

MEDICAL-SOCIAL EXPERTISE AND THE RIGHTS OF PERSONS WITH DISABILITIES

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Abstract:

This article presents the concept of persons with disabilities and their socio-medical expertise, content, legal framework, covered in national legislation. The article will put forward ideas about the specifics of social expertise, about the implementation specialists and its standards, about the aspects that are practically noteworthy.

Keywords: persons with disabilities and their medical and social examination, disability, medical and social Examination Commission, child with disabilities, criteria for determining disability.

Introduction

So far, what has humanity learned about the lives of people with disabilities, what is it currently aware of, and what is their level of social learning? It is no exaggeration to say that, while the question is difficult, it is very relevant for all countries, regardless of the state of living.

Thus, disability is a part of human life. In most cases, disability is the result of social, economic or political factors, accidents or armed conflicts. There are many factors that contribute to poor health today, including pollution, HIV/AIDS, and drug addiction. Disability is also a development issue because it is closely related to poverty: disability can increase the risk of poverty, and poverty can increase the risk of disability. Up to 50% of disabilities are preventable and are directly linked to poverty [1].

Thus, we see that the problem of persons with disabilities is a major social, political and economic problem that requires every state to fulfill its international obligations in accordance with the generally recognized norms and principles of modern international law.

Uzbekistan is not an exception, it has a population of 36 million and more than 780,000 people with disabilities. Among them, 8.5% of disabled people of group I, 71% of disabled people of group II and 20.5% of disabled people of group III. Children under the age of 16 make up 97,000 persons with disabilities.

In modern society, the term "disabled person" refers to a person who needs various types of assistance due to illness. The concept of "disabled person" in the public mind often has a negative meaning. This approach is based on the idea that a person with a certain severe disease or developmental anomalies (mental, physical) cannot provide for himself independently, cannot be a full participant in social relations, and cannot contribute to social development. Phrases used to describe the term "person with a disability" contribute greatly to the creation and maintenance of these stereotypical ideas [3].

In short, disability is an integral part of human life. In most cases, disability is the result of social,



economic or political factors, accidents or armed conflicts or other similar factors. Nowadays, there are many causes of ill health including pollution, HIV/AIDS, drug addiction etc. At the same time, it is possible to cite a number of reasons that can cause disability, but how will the issue of their social protection be solved and who will study these problems? It is natural to have a question.

DISCUSSION:

Medical and social expertise is one of the factors that provide answers to the above questions. The Republican Inspection of Medical and Social Expertise provides medical and social services to the elderly, disabled and other persons in need of social protection.

In order to gradually move to the social model of determining disability, the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 62 dated February 8, 2022 "On approval of regulatory legal documents on the organization of the organizational structure and activities of the Medical-Social Expertise Service" [3] was adopted. According to it, the organizational structure of the Medical and Social Expertise Service System of the Agency for the Development of Medical and Social Services of the Republic of Uzbekistan and the Republican Inspectorate of Medical and Social Expertise, the main medical and social expert commissions of the Republic of Karakalpakstan, regions and the city of Tashkent (hereinafter referred to as TIEK), inter-district, district (city), model structures of specialized and pediatric medical and social expert commissions, a list of medical and social expert commissions attached to state medical institutions equipped with the necessary equipment for conducting free examinations was formed.

On this basis, the following regulations were approved:

- On the Republican Medical and Social Expertise Inspection of the Agency for the Development of Medical and Social Services of the Republic of Uzbekistan, which provides for the main tasks, rights and organization of activities of the Republican Medical and Social Expertise Inspectorate in the field of conducting medical and social expertise of citizens and determining their disability;
- on the Medical and Social Expert Commissions, which stipulates the main tasks, rights, and the procedure for organizing and evaluating the activity of medical and social expert commissions in the field of medical and social expert examination of citizens and determining their disability;
- the procedure for accepting and passing citizens for examination by medical and social expert commissions, the list of the main diseases that lead to disability and the criteria for determining disability in these diseases, diseases and complications with clearly visible signs of disability, anatomical defects, as well as unfavorable clinical prognosis and examination on the procedure for examination of citizens in medical and social expert commissions, which provides for the list of diseases for which disability is determined without specifying the period of re-transfer;
- on the procedure for determining the level of occupational disability of persons disabled at work or suffering from an occupational disease, which provides for the main criteria for conducting an expert examination of the level of occupational incapacity of the victim, the list of occupational diseases related to the activity of professions, the levels of occupational incapacity in case of injury and the procedure for determining them;



- rehabilitation of a person with a disability, which stipulates the terms and stages of the development of an individual program for the rehabilitation of persons with disabilities, the participation of a person with a disability and specialists in its development, the requirements for the organizations implementing the program, as well as the monitoring of the activities specified in it and the procedure for evaluating the results of the implementation about the individual program.

Also, prior to the establishment of pediatric medical and social expert commissions, in accordance with the Law of the Republic of Uzbekistan "On the Rights of Persons with Disabilities", children aged 16-17 years were assigned a disability group by medical and labor expert commissions and during the period when they were given the status of "disability from childhood" and Disability group fee payment accepted for reference.

