THE SITUATION OF PEOPLE WITH DISABILITIES IN THE CATEGORY OF SOCIALLY PROTECTED GROUPS

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ABSTRACT

Objective: «The phenomenon of disability is closely linked to acute problems in society. Social isolation and «disability - lack of access to a decent education - difficulty finding a job - poverty» - this is a bitter truth that exists in the beginning of millions of people and none of them is insured. The main aim of the work is to study the situation of social protection of disabled citizens from a scientific-theoretical, for legislative purposes, to reveal some concepts in accordance with certain stages of social development and to give separate conclusions.

Method: The basis of the research methods is the analysis of theoretical and legal concepts, statistical, understanding, and systemic methods that appear when considering the situation of citizens with disabilities.

Result: The rights of people in need of social protection have long been the subject of close scrutiny by the international community. Nowadays a number of documents have been developed and adopted. Such acts determine the attitude of society and the state to people with disabilities, as well as the relationship of this group of people with society and the state. Many provisions of these acts provide a reliable legal basis for the life and social protection of people with disabilities in the country.

Suggestions: The problem of people with disabilities requires from society not only understanding, but also ensuring the participation of many structures in this process. Providing a number of benefits, we are talking about how to continue to improve the issues of citizens with disabilities, to improve the legislation regulating public relations in the field of social protection, to increase the amount of measures taken to promote public life. Analyzing the situation of people with disabilities in the modern Kazakhstani society, we can say that the state is doing a lot to improve their quality of life, but still a lot of work needs to be done in the field of rehabilitation of people with disabilities. Among them, it is necessary to improve education, employment, health care measures.

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A SITUAÇÃO DAS PESSOAS COM DEFICIÊNCIA NA CATEGORIA DOS GRUPOS SOCIALMENTE PROTEGIDOS

RESUMO

Objetivo: "O fenômeno da deficiência está intimamente ligado a problemas graves na sociedade. Isolamento social e "deficiência - falta de acesso a uma educação decente - dificuldade em encontrar um emprego - pobreza" - esta é uma verdade amarga que existe no início de milhões de pessoas e nenhuma delas está segurada. O principal objetivo do trabalho é estudar a situação da proteção social dos cidadãos com deficiência a partir de uma teoria científica, para fins legislativos, para revelar alguns conceitos de acordo com certas fases do desenvolvimento social e para dar conclusões separadas.

Método: A base dos métodos de pesquisa é a análise de conceitos teóricos e jurídicos, estatísticos, compreensão e métodos sistêmicos que aparecem ao considerar a situação dos cidadãos com deficiência.

Resultado: Os direitos das pessoas que necessitam de proteção social são há muito objeto de um controlo rigoroso por parte da comunidade internacional. Hoje em dia, vários documentos foram desenvolvidos e adotados. Tais atos determinam a atitude da sociedade e do Estado para com as pessoas com deficiência, bem como a relação deste grupo de pessoas com a sociedade e o Estado. Muitas das disposições destes atos fornecem uma base jurídica fiável para a vida e a proteção social das pessoas com deficiência no país.

Sugestões: O problema das pessoas com deficiência requer da sociedade não só a compreensão, mas também a participação de muitas estruturas neste processo. Estamos a falar de como continuar a melhorar as questões dos cidadãos com deficiência, melhorar a legislação que regula as relações públicas no domínio da proteção social, aumentar o número de medidas tomadas para promover a vida pública. Analisando a situação das pessoas com deficiência na sociedade cazaquistanesa moderna, podemos dizer que o Estado está fazendo muito para melhorar sua qualidade de vida, mas ainda há muito trabalho a ser feito no campo da reabilitação das pessoas com deficiência. Entre elas, é necessário melhorar a educação, o emprego, as medidas de saúde.

Palavras-chave: sociedade, proteção social, adaptação social, grupo socialmente vulnerável, pessoas com deficiência, segurança social, proteção social das pessoas com deficiência.

