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REGULACYJNE I PRAWNE PODSTAWY KOREKCYJNEJ POMOCY DZIECIOM NIEPEŁNOSPRAWNYM W UKRAINIE I W NIEMCZECH

Nataliia Bezdidko

aspirant

Sumskiego Państwowego Uniwersytetu Pedagogicznego

imienia A.S. Makarenki (Sumy, Ukraina)

ORCID ID: 0000-0002-4384-6757

metodkab19@ukr.net

Adnotacja. W artykule przeanalizowano ramy regulacyjne i prawne dotyczące pomocy korekcyjnej dla dzieci z niepełnosprawnością Ukrainy i Niemiec. Ustalono, że Ukraina koncentruje się na doświadczeniu Niemiec, ma znaczące osiągnięcia we wdrażaniu wysokiej jakości procesu rehabilitacji. Uzasadniona jest zależność ram regulacyjnych i prawnych Ukrainy od międzynarodowych, w szczególności Republiki Federalnej Niemiec. Przedstawiono krótki przegląd ustawodawstwa Ukrainy i Niemiec dotyczącego osób niepełnosprawnych, co pozwala zobaczyć, jak zmienia się wsparcie państwa od zapewnienia minimalnego wsparcia materialnego dla inwalidów wojskowych do jak największej integracji społecznej osób niepełnosprawnych z późniejszym zatrudnieniem.

Słowa kluczowe: system rehabilitacji, metody doskonalenia, niepełnosprawność, skuteczność, międzynarodowe standardy jakości, kompleksowa rehabilitacja, prawodawstwo, równość.

REGULATORY AND LEGAL BASIS OF CORRECTIONAL ASSISTANCE TO CHILDREN WITH DISABILITIES IN UKRAINE AND GERMANY

Nataliia Bezdidko

Postgraduate Student

Sumy State Pedagogical

University named after A.S. Makarenko (Sumy, Ukraine)

ORCID ID: 0000-0002-4384-6757

metodkab19@ukr.net

Abstract. The article analyzes the normative and legal framework for correctional assistance to children with disabilities in Ukraine and Germany. It has been established that Ukraine is guided by the experience of Germany, which has significant achievements in the implementation of a high-quality rehabilitation process. The dependence of the regulatory legal framework of Ukraine on the international one, in particular the Federal Republic of Germany, is substantiated. A brief overview of the legislation of Ukraine and Germany on people with disabilities is presented, which allows you to see how state support has changed from providing minimal material support for military disabled people to the most possible social integration of people with disabilities and further employment

Key words: rehabilitation system, improvement methods, disability, efficiency, international quality standards, complex rehabilitation, legislation, equality.

НОРМАТИВНО-ПРАВОВА ОСНОВА КОРЕКЦІЙНОЇ ДОПОМОГИ ДІТЯМ З ІНВАЛІДНІСТЮ В УКРАЇНІ ТА НІМЕЧЧИНІ

Наталія Бездідько

аспірант

Сумського державного педагогічного

університету імені А. С. Макаренка (Суми, Україна)

ORCID ID: 0000-0002-4384-6757

metodkab19@ukr.net

Анотація. У статті проаналізовано нормативно-правову базу з питань корекційної допомоги дітям з інвалідністю України та Німеччини. Встановлено, що Україна орієнтується на досвід Німеччини, яка має вагомі досягнення в реалізації якісного реабілітаційного процесу. Обґрунтовано залежність нормативно-правової бази

України від міжнародної, зокрема Федеративної Республіки Німеччини. Представлено короткий огляд законодавства України та Німеччини про людей з інвалідністю, що дозволяє побачити, як змінилася підтримка держави від надання мінімальної матеріальної підтримки для військових інвалідів до найбільш можливої соціальної інтеграції людей з інвалідністю з подальшим працевлаштуванням.

Ключові слова: реабілітаційна система, методи вдосконалення, інвалідність, ефективність, міжнародні стандарти якості, комплексна реабілітація, законодавство, рівність.

Summary: According to the concept of social reform in Ukraine, which is based on the principle of social justice and is aimed at improving the quality of life of people with disabilities, the priority directions of the reform, which provides high-quality and effective rehabilitation services to children and persons with disabilities, are: efficiency, improving the quality of rehabilitation services; availability of social protection, social justice, social security and closely related rights of children and persons with disabilities.

