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LEGAL REGULATIONS OF THE STATUS FOR DISABLED PEOPLE
IN THE REPUBLIC OF BELARUS

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The article deals with the issues of legal regulation of the status of people with disabilities on the international and national level. The author pays attention to the definition of the concept "disabled", highlights its characteristic features.

The recognition of people's rights with disabilities has had a long and ancient history. Let us denote the scope of the study, considering the recognition of people's rights with disabilities after the Second World War.

The relevance of the study is due to the fact that in the modern world it has always been interesting for the society to observe and learn about the recognition of people's rights with disabilities in the Republic of Belarus and abroad.

According to the analysis of the provision of the Constitution, Part 1, Article 8: "The Republic of Belarus recognizes the priority of the generally accepted principles of the international law and ensures their compliance with the legislation [1]". After studying this norm, it can be concluded that international acts occupy a leading position in the recognition of the rights of people with disabilities on the territory of the Republic of Belarus. This norm of constitutional legislation uses the principle of the international law - the Principle of the conscientious fulfillment of the obligations under the international law. This principle is applied only to valid agreements. This means that the principle in question is applied only to the international treaties, conducted voluntarily and on the basis of equality. Any unequal international treaty primarily violates the sovereignty of the state and as such violates the UN Charter, since the United Nations "is based on the principle of the sovereign equality of all its Members", which, in turn, have committed themselves to "develop friendly relations between nations based on respect principle of equality and self-determination of peoples".

The international legislation on the protection of the rights of people with disabilities is constituted by: The Convention on the Rights of People with Disabilities, The World Report on Disability.

On August 31, 2008, the General Assembly decided to establish the Committee on the Rights of People with Disabilities. The main tasks of the Committee are: the provision of international protection to people with disabilities, the fight against discrimination of people with disabilities in the modern society, as well as the countries' compliance with the Convention on the Rights of People with Disabilities.

The Convention on the Rights of People with Disabilities [2] was developed by the UN General Assembly on December 13, 2006. The main principles of this Convention are:

- respect for the inherent dignity of a person, his/her personal autonomy, including the freedom to make his/her own choices, and independence;
- non-discrimination (equal treatment of all);
- full and effective participation and inclusion in the society;
- respect for the characteristics of people with disabilities and their acceptance as a component of the human diversity and being a part of the humanity;
- equality of opportunities;
- accessibility (free access to vehicles, places and information and the impossibility of denying access due to the disability);
- equality of men and women (boys and girls also have equal opportunities);
- respect for the developing abilities of children with disabilities and respect for the right of children with disabilities to preserve their individuality (the right to respect your abilities and the right to be proud of yourself) [2].

These principles characterize the main conditions that are written down in the Convention on the Rights of People with Disabilities. All these characteristics are crucial for the application and use of the Convention on the Rights of People with Disabilities. It is worth paying attention to all its signs. Separately we can single out non-discrimination and the equality of men and women (gender equality). One must remember that

non-discrimination and gender equality are among the most important signs at the present stage of the development of the society, these problems are characteristic not only for people with disabilities, but also for other socially vulnerable groups of the population.

According to the part 1 of the Article 1 of the Convention on the Rights of People with Disabilities: "The purpose of this Convention is to promote, protect and ensure the full and equal enjoyment by all persons with disabilities of all human rights and fundamental freedoms, as well as to promote the respect for their inherent dignity. [2]". The equality is the first and the main objective, pursued by the Convention on the Rights of People with Disabilities. People with disabilities should, on an ongoing basis and in spite of any circumstances, possess the same rights and freedoms as ordinary healthy citizens. The second objective of the Convention on the Rights of People with Disabilities is to give them respect from the community. Consequently, it is the protection of people with disabilities from the discrimination they face in the modern society.

According to the analysis of the part 2 of the Article 1 of the Convention on the Rights of People with Disabilities: "Persons with disabilities include persons with persistent physical, mental, intellectual or sensory impairments who, when interacting with various barriers, may interfere with their full and effective participation in the society along with others [2]". From this definition, the following features can be distinguished:

- A disabled person is a person who has persistent physical, mental, intellectual or sensory impairments to the health;
- A disabled person is a person who has limited opportunities due to the health;
- A disabled person is a person who cannot effectively participate in the life of the society on an equal basis with others.

This definition was developed in 2006. However, the society is developing every day and in our opinion the definition should be developed a little bit more. In this definition, there is not a single word about the discrimination against people with disabilities. This is a weak point of this definition, since this question is not written down in the definition. In our opinion, the Disabled is a person who is a subject to the discrimination by the society. This problem has been existing in the modern society for a long time. International organizations are issuing and adopting regulations to resolve this problem. The Convention on the Rights of People with Disabilities singles out the protection against the discrimination of people with disabilities as one of its objectives.

