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## SOCIAL GUARANTEES FOR DISABLED IN THE REPUBLIC OF BELARUS

EDVARD SKURYAT

Polotsk State University, the Republic of Belarus

*The article is concerned with the questions of legal treatment of people with special needs. It gives the description of legal documents which provide rights and freedoms of such people. The article proceeds with the classification and definitions of rehabilitations. It examines the need for sport and activities for people with special needs. At the same time the article slightly touches some problems that can exist when interacting with people with disabilities.*

The statistic number of disabled people in Belarus is 575 thousand people. It is 6.1% of the total population, taking into account the disabled of all groups [1]. The percentage itself is relatively small if to compare it to other countries. For example, in the Russian Federation this number is 11,875,000 people (8 % respectively) [2].

If to consider the regions of Belarus, one can calculate that in Vitebsk region 59.756 people have the status of disabled. It is a sufficiently large number of citizens in relation to the total number of residents.

Who is a disabled person in terms of national legislation? Article 1 of the Law of the Republic of Belarus "On Social Protection of Disabled Persons in the Republic of Belarus" defines a disabled person as a person with physical, mental, intellectual, or sensory impairments which (when interacting) interfere full and effective participation in the life of the society on an equal basis with other citizens [3]. At the same time, there exists a problem: domestic legislation does not correspond to modern realities. At present, the given definition is considered, at least, incorrect. The United Nations Convention on the Rights of Persons with Disabilities (the UN) uses the term "a person with disability". But globally, the expression "people with special needs" is more widespread. Lawmaking activities in Ukraine can be used as an example of changes in the legislation regarding the legal status of people with disabilities. In December 2017, the Supreme Council of Ukraine legislatively replaced the term "disabled" with "a person with disabilities" in order to bring Ukrainian laws in line with the convention adopted by the UN General Assembly in 2006 which came into force in May 2008 [4].

The UN Convention on the Rights of Persons with Disabilities (the Convention) includes a definition of "disability". Disability is the result of interactions that occur between people with special needs or who have attitudinal and environmental barriers that prevent them from full and effective participation in life matters on equal bases with others [5]. Thus, the definition contains real, moral, and spiritual barriers that objectively exist in the society and are considered as obstacles for self-realization of individuals with disabilities.

According to the Law of the Republic of Belarus "On Social Protection of Disabled People in the Republic of Belarus", the recognition of a person as a disabled is carried out by a medical and rehabilitation expert commission. The regulation on medical and rehabilitation expert commissions as well as the procedure and the criteria for determining the degree and the cause of disability (for persons under 18 the degree of health loss) are approved by the Council of Ministers of the Republic of Belarus or its authorized body [3]. In accordance with the Instruction on the procedure and criteria for determining the degree and the cause of disability, the recognition of a citizen as a disabled person is carried out by the relevant medical and rehabilitation expert commission (MREK or the Commission) when conducting a medical and social examination based on a comprehensive assessment of the state of health of a citizen on the basis of clinical and functional, social, professional, labor, and psychological data, using the classifications of the main types of functional disorders and the main criteria of vital activity. The conditions for recognizing a citizen as a disabled person are:

- health disorder with persistent disorder of body functions caused by diseases, trauma, or defects;
- limitation of life activity (complete or partial loss of the ability to carry out self-services, to move independently, to navigate, to communicate, to control behavior, to study or to engage in labor activity);
- the need for social protection measures, including rehabilitation [6].

The recognition of a person as a disabled on the basis of the above list of conditions is quite possible. At the same time, there is an indirect reference to other barriers specified in the Convention.

It is important to mention social requirements for such people. We should start with the Constitution. According to Art. 1 Part 1, Belarus is a social State, aimed at meeting the needs of every person without exceptions. In Art. 2 the norms correspond to the norms of the Convention. The article says that rights are the highest value and a goal of the society and the State [7]. The Constitution of the Republic of Belarus also establishes that it is not the principle of the State to create obstacles to a person – thereby, attention is fixed on the attitude which exists in the society to disabled. The State is also responsible for creating conditions for free and dignified

development of an individual [7]. It follows, that any socially oriented state program complies with the obligation prescribed in Art. 2 of the General Law.

For the implementation of Art. 1 Part 1 and of Art. 2 of the Constitution of the Republic of Belarus, the state policy in the field of social protection of disabled people is carried out. It is confirmed in Art. 4 of the Law "On Social Protection of Disabled People in the Republic of Belarus". It establishes that every disabled person who is unable to satisfy his or her vital needs on their own, has the right to guaranteed assistance from the State.

