant did not try to fight the accusations of “illegal inactivity” and did not contest the fact that they did not previously install ramps. In fact, several of the defendants mentioned that they planned to install ramps at some vague, unspecified future date when funds would be great enough to cover the costs. Indeed, many of the defendants in these cases state that their lack of funds was an inhibitor, or even *the* inhibitor, to their being able to install ramps at the schools. It is not clear based on all the materials examined whether schools are underfunded in general and therefore cannot be realistically expected to fund the installation of structural modifications to make their buildings accessible, or whether funding projects for accessibility is simply not a priority in the school budget. If the former is true, then federal policy makers may eventually see the need for a federally funded program specifically and exclusively to install ramps in schools. If the latter is true, then local and national civil society organizations may decide to put pressure on local governments to prioritize funding for ramps over competing projects.

The court cases hint at the lack of involvement of disability experts<sup>21</sup> in deciding questions about accessibility, which seem to have been largely relegated to school officials. This same phenomenon is evident in Kate Thomson’s article “Differentiating Integration: Special Education in the Russian Federation” published in the *European Journal of Special Needs Education* in 2002. She writes:

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<sup>21</sup> “Disability experts” here can either refer to disability and accessibility academic specialists or disabled people themselves who are experts based on their everyday experiences.

Saratov had one pre-school facility (run by the Education administration) which accepted children with physical and intellectual impairments. As in Samara, this facility could assist some children to gain access to the education system where they otherwise would not. However, the kindergarten was located in a remote district of the city and was thus virtually inaccessible for many families (Thomson, 38).

The inaccessibility due to location noted by Thomson is just as problematic as the inaccessibility of schools due to the absence of ramps. Including wheelchair-bound citizens in local and regional conversations about accessibility should help to avoid such problems. Certainly had the planners of the kindergarten in Saratov consulted either Russian disability experts, families of disabled students, or local disabled citizens themselves, the issue of location would have been brought to their attention.

The assertion that the disabled themselves should be involved in decisions about accessibility is widely supported. In the last ten years discussions on global development have come to include the role that disabled citizens can (and should) play in discussions on development, infrastructure, and city planning. Including the disabled in discussion on accessibility would, in fact, fall in line with the United Nation's *Standard Rules on Equalisation of Opportunities for Disabled Persons* which specifically calls for the inclusion of disabled persons at the local, national, and international level.

Unfortunately, my study did not provide any direct conclusions about the legality or the desirability of the system of homeschooling which has developed as the only recourse to inaccessibility and the deterioration of the residential school system in post-Soviet Russia. The widespread nature of this system can be seen as one of the main barriers to inclusive education. This issue of segregation was only briefly mentioned in one of the cases, case number 2-4077/2010, from the republic of Marii El. After stating that the defendant claimed that the

school in question had not installed ramps for wheelchair users because it was built before the passing of the law “On the Social Protection of Handicapped Persons” the court is reminded that a homeschooling system has been incorporated into the school curriculum to educate students who cannot, for medical reasons, physically attend school. The question of whether or not that is an acceptable alternative goes unquestioned by the presiding judge.

Several of the cases bring up the question of retrofitting buildings. Determining to what extent retrofitting is required is not only a problem in Russia, but worldwide. In fact, the *Convention on the Rights of Persons with Disabilities* “did not specify whether the standards and guidelines should be applied only to new constructions or should involve retrofitting old constructions” (Mathiason 2011, 5.4). This will have to be dealt with on a country-by-country basis in the future. Considering that the judge presiding over case number 2-4077/2010 in Marii El did rule that ramps needed to be installed in the school even though the defense asserted that the school should not be required to do so because the school was built before the passing of the law “On the Social Protection of Handicapped Persons”, we might hypothesize that, at the very least, some level of modification to existing structures could be required on a country-wide basis.

