

---

## Normative Legal Basis of Protection of People with Disabilities

---

*Nafiddinova Khosiat Ravshanovna*

*Lecturer of Bukhara State University, Department of jurisprudence and socio-political sciences*

---

### Abstract

This article analyzes the legislation related to the protection of the rights of people with disabilities in the society. The article also researches information about the conditions created for the free expression of their capabilities in various fields with the adoption of laws and conventions on the rights of persons with disabilities.

**Keywords:** social protection, social policy, disability, disabled, convention, declaration.

### INTRODUCTION

According to the World Health Organization, more than 1 billion people with disabilities live on earth today. Disabilities make up 15 percent of the world's population. They are the “world's largest minority”. Children make up 100 million of them. According to experts, the aging of the population and the increase in chronic diseases are also the reason for the increase in the number of disabled people.

In fact, one of the tasks of modern society is to ensure that men and women with disabilities have the same rights and obligations as other members of society. However, in all countries of the world, there are barriers that prevent people with disabilities from fully exercising their rights and freedoms and make it difficult for them to participate in public life.

### DISCUSSION

Today, the relevance of the problem of the current situation of people with disabilities in society is determined by the fact that there are physical, economic and social barriers to the integration of people with disabilities into society. Factors such as isolation of persons with disabilities from society, their passivity and functional dependence, society's attitude towards disabled people, and the existence of problems of ensuring the rights of disabled people are also confirmed.

In order to prevent such problems, a number of regulatory and legal documents have been adopted in the world community:

1. In the Universal Declaration of Human Rights (December 10, 1948) the following is confirmed: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”. The principles of Article 2 are directly and fully applicable to disabled people. At the same time, disability is the result of the interaction of impaired health and attitudinal and environmental barriers, which prevent people with disabilities from participating equally and effectively in the

life of society. The international community, taking this into account, respects the unique characteristics of persons with disabilities and recognizes it as a part of human diversity and an integral part of humanity. This created the legal basis for ensuring the full participation of disabled people in the political, economic, social and cultural life of society.

2. International Covenant on Economic, Social and Cultural Rights (1966);
3. The International Covenant on Civil and Political Rights (1966);
4. Declaration on the Rights of the Mentally Immature (1971);
5. Declaration on the Rights of Persons with Disabilities (December 9, 1975).

This declaration was adopted by the UN Assembly on the basis of the resolution No. 3447. As a resolution of the Assembly, it is not binding on member states, but it provides a framework for international and domestic legislative purposes. It consists of a preamble and thirteen articles that broadly promote the rights of persons with disabilities.

The declaration recognizes the following regarding the rights of persons with disabilities:

In particular, the Declaration defines the term “disabled person” as any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities. Moreover, Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.

Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

Disabled persons have the same civil and political rights as other human beings; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any possible limitation or suppression of those rights for mentally disabled persons.

Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible.

Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration.

Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.

Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required

by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.

6. International Program of Action on the Treatment of Persons with Disabilities (1982);
7. Standard Provisions on Equality of Opportunities for Persons with Disabilities (1993);
8. Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106);

On May 5, 1992, citizens with disabilities in 17 European countries simultaneously demanded that their rights be guaranteed and that they are not discriminated against. In this way, every year on May 5, the day of protection of the rights of disabled people was held. This day should not be confused with the International Day of Persons with Disabilities, which is celebrated on December 3. In connection with the date, conferences and charity events are held in a number of countries called “Equal member of society with disabilities”.

The purpose of the event is to draw public attention to the problems faced by people with disabilities. According to analysts, the rights of disabled people are not respected in some countries today. Problems related to employment and education of people with disabilities is observed not only in poor countries, but also in economically developed countries.

The original law, passed on November 29, 1975, was called “Education for All Handicapped Children Act” (Public Law 94-142). The law aims to protect the right of disabled youth who need special attention in the states to receive education and to create conditions for this. Before the adoption of this law, there were no conditions in schools for educating disabled youth. For example, in 1970, only one out of five children with disabilities had the opportunity to get an education in US schools. It was not possible to educate mute, blind or mentally retarded children at all. Because there was no federal law mandating state governments to create special schools, classes, or conditions for them.

In 1979, the situation changed after the “Education for All Handicapped Children” law was adopted. The law gave disabled children the opportunity to get education like everyone else. Today, disabled professionals who have graduated from higher education institutions have equal rights in finding a job. It is prohibited by law not to employ them only because of their disability. Over the years, the Education for All Handicapped Children Act has evolved. In 1990, it was replaced by the “Individuals with Disabilities Education Act” (IDEA). “IDEA” differs from the old law in that it has new and comprehensive provisions, such as creating special conditions for persons with special needs.

During the administration of President Bush in 2004, “IDEA” was supplemented with additional clauses. The new changes not only removed barriers between special education and general education, but also made special education for the disabled a central and fundamental task for schools.

Experts say that the law was successful. Since the adoption of this law, the number of students with disabilities graduating from school has increased by 17% from 1987 to 2003. During the same years, the number of people with disabilities in higher educational institutions increased by 70%. In 2003, 70 percent of disabled people who graduated from school were employed in paid jobs. In 1987, only 55 percent of the disabled were employed.

