

GOVERNMENT POLICIES RELATED TO SOCIAL PROTECTION OF DISABLED PERSONS IN UZBEKISTAN: NATIONAL AND INTERNATIONAL ASPECTS

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Implementation of social protection state policies is importantly significant in the market economy. We can truly say that after procuring independence, in recent epoch in Uzbekistan, a lot of attention at the level of public policy is paid to pensioners, disabled persons, mothers, who have many children, lonely old people and others in need of social protection of people and certainly measures are implemented to further refine the social welfare. Social protection policies in recent years are turning into a very relevant sphere of the republic policy. In particular, in the preamble to the Constitution of the Republic of Uzbekistan, this was put in the content of the establishment of a humane and democratic state and reflects the principle of social protection. Only in the case where the state pays attention to social protection, it can be a real humane state. The purpose of implementing social protection policies for such people is to create adequate opportunities in their life and job performance, to provide labour activity and equal regard on par with other citizens as well as to help them

find their dignity and active participation in the society and to equip the rights and freedoms in the implementation of their interests and aspirations.

Whereas the country is conducting large-scale socio-economic reforms, social protection is deemed as the central issue. Since the primary goal of economic and political reforms in the country, is to ensure the prosperity and improve people's lives.

State social policy – is the trend of domestic policy, conducted by the state in a certain area to evolve the level of living of the population, reconstruction of human capital, social services, social infrastructure, providing an equal reference work.

Social policy is a public activity aimed at implementation and guarantee of social and economic rights of citizens, which includes the implementation of measures in areas such as labor, education, health care, provision of necessary goods.

Social security refers to the ratio that occurs with pensioners, the invalid and children in need of assistance.

It (social security) is not only helping them (those who are in need of social

protection), but also, it is a democratic face when it creates all necessary conditions for life and work and ensure social security.

The principle of social protection in Article 25 of the Universal Declaration of Human Rights expressed as follows: “Everyone has the right to a standard of living, including food, clothing, shelter, medical care and necessary social services, which is necessary for the health and well-being of himself and his family, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other cause of loss of livelihood due to circumstances beyond his control”.

If we address to the Article 39 of the Constitution of the Republic of Uzbekistan, then it reflects the following norm: “Everyone has the right to social provision in old age, disability and loss of breadwinner, and in other cases prescribed by law”.

Social protection of disabled people is a system of economic, social and legal measures, guaranteed by the state, aimed at enabling their equal participation in public life with others, as well as providing the conditions to prevent the restriction of life activity.

The fact that this norm possesses a special place in the Constitution of the Republic of Uzbekistan means how much attention is emphasized on social protection in our country.

Also, norms of such content exist in international standards as “The Universal Declaration of Human Rights”, “The International Covenant on Civil and Political Rights”, “The International Covenant on Economic, Social and Cultural Rights” of international law.

By adoption on 11th July, 2008 a new edition of the Law “On social protection of

disabled people” the policy of social protection of disabled persons in the country was reached a more important level.

This Law provides guidance to ensure the rights and freedoms of persons with disabilities, implementation of rights such as education, work, and use of medical care.

This problem of social protection in our country in each period was considered a very crucial task.

The concept of “disabled person” set out in the Article 3 of the above named Law as follows: “A person in connection with the limitation of activity due to the presence of physical, mental, psychiatric or sensory (sensitive) abnormalities found in the manner prescribed by law as disabled and in need of social assistance and protection”.

In the above named Law, the main directions of state policy in the sphere of social protection of disabled people are defined as follows:

1. ensuring the rights, freedoms and lawful interests of persons with disabilities;
2. to avoid infringement of people with disabilities;
3. protection of honor and dignity of persons with disabilities;
4. ensuring equal opportunities and rights for them;
5. enforcement of legislation on social protection of disabled people;
6. provision of preschool and adult education of disabled people, vocational training, general secondary, secondary, vocational and higher education;
7. ensure the openness and transparency of public authorities and their of-

ficials to ensure the rights, freedoms and lawful interests of persons with disabilities;

8. development of cooperation between state bodies, self-governing citizens and non-profit organizations in the field of social protection of disabled persons.

From the first days of independence, special attention is paid to persons in need of social assistance, orphans, survivors, and disabled persons.