Let us return for a moment to the argument presented in the “Introduction” to this thesis, that the system of residential schools in the Soviet Union has been mischaracterized in the West as a useless, even damaging, system of institutionalization. Proponents of the residential school system in today’s Russia argue that there are compelling financial and educational arguments for the upkeep of residential schools, and that they are preferable to the current system of ad-hoc homeschooling. When faced with the decision between remodeling virtually all of Russian infrastructure to accommodate the physically handicapped or sequestering the physically handicapped into already equipped residential schools, they argue that the residential schools are

not simply the easier answer, but realistically the only financially feasible option. In addition, though the system might be distasteful to the West due to the notion that separate systems of education are inherently unequal, the residential schools in the Soviet Union fostered the growth of a group of highly specialized, very capable professionals who were educated specifically to treat handicapped students.

Although the arguments in favor of the residential school system may be convincing from some points of view, case 2-1441/2011 echoes one of the problems that Ruben Gallego describes in his memoir of his childhood in the residential school system, *White on Black*, i.e. that even the residential schools themselves can be inaccessible for wheelchair-bound residents. Case 2-1441/2011 provides some of the most upsetting descriptions of the environment for handicapped children precisely because the defendant is the director of a residential school. The prosecutor asserts that the entrance to the residential school is not equipped with a ramp. This is even more disturbing when one realizes that the need for ramps at an residential school would probably be higher than at a “normal” public school.

If one considers the cases examined as a whole, this study reflects the problem of the piecemeal approach to accessibility in place in Russia which has also been described by other scholars. Each case focused on the installation of a single ramp at the outside entrance to a school building. Instead of thinking holistically about what a wheelchair-bound student might need in order to succeed (or indeed, even survive) a single day of schooling, all of the cases address only one single aspect of accessibility— ramps.

## 5.1 Choosing a New Model

Most scholars of disability in post-Soviet Russia (and Ukraine), regardless of whether they work on legal, anthropological, or architectural aspects of this issue, agree that there is a need for a new model of conceptualizing disability within Russian society. Finding a model on which Russia can base its own change is one of the most important challenges disability activists face today.

Currently, the medical model of disability is the predominant way of thinking about disabled persons in the Russian Federation. This does not seem to have change since Vygotskii's time. The medical model imagines disability as a feature of a person (Ostroff 2011, 1.3). Evidence of the medical model is everywhere, though it is particularly clear in the language used to describe disabled citizens. As mentioned in Ostroff "language is among the most common markers of paradigms" (2011, 1.4). Therefore, changing the way medical professionals, teachers, and politicians speak about disability and disabled citizens in Russia is a key to changing the whole system. Furthermore, "ways of saying are ways of seeing. Terms influence, positively or negatively, people's attitudes toward a subject" (Balaram 2011, 3.1) and "...it can be argued that constructing policies are an essential first step and that changing language provides a stepping stone for transforming attitudes and cultures" (Albert and Harrison 2006, 2).

In much of the rest of the developed world the social model of disability has been adopted. The social model understands disability as a function of the interaction of people with their surrounding environment. It is precisely the environment that either enables or disables each of us (Ostroff 2011, 1.3). In the preamble to the *Convention of the Rights of Persons with Disabilities* a commitment to the social model is taken since it states that signatories recognize "that 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”.

However, insisting Russia simply adopt the model currently in place in the West is not necessarily the most effective, or financially feasible, way of achieving accessibility. Instead, Russian policy makers and activists might look to those models that exist outside of the Western hemisphere or create their own. If they choose to look outside of the disability movement in the United States, for example, they will find the results of studies done in the developing world which could be potentially helpful to re-evaluating the Russian context. Depending on how the conversation is shaped, this might be preferable when activists attempt to gain political support considering Russia’s insistence on its “special path.” Instead of “trying to catch up to the West” choosing a model from somewhere else in the world could be a good public relations spin and may even win activists more domestic political support.

Interestingly, within the body of work on disability and development surveyed for this project, not a single author completed a study on the situation in Russia. This may be due to Russia’s status as an already industrialized country; though Russian disability advocates might argue that the situation for disabled people, particularly in rural Russia, is more similar to those in the developing world than it is in Canada or Sweden.