1 INTRODUCTION

Since basic social and economic human rights are an integral part of the social policy currently pursued in the country, all possible conditions are being created to encourage most disadvantaged groups of society, including people with disabilities, to fully participate in public life. State policy has changed in relation to many social groups, including people with disabilities.
The Republic of Kazakhstan proclaims itself as a democratic, secular, legal and social state whose highest values are a person, his life, rights, and freedoms. A citizen shall be guaranteed a minimum wage and pension, and guaranteed social security in age, in case of disease, disability or loss of the main income-provider and other legal grounds is one of the main directions of social protection of the people, and we see that it originates from the Constitution (Constitution of the Republic of Kazakhstan, 1995). In this regard, many reforms in the field of social protection, including the problem of social protection of people with disabilities, occupy an important place in the country today. One of its proofs is the address of the President of the Republic of Kazakhstan K.K. Tokayev to the people on September 2, 2019. Part of the new stage of social modernization of the appeal states that special attention should be given to families with children with disabilities, taking into account that according to official statistics over 80 thousand children are registered as having a disability, a number of instructions were given to create equal opportunities for people with special needs (https://adilet.zan.kz/kaz/docs/K2300000224). Of course, raising this problem at the state level shows that it is necessary to pay attention to all the unresolved issues of people with disabilities in society.

2 METHODS AND MATERIALS

The state ensures social protection of citizens with limited means (disabled), takes into account their needs for relevant state programs for the realization of their personal development, creative and production capabilities and abilities, implements the health care, labor, housing and other socio-economic rights of disabled people in order to remove obstacles, necessary conditions are being created for providing social assistance in the types provided by the legislation.

With regard to the conditions of citizens with disabilities in the Republic of Kazakhstan, it is certainly possible to improve the legal system by creating a balanced system of science-based practices of legal regulation. In our country and among the scientists of the CIS countries, there are just a few studies in the field of social security, including the issues of disabled citizens.
3 RESULTS AND DISCUSSION

The problem of disability and loss of health is one of the most serious problems today. According to the World Health Organization, there are more than 600 million disabled people in the world, which is, for example, much more than the population of the European Union. Every tenth person on the planet has a disability, one in ten suffers from a physical, mental or sensory impairment, at least 25% of the entire population has some form of health impairment; One family of four has a disabled person. The growing trend of disability both globally and in individual countries is a matter of concern.

Serious deterioration in health greatly complicates the lives of disabled people, making the present and future dependent not only on their potential capabilities, but also on the help and support of the state, usually in the most negative way. According to the World Health Organization, 80% of people with disabilities (more than 400 million people) are not sufficiently provided for to meet their most pressing needs (Sonila Tomini, Mikaella Vanore, Sepide Yousefzadeh, Franziska Gassmann. 2014).

One of the main achievements of the state is a significant increase in the efficiency and effectiveness of the rehabilitation and adaptation of children with disabilities, the comprehensive development of the child’s abilities, his socialization to the environment and society, self-expression, self-expression of a disabled person and mastering social skills, the introduction of innovative technologies for social adaptation.

Based on a law enforcement approach, social protection must take into account the needs of people with disabilities. Traditional disability-related welfare programs primarily focus on active participation in education, access to health care and employment, and ways to obtain benefits for citizens with disabilities.

Social protection is a necessary condition for social and economic development for all people. Social protection programs can increase people’s productivity, employment, and economic development by creating income-generating opportunities for them. In addition, social protection can promote social integration and participation by ensuring effective access to food, health, education and support services. Thus, a well-designed social protection program has the potential to directly improve the enjoyment of rights by persons with disabilities. Social protection plays a key role in realizing the rights of people with disabilities of all ages: reducing vulnerability by providing them with an adequate standard of living, a basic level of guaranteed income.
In our society, there are concepts of «socially weak group» and «socially vulnerable groups of the population». However, there is no clear legal definition of these concepts in modern law. In general, this group includes citizens who need the support of local and central structures of the country. At this point, it should be said that the concept of «low-income families» cannot be separated, and that family also includes a disabled child and citizens belonging to other socially vulnerable groups established by law.