In our opinion, the Disabled is a person who receives social assistance from the state, this is a positive feature and it characterizes any state only from a good side. But this explanation is not written down in the definition. In our case, it is necessary because it is the state that provides this social assistance.

The second international document is the World Report on Disability. The relevance of this document is that it describes the international experience in regulating the rights of people with disabilities in various countries of the world.

In 2011, the World Report on Disability was presented to the public [3]. The main task is to present the audience with the aspects of the definition of disability, the results of the work, done by various countries on the protection and support of people with disabilities. The World Report on Disability provides a summary. The summary contains the main ideas and the recommendations that characterize an international document.

The World Report on Disability is the first in the history of the modern society. The report examines the main provisions of the disabled in the modern society. The main topics in the Disability Report are:

- Health;
- Rehabilitation;
- Help and support;
- Environment;
- Education;
- Employment.

The topics, outlined in the Disability Report fully describe the problems that people with disabilities face in the modern society. Each chapter discusses the obstacles that people with disabilities face, as well as the results of the case studies on how countries manage to solve these problems by promoting good practice. The World Report on Disability makes a significant contribution to the implementation of the Convention on the Rights of People with Disabilities. It can be used as a necessary resource for providing work in such areas as public health, human rights and development, at the same time the report is intended for policy makers, service providers, professionals and advocates for people with disabilities and their families.

The international regulation is fundamental in recognizing the rights of people with disabilities on the territory of the Republic of Belarus. The Convention on the Rights of People with Disabilities and the World Report on Disability are two international instruments that maintain and preserve the rights and freedoms of people with disabilities and they are complete.

The recognition of the rights of people with disabilities is relevant on the territory of the Republic of Belarus. This can be proved by the fact that, according to the National Action Plan for the implementation of the provisions of the Convention on the Rights of People with Disabilities in the Republic of Belarus: "At the end of 2016, the number of people with disabilities, registered in the agencies for labor, employment and social protection amounted up to 554.9 thousand people (about 6 per cent of the country's population), including: Group I for disabled people - 86.5; Group II - 266.4 thousand people; Group III - 172.4 thousand people; disabled children under the age of 18 were estimated up to 29.6 thousand people. In 2016, the total number of people with disabilities increased, if compared to the previous year, by 5.4 thousand people [4]. "From the data we can draw the following conclusion: on the territory of the Republic of Belarus 6% of the population are disabled, who need social assistance, protection of their rights and freedoms and protection from discrimination.

According to the constitutional legislation of the Republic of Belarus, the topic of recognizing the rights of people with disabilities is also relevant in the Republic of Belarus. According to the part 1 of the Article 1 of the Constitution of the Republic of Belarus: "The Republic of Belarus is a social state [1]." From this it follows that the state policy is aimed at the redistribution of wealth in accordance with the principle of social justice for the sake of achieving every citizen a decent standard of living, smoothing social differences and helping the needy. The state is obliged to provide assistance to people with disabilities, as well as to create all conditions for them for a decent standard of living. The Article 22 of the Constitution of the Republic of Belarus is read as follows: "Everyone is equal to the law and has the right, without any discrimination, to equal protection of rights and legitimate interests [1]". According to this article of the Constitution, "everyone is equal to the law," this wording says that equality should be maintained in the country, regardless of what status or position a person occupies in the society. The second element of this statement is "discrimination". This is an important aspect when it comes to people with disabilities. Disabled people in the modern society are subject to discrimination and, in accordance with the constitutional legislation of the Republic of Belarus, the state's goal is to eliminate this discrimination. Thus, the problem of recognizing the rights of people with disabilities is relevant on the territory of the Republic of Belarus.

The Law of the Republic of Belarus "On Social Protection of Disabled People in the Republic of Belarus [5]" was adopted in 1991. Since 1991, the Law of the Republic of Belarus "On Social Protection of Disabled Persons in the Republic of Belarus [5]" has been amended and supplemented 9 times, this suggests that the issue of recognizing the rights of people with disabilities does not stand still, but is relevant for the modern society. The law aims to balance the rights of people with disabilities and ordinary citizens in various spheres of life. The issue of the discrimination is fundamental in the Law of the Republic of Belarus "On Social Protection of People with Disabilities in the Republic of Belarus [5]". This is how E.F. Grechcheva – the Associate Professor at the Department of Political Science of the Belarusian State University – commented on this issue: "One of the first important legal acts on the protection of people with disabilities from discrimination was the Law "On Social Protection of People with Disabilities", which contained a provision, according to which discrimination of people with disabilities is prohibited by the law. In the new edition, the Law emphasizes that the Belarusian legislation is based on the principles of non-discrimination. And although such a formulation, in our opinion, is not sufficiently defined, the existence of such a norm is a very important factor for the further improvement of the legislation in this area [6]".

