

Guiding questions for the substantive areas of the 9th open-ended session

Working Group on Aging:

Autonomy and independence

1) In your country/region, how is the right to autonomy and independence of older persons defined in legal and policy frameworks?

The Russian Federation guarantees rights and freedoms for all in accordance with the norms of international law and the Constitution; guaranteed by the Constitution of individual liberty / ensure, in the opinion of jurists, the autonomy of the individual and her independence, understood as the ability to act in accordance with one's interests rather than with the demands of the environment or on the opinions of others.

The code of national legislation providing for autonomy and independence of the individual: on notaries, postal communications, information protection, privacy, psychiatry, custody and guardianship, power of attorney to another person, voluntary consent to medical intervention, social services, medical secrecy, banking secrecy, privacy, universal suffrage, property law, inheritance, the right to old-age benefits, the right to work, housing, cultural rights.

Guaranteed statutory rights to aging are often violated, in particular in areas such as inheritance law, psychiatry (see also question 2), social services, custody, etc.

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1. <http://www.constitution.ru/10003000/10003000-4.htm>; <http://constrf.ru/razdel-1/glava-2/st-17-krf>
2. <http://www.xn--80aejalqgdtkdnd0ap.xn--p1ai/arhiv/2013/02/KrasnoslobodtsevaNK.pdf>
3. http://www.eurasialegal.info/index.php?option=com_content&view=article&id=1872:2013-02-26-04-17-29&catid=178:2013-01-18-05-33-28
4. http://www.eurasialegal.info/index.php?option=com_content&view=article&id=1872:2013-02-26-04-17-29&catid=178:2013-01-18-05-33-28
5. <http://xn--80aefurcfeajeho7k.xn--p1ai/Home/Article/32>
6. <http://jurisprudence.club/pravo-grajdanskoe/neimuschestvennyie-prava-obespechivayuschieavto.html>

2) What other rights are necessary to exercise the right to autonomy and independence of older persons or are affected by non-observance of this right?

Imperfections of the Law on Psychiatry in the Russian Federation, according to human rights defenders, are fraught with dangers for the elderly (1):

- there are cases when older people are given more severe psychiatric diagnoses to take possession of their housing;
- if there is a dispute about the will after the death of the old man, then lawyers sometimes talk about a great age as a reason for changing the meaning of a will in such a dispute;
- refusal to inform the elderly patient about the treatment;
- hospitalization in the clinic until the court decision (2).

Absence of criminal legislation on family violence, incl. for the elderly: according to experts, most cases of violence (physical and psychological) occur at home, victims are women; many victims

are afraid to report violence, extremely few crisis centers for the rehabilitation of victims, all this is the cause of violations of the rights of the elderly to autonomy and independence (3,4).

Recent cases of gross violations of the rights of elderly clients in private homes for the elderly due to lack of state registration and licensing (5).

1. https://ru.wikipedia.org/wiki/%D0%97%D0%B0%D0%BA%D0%BE%D0%BD_%D0%BE_%D0%BF%D1%81%D0%B8%D1%85%D0%B8%D0%B0%D1%82%D1%80%D0%B8%D1%87%D0%B5%D1%81%D0%BA%D0%BE%D0%B9_%D0%BF%D0%BE%D0%BC%D0%BE%D1%89%D0%B8
2. <https://rg.ru/2008/10/07/psihiatra-zakon.html>
3. <https://www.srii.org/resources/search/otchet-pravovoy-initsiativy-po-teme-nasilie-v-otnoshenii-zhenshchin-v-rossiyskoy-federatsii/>
4. <https://www.svoboda.org/a/26943282.html>
5. <http://dobroedelo.org/new/permskij-kraevoy-ombudsmen-o-chastnyx-domax-prestarelyx-net-gosudarstvennogo-regulirovaniya-net-dazhe-trebovaniya-licenzirovat-etot-vid-uslug/>

3) What are the main problems faced by older people in your country / region regarding autonomy and independence? What research and data are available?

- Poverty, poor health, loneliness (1).
- Shortage of services in long-term care (2,3).
- Low employment in the labor market of people 50+ (4,5).
- High level of abuse and violence (6,7,8).

Decreased autonomy and independence is facilitated by the low material status of pensioners, which is exacerbated by the problems of finding employment, which often leads to health disorders, dependence on medical factors, and lack of care contributes to isolation, abuse and violence against the elderly.

The review of available materials on the subject reveals a lack of data and research, especially in the area of poverty, the market of gerontological services - media materials prevail here; more research, incl. academic (more often student and master), in the sphere of participation of the elderly in the labor market, as well as in the field of gerontological violence.

1. <https://mir24.tv/news/16271015/vciom-nazval-glavnye-problemy-pozhilyh-v-rossii>
2. <http://www.the-village.ru/village/people/ethics/223561-old>
3. http://www.aif.ru/money/mymoney/socialnaya_problema_gde_pozhilomu_cheloveku_luchshe_zhit
4. <http://expert.ru/2017/04/19/trudovyie-rezervyi/>
5. <https://meduza.io/feature/2018/01/22/da-oni-knepochku-ne-mogut-nazhat>
6. <https://www.kommersant.ru/doc/2825749>
7. http://vokgvv.oblzdrav.ru/docs/news/151217/gestokoe_obraschenie_2017.pdf
8. <file:///C:/Users/Jessie/Downloads/%D0%92%D0%9A%D0%A0.pdf.pdf>

4) What measures have been taken to ensure the right of older persons to their right to autonomy and independence?

In 2016, the National Strategy for the Citizens of the Older Generation up to 2025 was approved, as well as the 5-year Government Plan for its implementation until 2020: these concepts are not directly mentioned in the text of the document. The goals of the National Strategy include ensuring a better quality of life for the elderly, taking into account "individual needs", "creating conditions for the active participation of the elderly in the political, social and other spheres of the society", suggest the use of the elderly, the availability of geriatric care, better access to education (including financial) and information, sports, tourism and leisure, development of intergenerational and family relations, measures to overcome violence and age discrimination, social isolation and loneliness, the development of volunteering among the elderly (1).

The government plan includes 7 sections in accordance with the structure of the National Strategy; was the inclusion of geriatric care in the compulsory medical insurance (January 2018), the widespread establishment of geriatric rooms in the system of district outpatient facilities (polyclinics) (2).

All taken together should strengthen the autonomy and independence of the elderly in the country.

1. <http://static.government.ru/media/files/7PvwllE5X5KwzFPuYtNAZf3aBz61bY5i.pdf>

2. <http://government.ru/docs/25500/>

5) What mechanisms are necessary or already created for the elderly to correct problems of autonomy and independence?

It is necessary:

- Improve the Law on Psychiatric Care;
- Develop legislation to prevent family violence, violence against elderly people;
- create non-state crisis centers for victims of violence, hotlines;
- a higher level of awareness of violence, campaigns and research;
- to study the disputable points of the Law on the decriminalization of family beatings (2017);
- create state regulation (including licensing) of the activities of private homes for the elderly.

It creates:

- geriatric service (included in the compulsory health insurance system, January 2018);
- the creation in 2016 of a system for the patronage of single elderly people, including for preventing family violence and discrimination was planned - but no data on the establishment (1);

- the market of social services, in which non-governmental organizations participate - non-profit and private;

- the government implements (not always successfully) the stimulation of retirees' labor.

The culture of autonomy of an older person is a very new approach for my country. State organizations often make decisions about and for older people without their consent, for example, what and how to do things, while NGOs and businesses are only beginning to take into account the opinions of older people.

1. <https://www.kommersant.ru/doc/2825749>