One of the most celebrated global movements in rethinking accessibility has been the movement for Universal Design. The term “universal design” was used for the first time in the 1980s by Ronald Mace (Balaram 2011, 3.2). The practice of Universal Design is built on the social model of disability (Ostroff 2011, 1.3). There are seven principles which underpin the

philosophy of universal design articulated in the 1990s at North Carolina State University during a U.S. Department of Education study (Story 2011, 4.4):

1. Equitable use
2. Flexibility in use
3. Simple and intuitive use
4. Perceptible information
5. Tolerance for Error
6. Low level of physical effort
7. Size and space for approach and use

Explaining the lack of push towards Universal Design in Russia is a multi-layered matter. For one thing, one of the major factors driving Universal Design globally has been “the nonregulated market driven responses to an aging society, primarily relating to products” (Ostroff 2011, 1.4). To illustrate this, examples of highly developed capitalist systems are given, particularly that of the United States and Japan (Ostroff 2011, 1.4). Universal Design seeks to replace the idea that a certain percentage of any population causes extra work, or needs special attention, a sentiment which often results in ugly design schemes (imagine a beautiful, historic building with an ugly metal ramp protruding from the original entrance which is made up of intricately designed steps). Instead, it provides the principles for supporting designs that are functional for all users and do not separate those people who “can” do something (such as walk up stairs) from those who “cannot.”

Universal Design, falling in line with the social model of disability, questions the very understanding of disability and what makes a person “able” or “disabled.” “At their foundation, universal design and parallel concepts call into question the complex, dynamic, and reciprocal relationships between persons and the built environment” (Webb et al 2011, 43.1). As for the implementation of Universal Design in Russia, one major setback is that currently there are no

official audit tools to assess compliance with Universal Design standards (Ramot et al. 2011, 16.4)

Although I could not find any research done on Universal Design in Russia, models of implementing Universal Design do exist. The experience of projects in both the developed and the developing world can illustrate best practices and guide at least the beginning stages of a new conversation on implementing accessibility in contemporary Russia. If Russian cities take on the issues of accessibility independently, that is, from a local instead of a national approach, they may be able to avoid the lack of tools to assess compliance with Universal Design standards by adopting existing mechanisms developed by other localities, such as the one described by Ramot et al. in the city of Jerusalem (16.6). The case of Italy also proves instructive since there often, for both financial and historical reasons, needs to be a focus on renovating existing structures rather than building new ones. The author of this section also notes that in Italy the focus on accessibility remains on the built environment rather than on products, (the latter perspective having become more popular in the United States) another potential commonality with Russia (Morini 2011, 15.1). From a study done in Norway, Russian designers and policy makers might note the authors' findings that national guidelines and laws are instrumental in the successful completion of such projects, and that training and information about the principles of Universal Design are crucial to their acceptance and widespread implementation (Bringa et al. 2011, 10.8).

The use of competitions in design schools to instigate thinking about Universal Design even when it is not present in the set curriculum has shown to peak interest of young designers. Curriculum on Universal Design has been instituted in the Berlin University of the Arts, for example (Krauss 2011, 13.9). Such programs could conceivably be easily added to the curriculum of Russian design, engineering, and even architectural programs, at a relatively low

cost. It has been argued that providing this education is crucial to promoting accessibility.

Ostroff writes:

Until universal/inclusive design is infused in preprofessional and continuing education, the attitudes of designers will limit their understanding and appreciation of diversity. They will continue to shape their designs for a mythical average norm, creating barriers that exclude the contributions and participation of millions of people all over the world (2011, 1.9).

My final note of advocacy on behalf of the merits of Universal Design is simply an echo of many scholars of the subject. A reconceptualization of what are “mainstream” and “marginal” issues is a key element of Universal Design and is, therefore, even more valuable to societies which segregate their populations to such a great extent based on physical abilities. Manley uses the example of city streets to illustrate this point, writing that “inaccessible streets are perceived to be a minority issue, so the political will to make changes is normally in short supply and even more constrained by the current economic situation and global recession. It is surely time to abandon the idea that issues associated with good accessibility are only a minority interest. Everyone is affected” (Manley 2011, 17.5). Many Universal Design proponents emphasize that incorporating principles of Universal Design enhances the usability of an item for all users, not just those who are disabled. Mueller’s research speaks to the theory that “job accommodations usually benefit workers without disabilities as well as the worker requesting accommodation” (2011, 23.2). In Russia, implementing the principles of Universal Design could be marketed by pairing the interests of the disabled with attaining greater accessibility for baby carriages and the elderly. Incorporating designs that enhance accessibility for these populations will also enhance accessibility for the physically disabled.