The issue of developing a new concept of rehabilitation of children and persons with disabilities, which meets European quality standards in today's conditions, is focused on the need to prevent external and internal factors related to the increase in number of people with disabilities. Among the factors related to the increase of amount of children and persons with disability are demographic, technogenic, social and psychological. The level of disability in Ukraine is constantly increasing. Thus, in 2021 162,214 children with disabilities were registered in Ukraine, which is 5% more than in 2015, when the number reached 153,547. According to research by the International Center for Child Development of the United Nations Children's Fund (UNICEF), more than 200,000 children with disabilities are predicted in Ukraine, of which up to 80,000 are severely disabled. According to the calculations of the European Academy of Children's Disabilities, approximately 1 million children in Ukraine need constant medical and educational support. Therefore, this situation takes on the character of a national disaster. Modern social and economic factors that affect on statistics in Ukraine are characterized by a decrease in the level of social guarantees for the population, popularization of the quality of life for certain social groups and a decrease in the unification of national and social spaces. In recent years the issue of solving the problems of children and persons with disabilities, as the most vulnerable category of citizens, has come to the fore. This is possible only by making changes to the regulatory and legal support of the rehabilitation process, creating a system of rehabilitation institutions of different forms of ownership that will provide highly effective, innovative, comprehensive rehabilitation services based on the European model and creating conditions for the realization of their own abilities and capabilities; as well as the inclusion of this category of citizens to an inclusive space, which will ensure equal rights and opportunities with other citizens. And also to change the concept of the modern policy of Ukraine in relation to this category of citizens and to analyze the legal framework of the Federal Republic of Germany.

The purpose of the scientific article is to carry out a review of the legal framework of correctional assistance to children with disabilities in Ukraine and Germany.

Analysis of recent research and publications. In the literature the mentioned problems were partially considered in the works of such scientists as V. Andriyev, S. Vavzhenchuk, Yu. Hryshina, I. Zub, O. Kuchma, M. Klemparskyi, L. Malyuga, A. Melnychuk, P. Pylypenko, O. Protsevskyi, S. Synchuk, O. Tyshchenko, V. Shcherbyna, O. Yaroshenko, and others.

The purpose of reforming the system of correctional assistance to children and persons with disabilities in rehabilitation institutions is to create a modern, European-based system of protection of the rights and interests of children and persons with disabilities, as well as their legal representatives, based on international standards and norms.

The formation of a new model of the rehabilitation and correctional system in Ukraine is connected with changes in the regulatory and legal provision of social services (Law of Ukraine «Convention on the Rights of Persons with Disabilities», 2006). The main task of which is to protect the rights, freedoms and interests of this category of citizens.

The formation of the modern legal framework for the provision of social services to the population is closely related to Ukraine's acquisition of state independence and the transition from a command-administrative economic system to a market economy.

The key dates of the development of the system of social services in Ukraine are: 2003 – the Law «On Social Services» was adopted, creating a new branch and defining the term «social services»; 2007 – the Concept of reforming the social services system was approved, which aimed to improve the quality of social services and introduce a system of management/regulation mechanism to respond to the needs of service recipients; 2012 – the Strategy for reforming the social services system was approved with updated tasks to ensure the availability, quality and efficiency of social services, in particular denationalization and the creation of a market for social services; 2019 – a new version of the Law «On Social Services» was approved.

Also, important international documents that Ukraine has ratified and in accordance with the norms of which it fulfills its obligations are: the convention of the International Labor Organization; the UN Convention on the Rights of the Child and the Rights of Persons with Disabilities.

The system of complex provision of correctional and rehabilitation services in Ukraine is in a state of constant refinement, which is connected with structural changes in the field of social work and the ability of institutions to provide quality services to children and persons with disabilities (Азарський, 2002: 134).

- Regulation of legislation.
- Deepening the targeting of state correctional aid.

- Development of centers for comprehensive provision of rehabilitation services.
 - Transfer of planning, financing and organization of services to local self-government bodies.
- These trends remain relevant today.

The system of providing comprehensive rehabilitation services is a multifaceted complex process that requires mechanisms and tools of state administration, clear and consistent interaction of central executive bodies, local self-government bodies and the public sector (Наказ Міністерства соціальної політики України «Деякі питання комплексної реабілітації осіб з інвалідністю» №855; 9).

Decentralization and demonopolization of correctional services are prospective directions directions for improving the functioning of the social service system.

In the general declaration of human rights, adopted by the UN General Assembly in 1948, in Article 22, it is stated that «every person [...] has the right [...] to exercise the rights necessary to maintain the dignity and free development of his person in the economic, social and cultural industries with the help of national efforts and international cooperation and in accordance with the structure and resources of each state» (Бондар, В.І., 2009; 62).

The basis for the development of relevant laws and by-laws is the Constitution of Ukraine (1996 in the 2016 edition), Art. 46 of which establishes the right of citizens to social protection) (Колупаєва, А.А., 2010; 37).