Based on the above-mentioned regulations, the system, structures, rights and obligations, tasks, and the procedure of the activities of the responsible bodies and services were defined. It should be noted that according to the regulation on the procedure for examining citizens in medical and social expert commissions, a citizen is recognized as a person with a disability by medical and social expert commissions, and children under the age of eighteen are recognized as a child with a disability by pediatric medical and social expert commissions. implementation, according to the results of medical and social examination, the category of "Child with Disabilities" is assigned to a citizen who is recognized as a person with a disability according to the results of a medical and social examination - the group of disability, the reason and terms of its designation, and to children under the age of eighteen years - with the period of re-examination, the medical and social expert It was established that the commissions should keep collections of personal documents of persons with disabilities (children) in order to create a database of persons with disabilities, take into account disabilities and analyze the structure of disabilities. It also specifies the procedure for acceptance of citizens for examination and examination of citizens, as well as the criteria for determining disability.

The criteria for determining disability are as follows:

- If a child under 18 years of age is diagnosed with a disability, it is recognized as a child with a disability without specifying the disability group;
- They are decided taking into account the degree of limitation of life activities, the prognosis of treatment results, physiological characteristics, anatomical condition, as well as the compensatory state of organs and systems of the children's body, their rapid growth and regeneration;
- The definition of disability in children under 18 years of age is based on the list of the main diseases that cause disability in children under 18 years of age and the criteria for establishing disability in these diseases, the definition of disability in persons over 18 years of age is based on the list of the main diseases that cause disability in persons over 18 years of age;
- Depending on the degree of limitation of life activity, The Examiner over 18 years of age may be prescribed the first, second or third group of disability, taking into account the clinical course of the underlying disease, its complications and clinical-expert prognosis, as well as the type of labor activity of a citizen;
- The following is the basis for recognizing the Examiner as a person with a disability: deterioration of health as a result of a stable violation of the body's functions;



limitation of life activity (complete or partial loss of capacity or opportunity by an individual to engage in self-service, independent movement, mooring, communication, control of his own behavior, study or labor activity);

the need for social protection and social assistance.

- The following are the causes of disability in persons with disabilities older than 18 years:

general illness;

disability at work;

occupational disease;

disability from childhood;

Disability or illness due to accident at Chernobyl NPP;

Illness acquired as a result of radiation received during service at nuclear landfills (if radiation received during service at nuclear landfills causes various degrees of acute and chronic radiation sickness, all types of malignant tumor (cancer) diseases or leukemia);

Illness associated with being at the front;

disease acquired during the performance of military service obligations;

disease acquired during military service;

Illness not related to service in the Armed Forces of the Republic of Uzbekistan;

disability not related to service in the Armed Forces of the Republic of Uzbekistan (wound, injury, contusion);

Disability acquired during the defense of the Republic of Uzbekistan (wound, injury, contusion);

disability (injury, injury, contusion) acquired during the performance of military service obligations;

disability acquired as a result of an accident not related to the performance of military service obligations (wound, injury, contusion);

contusion, disability acquired in connection with the performance of civil duty.

When disability is determined due to eye diseases, the word "eye" is added to the above causes of disability.

- The conclusion on determining disability is based on the assessment of a complex of clinical-psychological, social-household and professional factors. In this case, the nature of the disease, the degree of functional impairment, treatment, the effectiveness of rehabilitation measures, the state of compensatory mechanisms, clinical and labor prognosis, rehabilitation potential, the possibility of social adaptation, the need for various types of social assistance, personal orientation, specific conditions and content of work, professional training, age and so on are taken into account.

During the examination at TIEK, regardless of the nature of the disease or defect, in each case, all systems of the patient's body are subjected to a comprehensive medical examination. Data from functional laboratory tests are used to make a reasonable assessment of the state of health and the level of social adaptation. In this case, the professional activity of the patient is taken into account. Also, a decision is made taking into account the patient's personal characteristics, his social adaptability.



CONSLUTION:

UN Secretary-General Antonio Guterrish's statement, "I want the United Nations to be a model, and I advise you to combine our efforts to take decisive action to achieve the goals envisaged in the United Nations strategy for the inclusion of people with disabilities," we can see how important it is in ensuring the rights of persons with disabilities. It is no exaggeration to say that the medical and social examination of persons with disabilities is a stage in the implementation of their rights. In a word, it is important in determining the legal status of persons with disabilities. The social examination of persons with disabilities serves to determine the level of their disability and thus to form a completely new model of medical and social services, which creates the basis for persons with disabilities to use the rights and freedoms established by law without restrictions and on the basis of integrity. Also, to eliminate the various suspicions that exist among the general public about the recognition of persons with any form of defects or diseases as persons with disabilities, to ensure the targeting of social allowances and material assistance payments with the effective and rational use of state budget funds, and to ensure the social protection of the population. to continue the policy of consistent support to the needy, and at the same time serves as a basis for improving the existing system.

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