

The problem of protecting and realizing the rights of people with disabilities in Russia and the United States of America

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Currently, there is a tendency in the world of increasing the rate of people with limited health abilities. This situation attracts the attention of a large number of caring residents, and thus actualizing the issue of protection and realization of the rights of this category of population.

Over the past few decades, there have been qualitative changes in the social policies of many countries. The social model of disability begins to dominate, the use of which leads to a high level of integration of people with disabilities in the society.

Disability in the modern world has emerged as one of the global problems affecting the interests of virtually all spheres of activity, but despite existing national, regional and international legal norms, as well as the activities of international organizations and the efforts of non-governmental organizations around the world that belong to disabled people, human rights are still being violated.

The problem of the attitude of the healthy population towards the disabled one also remains unsolved; in many countries there remains a very low level of tolerance. For a more detailed study of this problem, we consider the legislation on the rights of people with disabilities in Russia and the United States.

Discrimination of persons with disabilities has existed in any society throughout the history of the mankind and continues up to this day.

The development of mechanisms for the protection of persons with disabilities in the human rights system makes it possible to achieve a change in the status of persons with disabilities from beneficiaries of charitable assistance to independent persons. This approach is aimed at finding opportunities to respect the rights of persons with disabilities through the creation of conditions that allow them to ensure their active participation in the public life.

Promoting and protecting the rights of persons with disabilities comes down not only to the provision of special services, but also to adopting measures to change discriminatory attitudes,

adopting policies, laws and programs that remove barriers and guarantee the exercise of civil, political, economic and social cultural rights by persons with disabilities.

In the US Constitution there is no specific reference to such a group of people as disabled. However, it says: "no state can refuse an individual equal protection of the law." The rights of persons with disabilities are established in other documents, both specialized and general. The first include: the Disability Act, the Act on the elimination of architectural barriers, the Rehabilitation Act. The American Disability Act provides that entrepreneurs cannot resort to discrimination against qualified workers only because of their disability. The United States has adopted the Education Act for Children with Disabilities. Act found that no child with any disability can be denied admission to a public school because of a disability. Act also expanded the powers of the federal government in organizing special education programs, expanded the rights of parents to educate children with disabilities. Vocational rehabilitation activities for people with disabilities are monitored by the Presidential Committee on the Employment of Persons with Disabilities. The President annually reports on issues of training and employment of persons with disabilities, as well as the size of their salaries. In the United States, there are active target programs for the cooperation of centers for the special training of disabled people and universities with enterprises. Financing of programs is carried out from the state budget.

In the Russian Federation, the state position on the rights of people with disabilities is defined in the Federal Law "On the social protection of persons with disabilities in the Russian Federation. " Also in Russia, the concept is clearly defined. A disabled person is a person who has a health disorder with a persistent disorder of body functions due to diseases, consequences of injuries or defects, leading to disability and causing the need for his social protection. Persons with disabilities in Russia have the right to benefits in employment, improvement of living conditions, receiving medical care, participation in educational programs. The state also pays them a higher pension, provides prerogatives in other social and public spheres.

In addition to these basic documents, there are a lot of sectoral laws in the Russian legislation, which specify additional rights of persons with disabilities. There are about 70 large charity funds in Russia that help people with disabilities, including children. The largest of them are Sistema, Russian Aid Fund, Give Life, Line of Life. Also, the President of the Russian Federation proposed to double the pensions to people with disabilities.

The fundamental international legal acts that together form the International Bill of Human Rights (Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966)) political, economic, social and cultural rights, but these acts do not directly mention the rights of persons with disabilities.

The absence of a special act in the field of the protection of the rights of persons with disabilities predetermined a significant increase in the activity of international cooperation of states in the field of improving legal mechanisms ensuring the protection of persons with disabilities.

In 1982, the UN General Assembly adopted the World Program of Action for Disabled Persons, whose goal was to achieve the full participation of persons with disabilities on equal terms in the social life and development in all countries regardless of their level of economic development. The General Assembly proclaimed the period 1983 - 1992 The United Nations Decade of Disabled Persons and encouraged States to use this period as a means of implementing the World Program of Action concerning Disabled Persons.

Based on all the above, we can say that in the modern world the rights of people with disabilities are regulated, there is a strong legal framework for the realization of rights. But one of the most important factors for the integration of people with disabilities into a society is the attitude of healthy people towards people with disabilities.

Bibliography

1. O. Kopnina The development of the pedagogical culture of parents of children with hearing impairments in non-formal education: Avtoref.dis ... Ph.D. Stavropol, 2008. - P.4.
2. Abashidze Aslan Huseynovich, Malichenko Vladislav Sergeevich. International legal framework for the protection of the rights of persons with disabilities // Medico-social expertise and rehabilitation. 2014. №1. URL: <https://cyberleninka.ru/article/n/mezhdunarodno-pravovye-osnovy-zaschity-prav-invalidov>
3. Abashidze Aslan Huseynovich, and Vladislav S. Malichenko. "International legal framework for the protection of the rights of persons with disabilities" Medical-social expertise and rehabilitation, no. 1, 2014, pp. 32-36.
4. <http://www.invachelny.ru/doc/19.html>
5. Article 1 of the Federal Law of 24.11.1995 N 181-Ф3 (as amended on 07.29.2018) "On the social protection of persons with disabilities in the Russian Federation",
6. Federal Law "On Social Protection of Disabled Persons in the Russian Federation" of November 24, 1995 N 181-Ф3 (last edition)
7. A / RES / 37/52. December 3, 1982
8. General Assembly resolution 37/53 of December 3, 1982.