In America, the law passed in 1990 prohibits discrimination of disabled citizens in educational institutions and workplaces. It is a crime not to correctly evaluate their mental or physical potential. According to this law, special programs have been developed throughout the country and comfortable

conditions have been created for people with disabilities in public places and vehicles. Special lanes and stations are designed for their benefit, and tools adapted to their eyes or hands and feet have been organized in the workplace.

In the United States, attention to disabled people is not only in the educational system. All public buildings, roads, vehicles and other public facilities are provided with special tools and conditions for disabled people to use. For example, every public bus has a special place reserved for wheelchairs. The transport is equipped with special technology to ensure that they get on and off the bus. Such conditions can be seen in buildings and other means of transport. All this is carried out by federal laws in order to ensure the equal rights of people with disabilities in the country.

On December 13, 2006, the process of signing the UN Convention on the Rights of Persons with Disabilities began in New York. This document, recognized as the first treaty aimed at the protection of human rights in the 21<sup>st</sup> century, entered into force on May 3, 2008 after being signed by 50 countries. The “Convention on the Rights of Persons with Disabilities” and the “Optional Protocol to the Convention on the Rights of Persons with Disabilities” adopted by the General Assembly of the United Nations with resolution 61/106 of December 13, 2006 are the main of these international documents. These documents set out the principles of promoting and protecting the rights, freedoms and dignity of disabled people, guaranteeing their personal, political, economic, social and cultural rights and opportunities to use these rights equally with others. Special attention is paid to ensuring the rights and freedoms of women, children and the elderly with disabilities.

At the same time, in order for the countries that have ratified or acceded to this Convention to live independently and have the opportunity to participate fully in all aspects of life, they should have equal access to the social environment, transport, information and communication, including information- obligations to ensure access to the communication technology system, other facilities and services provided to the population in cities and rural areas. The United Nations Committee on the Rights of Persons with Disabilities was established in order to coordinate and monitor compliance with the provisions of the Convention and the implementation of the obligations of the participating countries on this issue.

In the “Optional Protocol to the Convention on the Rights of Persons with Disabilities”, to accept applications of this Committee from persons or groups of persons under its jurisdiction, or on their behalf, who are victims of violations of the provisions of the Convention by this participating state, and powers of review are defined. It should be emphasized that the adoption of the “Convention on the Rights of Persons with Disabilities” aims to encourage strategies, plans, programs and activities at the national, regional and international levels to ensure more equal opportunities for people with disabilities.

In this convention, it is recognized that people with disabilities are not objects to be shown mercy, but persons who have rights and freedoms and are considered equal participants in the development of society and the state in the civil, political, economic, social and cultural spheres. The ratification of this document creates additional guarantees for the provision, protection and development of social and economic rights of people with disabilities.

The purpose of this Convention is to promote, protect and ensure the full and comprehensive realization of all human rights and fundamental freedoms of all persons with disabilities, as well as to encourage respect for their inherent dignity. Persons with disabilities are persons with stable physical, mental, intellectual or sensory impairments that prevent their full and effective participation in society on an equal basis with others in interaction with various barriers.

The principles of the present Convention shall be:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

## **RESULTS**

### **Women with disabilities:**

States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

### **Children with disabilities:**

States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) has received more signatures since its opening day for signature than any other human rights Convention. Although the Convention does not establish new human rights, it clearly states the obligations of states to respect, protect and apply them to people with disabilities.

Although the existing Human Rights Conventions offered considerable opportunities for the application and protection of the rights of people with disabilities, it was found that this potential was not used. In fact, people with disabilities continue to be denied their human rights and remain on the margins of society in all parts of the world.

## **CONCLUSION**

Moreover, the Convention not only clarifies that states should not discriminate against people with



disabilities, but also describes many steps to create favorable conditions for them to enjoy life with dignity in society. Thus, the Convention, unlike other human rights treaties, allows states to take a more in-depth approach to establishing measures to prohibit discrimination and achieve equal rights for all. Uzbekistan signed the Convention on the Protection of the Rights of Persons with Disabilities on February 27, 2009. Since then, the Uzbek government has made great strides in supporting the rights of people with disabilities.

In conclusion, it can be said that people with disabilities and problems related to them are among the topics that have always worried humanity. For this reason, protecting their rights has always been considered important. In the 20th century, the adoption of a number of noteworthy documents in this regard motivated them to use their opportunities.