## 5.2 Cultural Barriers

Scholar Marvelo Pinto Guimaraes describes the situation of accessibility in his native Brazil by writing, “initiatives for implementation of accessibility through technical standards and strong legislation will only replicate inadequate design solutions without addressing qualitative issues, such as social inclusion and other contextual or cultural consideration” (2011, 14.2). He could just as readily have been describing Russia, where problems of social inclusion, including resistance to inclusive education, have been colored by the overall public opinion of handicapped persons. This has often been cited as a major inhibitor to a more inclusive society. Both international and Russian researchers point this out. In her article for Human Rights Watch Tanya Lokshina writes:

According to the United Nations Children’s Fund, only 2 percent of Russian schools have an inclusive education approach, in which children with and without disabilities attend school together. The government pledges to expand inclusive education to 50 percent of schools by 2015. But reaching that goal will require a comprehensive plan to improve school infrastructure, train teachers, and – last, but definitely not least – educate parents and the community as to why this is important and beneficial for society as a whole (2012).

The findings of this thesis support Lokshina’s and Guimaraes’ sentiments. Although it is obvious from the court cases examined here that physical accessibility is indeed one of the biggest barriers to inclusive education, and more importantly, inclusion in all aspects of life, the underlying sentiment widespread in Russian society that handicapped persons are not valuable to society and cannot contribute anything of use throws a shadow over any potential initiatives to increase their inclusion. As described above, we can readily see a lack of acceptance in the language used about disabled people.

Ethel Dunn was one of the first researchers to identify this sentiment in Russian society and explain its cyclical nature. She explains that the physical barriers to mobility are a symptom of a cultural conception of physically handicapped citizens as non-productive members of

society and that the attitude that denies mobility is further enhanced by the absence of physically handicapped citizens from every day interactions. Dunn writes that a "...sheer lack of contact with the disabled elicits negative attitudes from the able-bodied about whether the disabled should be integrated into society" (2000, 154). I agree with Dunn's conclusion that negative cultural attitudes towards the disabled are at least in part a result of the lack of contact between the able-bodied and the disabled. This lack of contact is due to the physical barriers which prevent the two populations from interacting. If the physical barriers were dealt with at the structural level, many of the cultural issues could be more quickly solved. Implementation of the laws already embraced in the Russia system will have a direct effect on the issues currently identified as "cultural." Making Russian schools more accessible by installing ramps is perhaps the first steps towards increasing contact between disabled and abled members of Russian society in a large scale way.

### 5.3 A Comparative Perspective

It should be noted that Russia is not alone in its lack of compliance with existing standards; Israel and the U.S. have also been accused of this (Ramot et al., 2011, 16.3-16.4), and only one single station of London's subway system was considered accessible in 2011, the newly built Jubilee Line (Preiser and Smith 2011, 20.6). This comparative perspective does not only hold for physical accessibility issues, but also for those issues, such as economic status, which are a result of accessibility. Even the connection between poverty and disability is clear in developed capitalistic society such as the United States and Japan. Two-thirds of Americans with disabilities are unemployed (Mueller 2011, 23.1).

In addition, Russia is far from alone in encountering social stigma unfavorable to the disabled. In other societies the social situation of the disabled population might even be

considered worse. “From its official formation in the early 1980s, getting disability meaningfully on the development agenda has been the major priority for the international disability movement...not only are disabled people vastly over-represented among the world’s poorest people, in many instances they are not considered to be ‘real’ people at all” (Albert and Harrison 2006, 1). Russia should not be chided for its current situation or strictly forced to implement the models of inclusivity currently in place in the United States or parts of the European Union. They should, however, be held to international standards and goals outlined in international conventions and be creative in re-imagining potential alternatives to the current situation.