This can be found in the first, adopted in those years, laws and by-laws (in particular, adopted on November 18, 1991 the Law “On social protection of disabled persons in Uzbekistan” (later on it was adopted in the new reduction); adopted on July 17, 1992 the Decree of the Cabinet of Ministers “On the tasks of social protection of disabled persons in the Republic of Uzbekistan”, etc.).

The law defines the following rights to obtain education for the disabled persons:

- preschool education of children with disabilities;
- secondary, vocational and higher education for disabled persons;
- preparation for a profession and professional qualification;
- out-school education of disabled children.

There are also rights of disabled children to get the education in the family, to educate and train them in hospitals.

Implicating the Law “On social protection of disabled persons in the Republic of Uzbekistan”, the organs of state administration, bodies of local government authorities and self-government institutions provide the use of non-formal education aimed at attracting children with disabili-

ties into the science, technology, art and sports, education interest in work, education in their social activities, overall harmonious development, and create all necessary conditions.

In accordance with the Article 20 of the Law “On social protection of disabled people in Uzbekistan”, the education of children – disabled persons in family is realized by taking into account the wishes of parents or persons replacing parents in the absence of opportunities to get the education in the special educational institutions. At the same time one of the parents or persons substituting parents, is provided the financial support and privileges in the order and on conditions determined by the Cabinet of Ministers of the Republic of Uzbekistan.

It is also pointed out that educational institutions, including the specialized educational institutions are obliged to provide assistance to parents or persons substituting parents in education of disabled children in the family.

The Regulation “On individual program of rehabilitation” was adopted in accordance with the Decree of the Cabinet of Ministers № 75 on March 18, 2009.

An individual program of rehabilitation of disable persons includes a set of measures for their rehabilitation, which assist to the restoration of damaged or missing functions that can perform certain types of employment and the body of a disable person, and also some types, forms, terms and procedure for implementation of measures for the medical, professional, social and other rehabilitation, which are designed to the compensation.

The Act stated that the provision of training of disabled persons to the

profession and improve their skills in educational institutions, in particular, specialized educational institutions, and enterprises of disabled persons public organizations is achieved in conjunction with social security institutions in accordance with the above program.

Non-governmental non-profit organizations, which provide social security to disabled persons, are as follows:

1. Disabled persons' Society of Uzbekistan. The main purpose of this organization is to create in the life of persons with disabilities equal opportunities with other citizens, their active participation in social and domestic life, create jobs, and protect their dignity.
2. Public Fund of people with disabilities. The main purpose of this organization is to implement the charity and other socially useful activities on provision material, spiritual and educational support to people with disabilities.
3. National Center for social rehabilitation of children. The main purpose of this organization is to explore the problems of children with physical disability, mental disorders and nervous system, children from disadvantaged families and their full social and medical rehabilitation.
4. The National Association of Business Women – disabled people of Uzbekistan. The main purpose of this organization is a comprehensive social protection and support for women – persons with disabilities, who are carry out business activity and their organizations.

5. Deaf Society of Uzbekistan. The main purpose of the organization is to combine citizens, having audio-verbal rejection, to protect civil, economic, social and cultural rights of people with hearing disabilities.
6. Society for the Blind and Visually Impaired people in Uzbekistan. The main purpose of this organization is the protection of rights and interests of the visually impaired people, the definition of the public policy for people with disabilities and help to introduce them to life.
7. National Charity of Afghan War Disabled people. The main purpose of this organization is the active participation in implementation of the state program on social protection of Afghan war disabled people and the families, lost people with disabilities, and to provide the material assistance on receiving medical care.
8. National Paralympic Association of Uzbekistan. The main purpose of this organization is to implement the humanitarian activities for the social rehabilitation of the disabled people through physical education and sports facilities, and by combining efforts of doctors, coaches, athletes, educators, members of the publicity, to expand and deepen the international cooperation in this field.

If we draw our attention to the politics of the international community and the practice of foreign countries in this regard, December 3 of each year is declared as “International Day of Disabled Persons” by the Special Resolution № 47 of the session of the UN Main Assembly on October 14, 1992.

In addition, we can cite as examples of a number of documents, such as the International Programme for Disabled People, the UN General Assembly approved by the UN Main Assembly on December 3, 1982; the Declaration on the Rights of Disabled People, adopted by the UN on December 9, 1975; the Convention on the Rights of Disabled People, adopted by the UN Main Assembly on December 13, 2006.