#### REFERENCES:

1. Ganieva M. Fundamentals of social work. -Tashkent, 2010.
2. Abdurakhmanov Q.Kh. Social protection of the population. -Tashkent, 2004.
3. Kholostova, E. I. Social work with disabled people. - Moscow: “Dashkov and K”, 2013. - 240 p.
4. Basova N.F. Social work with the disabled. - Moscow: KNORUS, 2012. - 400 p.
5. Nafiddinova K. R. THE EXPLICATION OF THE FAMILY AND FAMILY CEREMONIES IN THE HISTORICAL LITERATURE //Academic research in educational sciences. – 2021. – Т. 2. – №. 3. – С. 174-180.
6. Nafiddinova X. Aqiqa marosimi va uning jamiyat hayotidagi o'rni //ЦЕНТР НАУЧНЫХ ПУБЛИКАЦИЙ (buxdu. uz). – 2021. – Т. 8. – №. 8.
7. Nafiddinova X. Ихчам тўйлар–давр талаби //ЦЕНТР НАУЧНЫХ ПУБЛИКАЦИЙ (buxdu. uz). – 2021. – Т. 8. – №. 8.
8. Nafiddinova X. Xorijlik olimlar asarlarida oila, oilaviy marosimlar va ular bilan bog'liq masalalarning yoritilishi //ЦЕНТР НАУЧНЫХ ПУБЛИКАЦИЙ (buxdu. uz). – 2021. – Т. 8. – №. 8.
9. Nafiddinova X. R. The traditions related with the funeral ceremonies //ACADEMICIA: AN INTERNATIONAL MULTIDISCIPLINARY RESEARCH JOURNAL. – 2020. – Т. 10. – №. 12. – С. 1261-1265.
10. Ravshanovna N. K. The Ceremony of “NASIQA” and its Essence in the Life of the People of Central Asia //Int. J. Sci. Res. in Multidisciplinary Studies Vol. – 2021. – Т. 7. – №. 2.
11. Нафиддинова Х. Р. БУХОРО ТҶЙ-ҲАШАМЛАРИ: ЎТМИШ ВА БУГУН //ВЗГЛЯД В ПРОШЛОЕ. – 2020. – №. SI-1№ 3.
12. Ravshanovnad N. K. THE ROLE OF RITUALS IN THE UPBRINGING OF CHILDREN IN THE FAMILY //CENTRAL ASIAN JOURNAL OF SOCIAL SCIENCES AND HISTORY. – 2022. – Т. 3. – №. 6. – С. 54-60.
13. Ravshanovna N. K. The concept of family in the Bukhara city during the reign of the dynasty of manghits and its phenomenon.
14. Ravshanovna N. K. CENTRAL ASIAN JOURNAL OF SOCIAL SCIENCES AND HISTORY. – 2022.

15. Ravshanovna N. K. MARRIAGE CEREMONIES IN BUKHARA //" ONLINE-CONFERENCES" PLATFORM. – 2021. – C. 43-45.
16. Ravshanovna N. K. Thoughts of Jadids on Family and Family Rituals. – 2022.
17. Sobirovich T. B. National and universal principles of democracy //Asian Journal of Research in Social Sciences and Humanities. – 2022. – T. 12. – №. 1. – C. 334-338.
18. Sobirovich T. B. The implementation of human indicator reforms in Uzbekistan //Asian Journal of Multidimensional Research. – 2021. – T. 10. – №. 9. – C. 197-202.
19. Sobirovich T. B. Issues of gender equality in uzbekistan: Strategy of reforms //Asian Journal of Multidimensional Research. – 2021. – T. 10. – №. 9. – C. 203-207.
20. Sobirovich T. B. National Principles of Democracy in Uzbekistan //Mediterranean Journal of Basic and Applied Sciences (MJBAS). – 2021. – T. 5. – №. 3. – C. 131-135.
21. Sobirovich T. B. Philosophical Dialectics of National and Universal Cultural Development //Irish Interdisciplinary Journal of Science & Research (IIJSR). – 2021.
22. Turdiyev B. S. The role of national harmony in the strategy of spiritual renewal //Scientific Bulletin of Namangan State University. – 2019. – T. 1. – №. 6. – C. 229-233.
23. Sobirovich T. B. Strategy of Renewal of National Spirituality of Uzbekistan //International Journal on Integrated Education. – 2020. – T. 3. – №. 8. – C. 122-126.
24. Sobirovich T. B., Murodogli I. S. The strategy for the implementation of the modern governance system in Uzbekistan //ACADEMICIA: An International Multidisciplinary Research Journal. – 2020. – T. 10. – №. 5. – C. 741-748.
25. Sobirovich T. B. Strategy of spiritual renewal in Uzbekistan //International Journal of Psychosocial Rehabilitation. – 2020. – T. 24. – №. 06.
26. Sobirovich T. B. The criterion of human indicators in development and renewals in Uzbekistan //EPRA International Journal of Multidisciplinary Research (IJMR). – 2020. – T. 6. – №. 8. – C. 509-511.
27. Sobirovich T. B. O“zbekiston demokratik jamiyat taraqqiyoti rivojida ma“naviy yangilanishlar strategiyasining roli //Imom Buxoriy saboqlari. – 2020. – №. 2. – C. 118-121.
28. Turdiev B. S., Yuldashev B. T. THE ISSUE OF AVOIDING CRIMES AMONG YOUNGSTERS IN UZBEKISTAN //Экономика и социум. – 2019. – №. 1-1. – C. 119-122.
29. Turdiyev B. S. SPIRITUAL RENEWAL AND INTERETHNIC RELATIONS IN THE STRATEGY OF ACTIONS //Теория и практика современной науки. – 2018. – №. 3. – C. 85-89.