Socially weak groups (socially vulnerable groups) are those who cannot earn money on their own and, in general, cannot fully provide themselves and their family with the necessary standard of living (due to objective reasons, of course). For example, minors and the elderly, disabled people, as well as people who have special difficulties in finding work. In addition, they include large and single-parent families, refugees, people released from prisons. The social welfare system is aimed at these - that is, the system of social assistance implemented through the activities of specialized social welfare bodies (Dictionary Lopatnikova).

Socially vulnerable groups of the population include representatives of social groups, which are joined by groups of people of the low and middle class. As a rule, their inability to adapt, and therefore social vulnerability, is associated with weakness in some area of life. For older people, fragility is characterized by poor health, loneliness (withdrawal from a number of social connections - family, professional, etc.), and a low standard of living. Social vulnerability of persons with disabilities (disabled people), disruption of the functioning of any stable physiological system, leads to the inability to adapt to everyday life. Hence, difficulties arise due to the impossibility of professional self-improvement, low income, and often social loneliness (Kholostova E.I., Malofeev I.V. 2016).

At this point, it should be noted that the social vulnerability of minors and children is associated with the absence of parents, parents not fulfilling their duties sufficiently, and other conditions. In addition, children with psychophysiological characteristics, i.e. lack of physical strength, i.e. inability to defend themselves in various situations, are added.

In order to assign an individual to a socially vulnerable group, this situation should be taken into account, taking into account his permanent and long-term inability to adapt to the environment.
Domestic and material problems that arise in every person (individual) and are of a short-term nature, if they can be quickly solved with the help of some adaptive resources, then they cannot be a reason to classify all of them as a socially vulnerable group.

So, a legitimate question arises as to who are the category of those who belong to this group. In accordance with Article 68 of the Law № 94 dated April 16, 1997 of the Republic of Kazakhstan «On Housing Relations», socially vulnerable groups of the population:

1) veterans and participants of the Great Patriotic War;
2) disabled persons of groups 1 and 2;
3) families with or raising children with disabilities;
4) people suffering from severe forms of certain chronic diseases listed in the list of diseases approved by the Government of the Republic of Kazakhstan;
5) retirement pensioners;
6) orphans and children without a custody of parents aged under twenty-nine years who lost parents before coming age. When these persons are called to military service, the age shall be extended for the term of performance of active military duty;
7) oralmans;
8) persons who lost their dwelling place due to ecological, natural or technical disasters or emergencies;
9) mothers with many children, awarded with necklaces «Altyn alka», «Kumis alka» or previously received the title «Mother-Heroine», as well as awarded with the orders of «Maternal Glory» of I and II degrees, large families;
10) families of persons who died (were killed) while fulfilling state or public duties or military service, preparing for or carrying out space travel, saving human life or protecting law and order;
11) incomplete families (Law No. 94 of the Republic of Kazakhstan, 1997).

Thus, when we think of socially vulnerable groups of the population, the rule immediately comes to mind that, depending on the situation, there are people who have lost their housing, breadwinner, or the ability to work (or are not born). The reasons for
admission to weak groups include health conditions, family conditions, age, consequences of unexpected accidents. Citizens with special status receive material assistance and benefits from social services.

The main problem under consideration with us is the situation of citizens with disabilities in the category of socially vulnerable groups.

The right to social protection of the disabled is recognized by the Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, in particular, the 2006 Convention on the Rights of Persons with Disabilities adopted by the resolution of the UN General Assembly. Article 28 of the Convention on the Rights of Persons with Disabilities, in particular, recognizes the right to an adequate standard of living and social protection, guaranteeing the use of both rights of persons with disabilities without discrimination based on their abilities (The Convention on the Rights of Persons with Disabilities, 2006).