The state policy of the Republic of Belarus in the field of social protection of disabled people is aimed at ensuring the full participation of disabled people in the life of the society and is carried out on the basis of the following principles:

- the observance of human rights;
- the prohibition of discrimination of disabled;
- the availability of medical, social, professional, and labor rehabilitation;
- the equality in rights of persons with disabilities alongside with other citizens to health care, education, and free choice of employment;
- the interaction of state bodies with public associations of people with disabilities [3].

The above principles are aimed at creating the situation where citizens have equal rights, regardless of the characteristics of their health.

The implementation of the state policy of the Republic of Belarus in the field of social protection of disabled people is carried out by state bodies within their competences. Other organizations, including public associations of people with disabilities and individual entrepreneurs also take part in the implementation of the state policy in this area [3].

For a more complete regulation of public relations, Art. 5 of the Law "On Social Protection of Disabled People in the Republic of Belarus" states that people with disabilities are singled out as a separate social community. The established norm corresponds to Art. 14 of the General Law [7]. The State places great importance on a fairly wide social stratum according to Art. 6 of the same Law: It states that persons with disabilities have an inalienable right for respect of their human dignity. The protection of rights, freedoms, and legitimate interests of disabled people in the Republic of Belarus is guaranteed by the State and are provided in the judiciary or others, established by law [3]. However, even this article draws attention to the fact that such persons have special needs.

The main condition for the normal existence of persons with disabilities is the process of rehabilitation. Rehabilitation of persons with disabilities is carried out in accordance with the legislation with the help of individual rehabilitation programs for persons with disabilities, issued by medical and rehabilitation expert Commissions, based on the results of a medical and social examination. An individual rehabilitation program for a disabled person defines a complex of rehabilitation measures, specific types and terms of rehabilitation of a disabled person, as well as people who are responsible for its implementation. An individual rehabilitation program for a disabled person is mandatory for the relevant state bodies, as well as for organizations and individual entrepreneurs who are involved in the rehabilitation of disabled people [3].

In order to present the best quality rehabilitation, the Law of the Republic of Belarus "On the Prevention of Disability and Rehabilitation of Disabled People" was issued. This regulatory legal act identifies 4 types of rehabilitation:

- a medical rehabilitation of disabled people – a set of measures aimed at recovering the vital functions of a human body or compensating its functional capabilities as a result of past diseases;
- a vocational rehabilitation of disabled people – a set of measures aimed at full or partial recover of working capacity, including vocational guidance, vocational training, retraining and advanced training of disabled people;
- a social rehabilitation of disabled people – a set of measures aimed at improving the quality of life of disabled people by creating conditions for them to live independently and to integrate into the society;
- a labor rehabilitation of disabled people – a set of measures aimed at providing disabled people with the opportunity to obtain and (or) maintain a suitable job, including the adaptation to work and full or partial employment of disabled people [8].

The main advantage of the rehabilitation system can be considered as a complex of rehabilitation measures for each person separately.

If we consider the very concept of rehabilitation of persons with disabilities, it is a system of measures aimed at helping persons with disabilities to achieve their optimal physical, intellectual, and social levels of activity, as well as at providing them with necessary means, services, information that will ensure life quality and will expand the scope of their independence, consisting of medical, professional, labor, and social rehabilitation [8]. It

is possible to single out the fact that this list of rehabilitation measures is not complete, and, along with the main ones, there is an opportunity to include new measures.

As a rehabilitation process, the adaptation of a disabled person is distinguished as a set of measures aimed at achieving the level of self-services that will be enough for his/her independent life, work, and other activities [8]. The process is aimed at acquiring the necessary conditions for appropriate rehabilitation. Thus, there are 4 types of the adaptation. Social rehabilitation of disabled people includes:

- ♣ social adaptation of disabled people;
- ♣ provision with technical means of social rehabilitation;
- ♣ social services at home, including daily assistance;
- ♣ measures to develop creativity of disabled people and venues to involve disabled into physical activities and sports events;
- ♣ other types of social rehabilitation in accordance with the individual rehabilitation program for a disabled person.

Social adaptation of disabled people is aimed at providing psychological support and at teaching social skills of personal hygiene, self-services, movement, and communication in order to achieve the fullest level of satisfaction of the needs of disabled people and create optimal conditions for their integration into the society, as well as the adaptation of the external environment to the needs of disabled people.