Legal provision of social services in Ukraine took place thanks to the adoption of a number of regulatory and legal documents, the main ones of which are:

1. Law of Ukraine «On social work with families, children and youth» (2001, revised in 2018). This document defines the organizational and legal principles of social work with families, children and youth. According to which social work is defined as the activity of authorized bodies, enterprises, organizations and institutions that carry out social work with families, children and youth, as well as social work specialists and volunteers, which is aimed at social support of families, children and youth, ensuring their rights and freedoms, improving the quality of life, satisfying interests and needs. The law defines the concept of social work: «social inspection», «social service», «social rehabilitation», «social support».

2. Law of Ukraine «On Social Services» (2003 as amended in 2018). This document defines the basic organizational and legal principles of providing social services to persons who are in difficult life circumstances and need external assistance.

This Law of Ukraine substantiates the definition of the concepts of «difficult life circumstances», «social employee», «social worker».

In addition, **the order of the Ministry of Health of Ukraine No. 668 of March 25, 2019** added the positions of occupational therapist and assistant occupational therapist to the list of positions of professionals in health care institutions, which makes it possible to significantly expand the range of services in rehabilitation centers.

3. The Law of Ukraine «On the Rehabilitation of Persons with Disabilities in Ukraine» (2005 as amended in 2018). The basic principles of creating legal, socio-economic, and organizational conditions for eliminating or compensating the consequences caused by persistent health impairment, the functioning of the system for maintaining the physical, mental, and social well-being of persons with disabilities, and assisting them in achieving social and material independence have been determined.

4. The Law of Ukraine «On State Social Standards and State Social Guarantees» (2000 as amended in 2018) defines the legal basis for the formation and application of state social standards and regulations aimed at implementing the basic social guarantees enshrined in the Constitution of Ukraine and the laws of Ukraine.

A number of by-laws have been adopted for the legal regulation of the system of providing social services in Ukraine.

Standardization of social services was introduced, in particular, 21 state standards of social services were approved.

The Code of Ethics of Social Work Specialists of Ukraine (2003) defines the principles of activity, norms of ethical behavior in relation to the profession, colleagues and clients.

The principles of activity of social work specialists are based on the following fundamental provisions: respect for the dignity of every person; priority of clients' interests; tolerance; trust; privacy.

In addition to these documents, there are regulatory and legal documents of municipal entities (adopted by city, district, village, settlement authorities).

The state focuses its efforts on determining priorities, forming social policy and making important decisions in the field of social services as its main function.

In recent years the sphere of social legislation has undergone significant changes including redistribution of powers between local self-government bodies and executive power bodies. All these innovations require study and analysis for the purpose of correct implementation in practice.

The regulatory and legal framework regulating the issue of social support for vulnerable categories of the population is mostly formed, but a number of problems require legislative regulation.

The introduction of a new methodology of social work requires the solution of the issue of training specialists of the social services system, constant methodical support of institutions and institutions providing social services, and the introduction of a mechanism of public control over the quality of the provision of social services and the work of their providers.

Defining the minimum (guaranteed) package of social services and the source of its financing is problematic. It is necessary to speed up the approval of the standard for the provision of services for arranging before-family forms of education.

On January 17, 2019, the Verkhovna Rada of Ukraine adopted the Law of Ukraine «**On Social Services**» (new version). The law defines basic social services, the main directions of state policy on the provision of social services, the creation of a register of social services, the powers of executive authorities and local self-government bodies are expanded (Наказ Міністерства соціальної політики України «Деякі питання комплексної реабілітації осіб з інвалідністю» №855, 2016; 7).

For many years people with mental health disorders, including those caused by the use of psychoactive substances, were denied access to social services. This Law changed the situation.

In accordance with the Law of Ukraine «**On the Rehabilitation of Persons with Disabilities**» dated 05.12.2019 No. 341-IX, rehabilitation is a system of medical, psychological, pedagogical, physical, professional, labor, athletical and sports, social and household measures aimed at providing certain persons assistance in restoring and compensating for impaired or lost body functions, to achieve and maintain their social and material independence, professional (labor) adaptation and their social integration as a whole, as well as providing such persons with technical and other means of rehabilitation and medical products.

For this purpose the medical and social expert commission (for adults with disabilities) and / or the medical and advisory commissions of medical and preventive institutions (for children with disabilities) develop an individual rehabilitation program (IRP) of a person with a disability, which determines the specific scope, methods and terms of carrying out rehabilitation measures, their estimates and sources of costs.

In the Resolution of the Cabinet of Ministers of Ukraine dated December 8, 2006 No. 1686 «On Approval of the State Standard Program for the Rehabilitation of the Disabled», as amended No. 132 dated February 19, 2020; it is stated that the IRP of a person with a disability is mandatory for execution by executive authorities, local self-government bodies, rehabilitation institutions, enterprises, institutions, organizations in which a person or a child with a disability works or resides, regardless of their departmental subordination, type and form property.