#### 5.4 Alternatives

Alternatives to the dichotomy of completely inclusive education and homeschool-based or residential school education do exist. In her research Ian’kova calls for using the internet in a more active way to facilitate socialization and examines a program in the city of Novosibirsk where students who are not handicapped participate in a volunteer project at a city center for students with psycho-physical handicaps (316). However, Ian’kova notes the cooperation and funding of European organizations for this and other programs in Novosibirsk. Only time and new research will tell how these organizations will be effected by the new law requiring Russian organizations receiving foreign funding to register as foreign agents. Whether or not foreign funding is involved in the future, Ian’kova’s research highlights the idea that Russian teachers and communities can come up with low-cost and high-benefit ways to start immediately addressing the issue of inclusivity without demanding expensive renovation projects.

## CHAPTER 6: CONCLUSION

There are, of course, many more barriers to inclusive education that the installation of ramps cannot solve. Cassandra Hartblay discusses the multi-layered nature of accessibility in her interviews with Nina, a mother of a 21 year old daughter with cerebral palsy in Petrozavodsk who uses a wheelchair to get around. When discussing mobility issues in her town Nina comments that a local grocery store has added a wheelchair ramp that her daughter can use to wheel up to the store front, however, since the door is not wide enough for a wheelchair to enter; the girl cannot physically enter the store (Hartbley 2012, 35; 39), rendering the ramp moot.

In fact, the cases examined for this study, while focusing on the micro-issue of ramps, provide evidence for many of the other issues of resistance to inclusive education. Not least of these barriers is the continued “belief in segregation as an educational tool [which] was deep-seated and must be recognized as a serious barrier to systemic change” (Thomson 2002, 40). Many community members and professionals argue that the residential school system is a more effective or at least more cost-efficient system and should not be abandoned altogether. Kate Thomson found this to be a common sentiment in her research in the city of Saratov. She writes:

integration was widely perceived as being more demanding on resources than continuing with the current segregated system, as additional resources currently concentrated in special education would need to be spread more thinly. Disabled children were being acknowledged as a spending and policy priority: this was best realized through targeted, meaning segregated, provision specifically for them. School staff appealed to financial pragmatism to explain continued investment in the special, segregated system (2002, 40).

The sentiments reported by the teachers Thomson interviewed actually get at the heart of the political and socio-economic system resulting from the breakup of the Soviet Union. As we see in other fields of study, although the political and economic system of the Soviet Union crumbled and the Russian Federation was one of several states that appeared in its wake, Soviet

residues remain imbedded in many aspects of daily life and culture. As Russian disability scholar Ian'kova writes "Russia's movement towards political and economic freedom demand a break from pedagogical conservatism and authoritarianism, a break from the idea that students and teachers are cogs in a hierarchical administrative machine" (Ian'kova). The issue is made all the more urgent by the alleged increase in the number of handicapped children in Russia asserted by many scholars, including Ian'kova and Astapov.<sup>22</sup>

### 6.1 Re-conceptualizing the Arguments

Arguments for inclusive education around the world often center on fairness. But it is worth considering that this may not be the most effective argument in the Russian case. The economic argument may prove stronger. As Rebecca Yeo argues, disability often results in poverty (Yeo 2006, 74). In Russia this is very often the situation as the lack of a solid education and widespread discrimination often result in handicapped people relying solely on minimal assistance from the state to cover all of their financial needs. Taking this into account, it might be worth shifting the argument for inclusive education away from fairness and towards the potentiality giving disabled students the chance to earn an income outside of the welfare system.

Admittedly, this continual transition to a market economy is a unique aspect of the situation in Russia. Re-imagining new sources of profit connected to greater accessibility could create a more widespread interest in the issues. University design programs or government offices could liaise with contracting companies and furniture stores, plumbers and working designers to spread knowledge about accessibility and link potential suppliers with potential customers. Such a program was successfully carried out in the United States by The Ohio State University and Lowe's Home Improvement stores. Employees of the store were trained by the

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<sup>22</sup> Neither of these authors make it clear whether there are more people living with handicaps or more people registering their disabilities.