Social adaptation of people with disabilities includes:

- the formation of the appropriate living environment for people with disabilities, providing unimpeded access to social infrastructure, means of transport, communication and information;
- fostering independence among disabled people;
- training disabled people to move, to show personal care skills and to provide self-service techniques;
- teaching disabled people to use technical means of social rehabilitation;
- other measures to create a favorable social environment for people with disabilities [8].

The function of social rehabilitation can be carried out with the help of physical culture and recreational activities; that corresponds to Art. 34 of the Law "On Physical Culture and Sports of the Republic of Belarus". Physical fitness and sports with disabled people is aimed at increasing their physical activity and is an integral part of the social rehabilitation of disabled people. The organization of physical activities, recreation, and mass sports with disabled people is carried out by the Ministry of Health of the Republic of Belarus, the Ministry of Labor and Social Protection of the Republic of Belarus, the Ministry of Education of the Republic of Belarus, the Ministry of Sports and Tourism of the Republic of Belarus, as well as by local executive and administrative bodies and by other state bodies in accordance with their competences. The state bodies specified in paragraph 2 of this article carry out physical activity, recreation and mass sports with disabled people in cooperation with the Paralympic Committee of the Republic of Belarus, the Deaflympic Movement of Belarus, the Special Olympic Movement of Belarus, as well as in cooperation with organizers of physical activities and sports, and other organizations that carry out activities in the field of physical culture and sports. This article only examines the legal status of persons with disabilities. The general provisions on the conduct of such events which may also meet these criteria are not taken into account. Such events are carried out by individuals or legal entities with (or without) the involvement of relevant specialists in the field of physical culture and sports [9].

Sports activities are an integral part of the state policy for the rehabilitation of persons with health problems. The state policy of the Republic of Belarus in this area is expressed through the creation of legal, economic, and social conditions for protecting health of citizens and meeting needs of people with disabilities for rehabilitation measures.

Each category of people with disabilities creates their own conditions, for example, sign language is used to communicate with hearing impairments. Sign language is recognized by the State as a means of interpersonal communication. State supports sign language usage and provides:

- the preservation and development of sign language;
- the inclusion of sign language in the curricula of educational institutions that provide advanced training and retraining, as well as in employment and social protection agencies, emergency situations, law enforcement agencies, and other state organizations;
- the organization of sign language translation during different venues;
- the provision of free sign language translation services.

Funding for sign language support activities is carried out at the expense of public associations of disabled people, or with funds of the republican and (or) local budgets, as well as with other sources not prohibited by law.

Persons with disabilities, along with other benefits, are provided with admission to educational institutions. For such persons special conditions are created for obtaining education [3].

The problem with national legislation is that people need to be taught not to create obstacles to persons with disabilities, in other words, the society should treat them equally. For this, Article 19 of the Law of the Republic of Belarus "On Social Protection of Disabled Persons in the Republic of Belarus" establishes that such a person has the right to work on his own and freely as well as under normal conditions and norms prescribed for other citizens. This was created with the purpose of a more complete professional development of disabled people.

Republican government bodies, local executives, administrative bodies, and other organizations provide people with disabilities with necessary conditions for free access to social infrastructure facilities; residential, public or industrial buildings and structures; unhindered use of public transport and transport communications; information; recreational facilities and leisure [3].

The List of means that help people with disabilities freely live and move includes:

- ♣ stroller;
- ♣ bedding;
- ♣ walking stick, crutches;
- ♣ prostheses;
- ♣ etc. [10].

In this case, prostheses are also considered as a means of medical rehabilitation. The order and the sequence of prosthetics are determined by the legal documents issued by the Ministry of Health of the Republic of Belarus, dated by May 6th, 2010 No. 467 "On the Improvement of Medical Rehabilitation and Prosthetics of Patients with Amputation Stumps of the Extremities".

On the website of the NGO "BelOI" [11] and "Pravo.by" [12] was noted that one should focus exclusively on the social aspect when dealing with disabled. For example, labor activity: a person with special needs who has only a wheelchair cannot get to all institutions. Communication: often people look with condemnation or pity at disabled. In other words, it is necessary to eliminate this – to show that such a person is able to provide for himself or herself. This is achieved by the latest programs for medical rehabilitation. It is necessary to focus on achieving precisely this aspect; thereby it is possible to solve the problems of labor and vocational rehabilitation.

With regard to interaction with people and creating a healthy atmosphere for disabled, in our opinion, the Law of the Republic of Belarus "On Physical Culture and Sports" should allow individuals and legal entities, in addition to state bodies, to carry out adaptation and rehabilitation, since sport is an important area for ensuring the equality of all categories of citizens.

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