According to the Law of the Republic of Belarus "On Social Protection of Disabled People in the Republic of Belarus [5]": "A person with a disability is a person with persistent physical, mental, intellectual or sensory impairments that, when interacting with various barriers, interfere with his/her full and effective participation in the life of the society or the citizens [5]". Let us highlight the following features of the concept of disabled:

- A disabled person is a person who has persistent physical, mental, intellectual or sensory impairments to health;
- A disabled person is a person who has limited opportunities due to health;
- A disabled person is a person who cannot effectively participate in the life of the society on an equal basis with others.

The definition of the term "handicapped person" in the Law of the Republic of Belarus "On Social Protection of Disabled People in the Republic of Belarus [5]" and the Convention on the Rights of People with Disabilities does not differ. From this it follows that the definition of a disabled person in the Belarusian legislation was borrowed from the international experience.

In 2008, the Law of the Republic of Belarus on Prevention of Disability and Rehabilitation of Disabled People was adopted [8]. According to this regulatory and legal act, the Republic of Belarus returns to the definition of the concept of a disabled person, which is written down in the Convention on the Rights of People with Disabilities. The Law of the Republic of Belarus "On Prevention of Disability and Rehabilitation of Disabled People" provides an opportunity for citizens to familiarize themselves with the responsibilities of the state in the field of rehabilitation of disabled people. The law has a list of state programs that are aimed at regulating the rights and freedoms of people with disabilities, providing them with social assistance and rehabilitating their rights in various public relations. According to the Article 41 of this Law, the Council of Ministers controls the implementation of this Law on the territory of the Republic of Belarus. The Resolution of the Ministry of Health of the Republic of Belarus, dated on August 12, 2002, No. 61 "On Approval of the Instruction for Determining the Disability Group and the Instruction for Determining the Cause of Disability [7]" was adopted in 2002. The Resolution sets out the basic terms and concepts that are closely related to disability. The main function of the Resolution is to determine the group of disability in accordance with the legislation of the Republic of Belarus.

The Resolution of the Ministry of Health of the Republic of Belarus, August 12, 2002 No. 61 "On the Approval of the Instructions for Determining the Disability Group and the Instructions for Determining the Cause of Disability [7]" gives the following definition to the concept of a disabled person: "A person who is due to some limitations in abilities because of some physical or mental disabilities needs social assistance and protection [7]". Let us highlight the following features of the concept of disabled:

- A disabled person is a person who is limited in abilities due to physical or mental disabilities;
- A disabled person is a person who needs social assistance;
- A disabled person is a person who needs social protection.

The definition of the term "disabled" in the Resolution of the Ministry of Health of the Republic of Belarus, dated back to August 12, 2002 No. 61 "On Approval of the Instruction for Determining the Disability Group and the Instruction for Determining the Cause of Disability [7]" is the first in the history of the sovereign Republic of Belarus. The definition was developed by Belarusian scientists. However, this definition is not widely used in the Republic of Belarus.

The most important event in recognizing the rights of people with disabilities on the territory of the Republic of Belarus was the ratification of the Convention on the Rights of People with Disabilities. The Convention on the Rights of People with Disabilities was ratified in 2015. In 2016, a National Action Plan was developed to implement the provisions of the Convention on the Rights of People with Disabilities in the Republic of Belarus. The National Action Plan for the implementation of the provisions of the Convention on the Rights of People with Disabilities in the Republic of Belarus has a time frame and must be implemented within 8 years, starting from 2017 to 2025. The National Action Plan for the implementation of the provisions of the Convention on the Rights of People with Disabilities in the Republic of Belarus contains: general provisions, terms and definitions, positions of people with disabilities in the Republic of Belarus, goals and objectives of the National Action Plan for the implementation of the provisions of the convention, the mechanism for the implementation of this plan, a number of activities that are necessary on the territory of the Republic of Belarus. The main directions of the National Plan are:

- Implementation of the Convention on the Rights of People with Disabilities;
- Non-discrimination of people with disabilities;
- Granting all possible rights and freedoms;
- Social protection;
- Equality in the society; etc.
- Protection and support for people with disabilities in the Republic of Belarus.

Thus, the Belarusian legislation has its own regulatory legal acts that regulate the recognition of the rights of people with disabilities on the territory of the Republic of Belarus. At the same time, the Republic of Belarus does not refuse the international regulation of these same rights. The Convention on the Rights of People with Disabilities and the Laws of the Republic of Belarus have similar features, norms, regulations. In my opinion

it is meaningless to conduct a comparative analysis of these acts. The Convention on the Rights of People with Disabilities and Belarusian legislation is a well-coordinated mechanism that aims to recognize the rights of people with disabilities and to protect and to support them in the modern society.

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