University in short workshops and were then able to knowledgably inform customers, presumably both individual citizens and contractors, about accessible design and products. One of the lessons learned from this project was that there exists a market not simply for physically handicapped people, but also for anyone who might benefit from more accessible products and designs, including the elderly and children (Teaford et al., 2011, 29.11). Such a program in Russia could give a home improvement store or a remodeler a leg up on the market since his or her knowledge would make him/her more attractive to those looking to remodel apartments for the disabled, the elderly, or those families with small children.

## 6.2 The Role of Civil Society

During the course of research for this project it became evident that individuals pursuing rights and enforcement of existing laws concerning disability and accessibility do have the opportunity to organize into active civil society organizations in Russia. The most active of these organizations is one with several chapters throughout Russia but with a main office in Moscow. It is called Perspektiva (Russian: Перспектива). According to its website the organization's missions is "to achieve full inclusion of people with disabilities in all aspects of society and improve their quality of life" (Russian: «добиться полного включения людей с инвалидностью во все сферы жизни общества и улучшение качества их жизни...») in a number of different way. They have a particular focus on inclusive education. Perspektiva organizes public actions across Russia, provides information online for disabled citizens and parents, and liaises heavily with the international community (it has received funding from USAID among other international bodies). In February 2011 it filed, on behalf of five cooperating non-governmental organizations, a "Joint NGO Shadow Report on Disability rights." This document reported violations of the *International Covenant on Economic, Social*

*and Cultural Rights*. Among other violations, it reports that “educational institutions are not accessible to disabled person with mobility difficulties” (Perspektiva 2011, 5) and that “the legal basis of inclusive education for children with special educational needs is still a topical problem in Russia” (Perspektiva 2011, 5). As it concerns the responsibility to legally guarantee the rights of disabled members of the population according to the *Convention*, Perspektiva notes that “there is currently no legislation prohibiting discrimination on the ground of disability in Russia. Additionally there is no liability for disability discrimination under existing legislation” (2011, 2) and furthermore, “although the Russian criminal legislation outlaws all discrimination, the protection it affords is not effective. There have been no disability discrimination court cases, initiated by the lawyers under the criminal law so far” (Perspektiva 2011, 2).

Other disability-focused NGOs focus on greater accessibility and inclusive education in a local setting. The “Accessible Cities” project in the city Ekaterinburg is an example of this. These NGOs have a role to play in the future of disability rights, accessibility projects, and inclusive education. At the moment it seems that much of their activity is relegated to their own direct constituents and that their power is constrained to their web sites. This, however, can (and should) change with more public action, a growth in the non-disabled population’s interest in accessibility issues, and the continued use of international bodies, such as the report to the UN body mentioned above.

Although Russian NGOs have much to contribute to the disability rights movement, Russian policy makers have not made it easy for them to act. The new federal law which requires any NGOs in Russia that receives funding from foreign sources to register as foreign agents has the potential to negatively impact disability rights organizations operating in Russia today. However, that effect does not *have* to be wholly negative. When foreign donors take over

the funding of NGOs, it often "...contributes to the emergence of a vertical, institutionalised and isolated civic community rather than fostering horizontal networking and civil society building from below" (Henderson 2002, 146). This situation gives financial incentives to NGOs for focusing on short-term projects that match the agenda of foreign donors. Sometimes this situation creates an artificial competition between domestic NGOs as they fight against each other for foreign aid, and in the process they do not share information with each other or they may propose excessively similar projects based on grant descriptions. It can be imagined that if the element of foreign funding were removed, NGOs might see a reason to take more collective actions (Schmitt 2006, 153-154).

Another recent federal law which forbids that adoption of Russia children by American citizens might also affect disabled children in Russia by removing the option of escaping. As an optimist, I would like to say that this could play a positive role in the development of disability activism, and as a result, improve accessibility. Maybe it will push some to view the necessity of incorporating accessibility because disabled children will be less likely to leave the country. Perhaps a new generation of activists will rise up. In some ways they already have. Natasha Pisarenko, a blind Russian student and blogger, received international news attention when she decided to speak up about the experience of the handicapped in Russia after the announcement of the ban on American adoption of Russian children.