States parties should therefore take appropriate measures to ensure equal access to basic social protection programs and services, including basic services, social security systems, poverty reduction programs and housing programs, as well as specific programs and services to meet disability-related needs.

A country with the ideology it adopts will fundamentally influence the lives of its citizens, including the implementation of their human rights (Laode Husen, Andi Ifal Anwar, Sufirman Rahman, M. Kamal Hidjaz, 2023). Like other states, the Republic of Kazakhstan undertook to implement international legal norms, consolidate and develop them in their legislation. The sovereign legislation of the Republic of Kazakhstan allows to provide state allowances and a number of benefits to disabled people of all groups. The UN Convention on the Rights of Persons with Disabilities of December 13, 2006 summarizes the theory and practice of applying the legislation of various countries in the field of protection of the rights and freedoms of persons with disabilities. Today, 112 countries have ratified it. On February 20, 2015, Kazakhstan ratified the Convention on the Rights of Persons with Disabilities. Article 17 of this convention, which is called the protection of personal integrity, states that every person with disabilities has the right to respect for his physical and mental integrity on an equal basis with others [8]. The first step towards the implementation of the norms of the Convention into the national system of social protection of the disabled is the Law adopted in December 2015. Social protection of the disabled has a special place in the system of social support measures. As
of January 1, 2017, there are 651.9 thousand disabled people living in Kazakhstan or 3.7% of the total population, 62.8% of them are able-bodied people, 12.2% are children (in 2014 - 627, 2 thousand, in 2015 - 637.2 thousand). The growth of people with disabilities between 2014 and 2016 was 3.8% or, respectively, from 627.2 thousand people to 651.9 thousand people (http://www.enbek.gov.kz/kk). As of May 1, 2021, 525,100 people in the republic receive state social benefits due to disability (Abai N., 2021).

According to the legislation of the Republic of Kazakhstan, social protection of the disabled is recognized as a set of measures to provide social assistance and rehabilitation to the disabled, as well as their full involvement in society (Law of the Republic of Kazakhstan, 2005).

International standards not only establish a minimum list of rights, but also include implementation mechanisms and guarantees, which are a prerequisite for the implementation and effective protection of the rights of disabled people in any society, taking into account the social vulnerability.

The law contributes to the development of the potential of disabled people and allows them to create real conditions for their integration into society. It should be taken into account that in society, citizens with disabilities should not only be looked at as encouragement, but positive steps should be taken to encourage them to actively participate in the social environment. In order to create sufficient conditions for the full and systematic integration of disabled people into the public life, to maintain their human dignity at the same level as others, we need other laws that allow the realization of the integrity of human rights, in addition to economic and social rights.

Analyzing the situation of people with disabilities in the modern Kazakhstani society, we can say that the state is doing a lot to improve their quality of life, but still a lot of work needs to be done in the field of rehabilitation of people with disabilities. Among them, it is necessary to improve education, employment, health care measures.

4 CONCLUSION

Hence, it is an important step to consider the category as «socially protected groups of the population» rather than «socially weak group of the population». During the search for the list of vulnerable groups according to the legislation on the topic raised with us, in accordance with Article 68 of Law № 94 of the Republic of Kazakhstan dated April 16, 1997, the list of socially vulnerable groups of the population
is listed, why this group is not in any of the social legislation arose. On this basis, as stated in the 2021 Address of the President of the country K.K. Tokayev entitled «People's unity and systematic reforms are the solid basis of the country's prosperity», «... Therefore, we need a radical change. The law, society, and people's consciousness must change (Kassym-Jomart Tokayev, 2021). Therefore, the mentioned issues led to the adoption of the Social Code for the first time in the Republic of Kazakhstan (Social Code of the Republic of Kazakhstan, 2023).

We can say that the state is developing and improving the provision of medical and social assistance to citizens with disabilities. However, it is clear that it is necessary to increase the amount of measures taken to intervene in public life, improving the legislation regulating public relations in the field of social protection of disabled people and providing social protection of disabled people.
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