In modern legal literature, the social security of disabled people studied in several models. They are: **liberal**, **conservative** and **social-democratic** models.

The liberal model. This direction is built on relationships of the market economy. This model mainly exists in the U.S.A and the Great Britain. At the same time the social assistance is provided to sectors of the population, who are in need of social protection to a minimum extent. In countries where there is a liberal model, the relationship between disabled people and others is developed under the influence of non-discrimination, which includes the provision of equal conditions and rights of persons with other persons.

Employers (public administration, firstly, organizations providing work of persons with disabilities and companies and organizations that are funded by the state budget) have no obligation to provide work for people with disabilities.

The conservative model. This model prevails in the states of Western and Central Europe. This trend is formed under the influence of insurance and labor obligations, arising between employers and workers. This model has received the highest sample in Germany; here the world's first insurance legislation has

been introduced. Another feature of this system lies in the fact that employers were put before the conditions for employment of people with disabilities and certain pre-allocated quota. In case of refusal by employers to employ disabled persons the state may impose a punishment regarding them. The principle of quota allocation to people with disabilities is limited to 1920–1923 years. In Austria, Germany, Italy, Poland and France was led to the action the employment of persons with disabilities who come back from the World War I. After the World War II of 1939–1945, this principle has spread to all other European countries. One of the main reasons for this is that the majority of the unemployed were disabled. Job places (quotas) allocated for the disabled people in enterprises and organizations was in Spain and Ireland 3%, in France 6%, in Luxembourg from 2% to 5%, and in Japan from 1.6% to 2% .

Social-democratic model. This model is widespread in Europe, in countries where the Scandinavian legal system acts. Thus the basic principle of the social protection is universalism, that is, all persons in need of social protection, are eligible for social security from the state budget. In states where this principle is valid, great attention is paid to the disabled people and the state puts the requirement to enterprises, organizations and institutions to hire persons with disabilities and to create privileges for them.

In the future it would be in conformity to implement into the Uzbek legislation and to learn the best and preferred dimensions of social protection policies of foreign humane democratic countries.

The President of Uzbekistan Islam Karimov in his book “Uzbekistan on the

path of economic reforms”, emphasized that “the main goal of all economic, democratic, political reforms is to create worthy living conditions for a human and his activities”.

Humanity, kindness and generosity to elderly, provide charity to the disabled people and others in need, is one of the oldest traditions of our people.

Social protection has existed in various forms since ancient times in Uzbekistan. At present, this principle is enshrined in our legislation. It is obvious that the principle of social protection is of particular im-

portance for the country, going along the path of building the democratic legal state and civil society. It is evident that public and private organizations play relevant role in the implementation of charitable deeds.

In conclusion we can say that each of us should know that the main purpose of social reforms, carrying out in our country, as well as processes of the rule of law state and the creation of civil society – is to ensure the worthy life for citizens in a period of market economic relations, strengthening of social aid and improvement of living conditions of people in need.

REFERENCES

1. *The Constitution of the Republic of Uzbekistan*. T.: Uzbekistan, 2008.
2. *Universal Declaration of Human Rights*. DP/876/Rev.4-07-55693-August 2008. Published by the UN Office in Uzbekistan.
3. KARIMOV, Islam. *Uzbekistan on the path of economic reforms*. T.: Uzbekistan, 1995.
4. *The Law of the Republic of Uzbekistan “On social protection of disabled persons in the Republic of Uzbekistan”* (July 11, 2008).
5. AKHMEDOV, D. K. *The right to social provision*, Textbook. T.: TSIL, 2008.
6. TURSUNOV, Y.; SHOIMHONOV, Sh. *The right to social provision*, Textbook. T.: TSIL, 2008.
7. USMONOVA, M. A. *Civil-legal issues in creation of social protection in the Republic of Uzbekistan*. Dissertation work for the degree of Doctor in Law. T., 2006.
8. *Rights of veterans, disabled people, pensioners and persons affected by radiation*. Under the edition of V. E. Krutskih, V. E. Sidorova. Moscow: Norma, 2001.
9. *International Conventions on the Protection of Human Rights and the fight against a crime. Completion of International agreements and recommendations*. IPK Shark, 1995.
10. *Public policy on employment of people with disabilities: International Experience and Russian policy*. Handbook for professionals working in the field of employment of people with disabilities. Moscow: ROOI “Perspective” 2008.

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