### 6.3 The Role of the Press

Even more than civil society groups, which often focus on their small, localized constituencies, the contemporary Russian press has played a large role in the disability rights movement in Russia. They have helped to bring an issue that used to be seen as only a concern of a small minority of the population into the mainstream press. The 2008 case of Natalia

Prisetskaya who was refused entry onto a Russian plane for which she had a ticket solely because she was in a wheelchair (Perspektiva: “You’re disabled, you can’t fly!”) caused an uproar both inside of Russia and internationally. In addition to such sensational national news stories, local news outlets also often publish brief articles written about court cases decided on the issues of physical accessibility. This gives hope that the education situation could change as the cases continue to be covered in local and national news media.

Russian journalists are not afraid of exposing citizens and business owners they deem to be socially irresponsible and to blame their countrymen for attitudes and practices they deem to be unacceptable. In 2012 Galina Stolyarova wrote an article for *Transitions Online* within which she identified cultural obstacles to accepting disabled Russian citizens into mainstream society. She writes that “Russia’s disabled people are often too poor to go out, and not all who need a wheelchair even have one. At the same time many of those who do have wheelchairs have to stay at home much of the time because no caregiver is available to accompany them on excursions” (Stolyarova 2012, 2). “The Russian tendency to discriminate against people who are sick or disabled, despite their pleas for help, is an important blemish on our country which we need to combat and confront, and which we must never tolerate. Are we ever going to arrive in the 21st century and change our ways?” (Stolyarova 2012, 2).

Within her article Stolyarova even identified a potential role for the court system, writing that “a high-profile court ruling might help to change some of the primitive attitudes toward disabled people that are widespread in Russia. Society seems largely determined to ignore disabled people if it can, almost to obliterate them from its consciousness” (Stolyarova 2012, 2). This journalist even calls directly for the inclusion of disabled children in mainstream school systems by writing “...a more complete and permanent change in mentality can be achieved only

when young people are educated and brought up in a spirit of equality. A good place to start would be our schools. It is time that disabled children were allowed to attend the same classes as other pupils and be accepted by them as equals” (Stolyarova 2012, 2-3). Such articles as Stolyarova’s are, however, often relegated to the online blogosphere or niche-news media where they are read voraciously by a very small, limited number of people and never disturb the vast majority of citizens.

#### 6.4 Future Research

This project seems to have raised more questions than it has answered. Many areas exist for future research. A more in-depth examination of the role international agreements play in determining accessibility in the Russian domestic sphere would be an interesting topic for international legal scholars. Considering, however, that the Russian Duma only recently passed the *Convention on the Rights of Persons with Disabilities*, it may take a few more years for enough information to be available in order to research the topic thoroughly.

The growth of universal design education and implementation in Russia is a topic that has been unexplored by disability rights scholars. A deeper examination of the financial impediments that have been cited as a major reason for the lack of compliance with the law “On the Social Protection of Handicapped Persons” could prove to be very useful for policy makers and local activists. Finally, an examination of the legality and desirability of homeschooling in the Russian context would help clear up ambiguities in the application of Russian law.

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## APPENDIX: COURT CASES USED FOR THIS STUDY

| Translation   | 2010 | Russian   |
|---|------|---|
| 1. Novosēlovskii regional court<br>Krasnoiarskii krai<br>Case number: 2-57-2010<br>Source: sudrf.ru             |      | 1. Новосёловский районный суд<br>Красноярский край<br>№ 2-57-2010                 |
| 2. Khorinskii regional court<br>Republic of Buriatiia<br>Case number: N/A<br>Source: aktoscope.com              |      | 2. Хоринский районный суд<br>Республика Бурятия<br>№ --                           |
| 3. Evraninskii regional court<br>Republic of Buriatiia<br>Case number: N/A<br>Source: Invisible Novosibirsk     |      | 3. Евранинский районный суд<br>Республика Бурятия<br>№ --<br>Незримый Новосибирск |
| 4. Mongun-Taiginskii regional court<br>Republic of Tyva<br>Case number: N/A<br>Source sudrf.ru                  |      | 4. Монгун-Тайгинский районный<br>Республика Тыва<br>№ --                          |
| 5. Ioshkar-Olinskii city court<br><br>Republic of Marii El<br>Case number: 2-4077/2010<br>Source: docs.pravo.ru |      | 5. Йошкар-Олинский городской<br>суд<br><br>Республика Марий Эл<br>№ 2-4077/2010   |
| 6. Baiandaevskii regional court<br>Irkutsk region<br>Case number: 2-246/10<br>Source: docs.pravo.ru             |      | 6. Баяндаевский районный суд<br>Иркутской области<br>№ 2-246/10                   |

2011

- |   |  |
|---|--|
| <p>7. Kirovskii regional court<br/>Volgograd<br/>Case number: N/A<br/>Source: press release: "Vysota 102"</p>                                   | <p>7. Кировский районный суд<br/>Волгоград<br/>№ --<br/>Высота 102</p>                                   |
| <p>8. Nefteiganskii city court<br/>Khanty-Mansiiskii autoumous district (Iugra)<br/><br/>Case number: 2-2090/2011<br/>Source: aktoscope.com</p> | <p>8. Нефтеюганский городской суд<br/>Ханты-Мансийский<br/>автономны округ- Югра<br/>№ 2-2090/2011г.</p> |
| <p>9. Molokovskii regional court<br/>Region of Tver<br/>Case number: N/A<br/>Source: press release: sudrf.ru</p>                                | <p>9. Молоковский районный суд<br/>Тверская область<br/>№ --</p>   |
| <p>10. Mikhailovskii regional court<br/>Volgograd region<br/>Case number: 2-2209/2011<br/>Source: pravo.ru</p>                                  | <p>10. Михайловский районный суд<br/>Волгоградская область<br/>№ 2-2209/2011</p>                         |
| <p>11. Severomorskii city court<br/>Murmansk region<br/>Case number: 2-1441/2011<br/>Source: pravo.ru</p>                                       | <p>11. Североморский городской суд<br/>Муранская область<br/>№ 2-1441/2011</p>                           |
| <p>12. Miriskii city court<br/>Arkhangel'sk region<br/>Case number: N/A<br/>Source: aktoscope.com</p>   | <p>12. Мириский городской суд<br/>Архангельская область<br/>№--</p>                                      |

2012

- |  |  |
|--|--|
| 13. Oviurskii regional court<br>Republic of Tyva<br>Case number: 2-74/2012<br>Source: sudrf.ru                             | 13. Овюрский районный суд<br>Республики Тыва<br>№ 2-74/2012              |
| 14. Kirovskii regional court<br>City of Kazan'<br>Case number: 2-702/12<br>Source: sudrf.ru                                | 14. Кировский районный суд<br>город Казани<br>№ 2-702/12                 |
| 15. Khabarovskii district court<br>Case number: N/A<br>Source: press release: sudrf.ru                                     | 15. Хабаровский краевой суд<br>№ --<br>пресс-служба                      |
| 16. Court of the Central Region<br>of the city of Sochi<br>Case number: N/A<br>Source: docs.pravo.ru                       | 16. Суд центрального райгна<br>г. Сочи<br>№ --                           |
| 17. Ust'-Katavskii city court<br>Chelyabinsk<br>Case number: N/A<br>Source: pravo.ru                                       | 17. Усть-Катавский городской суд<br>Челябинская область<br>№ --          |
| 18. Staropromyslovskii regional court<br>судGrozny (Chechnya)<br>Республика)<br>Case number: 11 (2012)<br>Source: pravo.ru | 18. Старопромысловский районный<br>г. Грозного (Чеченская<br>№ 11 (2012) |
| 19. Metallurgicheskii regional court<br>City of Cheliabinsk  | 19. Metallurgический районный с<br>суд<br>г. Челябинска                  |

Case number: N/A  
Source: sudrf.ru

№--

2013

20. Sovetskii regional court  
Nizhny Novgorod  
Case number: N/A  
Source: press release: sudrf.ru

20. Советский районный суд  
Нижний Новгород  
№ --