At the same time, for a person or a child with a disability, the individual program has a recommendatory nature, which gives them the right to refuse any type, form and volume of the provided rehabilitation measures, or the entire program as a whole.

In Resolution No. 80 of the Cabinet of Ministers of Ukraine dated January 31, 2007 «On approval of the Procedure for providing rehabilitation services to the disabled and disabled children» (as amended by Resolution No. 921 of the Cabinet of Ministers of Ukraine dated December 11, 2013), as amended on October 28, 2020 No. 1035; described the rules of admission to rehabilitation institutions is carried out in accordance with the Procedure for providing certain categories of persons with complex rehabilitation (habilitation) services.

The social policy of the Federal Republic of Germany is aimed at actively supporting and protecting people with disabilities. There are a number of laws that clearly describe the rights of people with disabilities. Among them, one can single out the main laws that constitute constitutional protection in Germany. **The Basic Law, the Ninth Book, a special section of the Code of Social Legislation, laws «On the disabled», «On the uniformity of rehabilitation measures», «On assisting the disabled in using public transport», «About the fight against unemployment among the disabled».**

It is generally recognized that European countries have achieved significant positive changes in the field of implementation and protection of human rights. At the same time, the situation of people with disabilities in Germany can serve as a clear positive example not only for the countries of the European Union, but also for many other countries of the world.

The idea that the state should be responsible for the well-being of its citizens with disabilities is relatively new. In Germany it appeared only at the end of the 19th century with the introduction of Chancellor Otto von Bismarck's welfare system, which to some extent also extended to people with disabilities. The legal basis of this social security system was the following laws: «On Statutory and Compulsory Sickness Insurance» of 1882; «On Accident Insurance» of 1884 and «On Old Age and Disability Insurance» of 1884. At the same time, it should be noted that before the appearance of the first social security system in German history, the only people with disabilities who could count on support from of the state, there were those who were injured at work.

The next stage in the development of modern German legislation related to improving the quality of life of people with disabilities was determined by the consequences of the First World War (July 28, 1914 - November 11, 1918). In Germany more than 900,000 Germans disabled from the First World War were of working age, while the existing social support system did not meet their needs. To improve the situation in 1917, the Reichstag passed the Ordinance on the Employment of War Disabled Persons (Verordnung ueber die Beschaeftigung Schwerbeschaeftigter; v.9.1.1919 Reichsgesetzblatt [hereinafter RGBI.S.29]), which established an obligation for employers hire at least one person with a physical disability for every five people hired.

In 1919 people who became disabled as a result of an accident were also included in the sphere of state protection. In 1922-23 the «Schwerbeschaeftigtengesetz» (Schwerbeschaeftigtengesetz) was passed, which introduced protections against dismissal for people with disabilities. From now on they could only be released with the approval of the Central Agencies for the Disabled, which belonged to social security (in 2001, with the adoption of the German Social Code, the name was changed to the Integration Office). However, the legislation dedicated to people with disabilities was still focused on supporting those people who became disabled as a result of injuries received during the war, and the legal regulation of the legal status of citizens with disabilities who became disabled for other reasons remained secondary.

In Germany from 1933 to 1945, the National Socialist Party was in power. This period is characterized as a «deep retreat back»; at that time care for people with disabilities «was superficial». Although formally the Law «On people who received injuries resulting in disability in the service or during the war» existed, its interpretation at that time in Germany was carried out from the point of view of the ideological doctrine of National Socialism – people with physical disabilities were considered only «extra mouths» and became victims of the repression policy of the Third Reich. One of the confirmations of the above is the adoption of the Law «On the Prevention of Offspring from Hereditary Diseases» of 1933, («Gesetz zur Verhütung erbkranken Nachwuchses» v. 14.7.1933 (RGBl. 1S.529), according to which certain categories of people were subject to sterilization. The justification for such measures was the need to reduce the number of people with disabilities among the German population.

The only people with disabilities exempted from persecution and possible extermination were war veterans. After the end of the Second World War (September 1, 1939 – September 2, 1945) in 1953 a new version of the Law «On people who received injuries that resulted in disability in the service or during the war» («Schwerbeschädigtengesetz») was adopted. This act obliged the employer to hire people with a significant degree of disability in the number of at least 8% of the total number of employees (10% for the civil service); it also provided for the possibility of paying a compensatory tax («Ausgleichsabgabe») in the amount of 50 marks per month for each unemployed person in accordance with the disabled person's quota. However, this edition did not foresee a general expansion of the categories of persons subject to protection by the aforementioned law. The limited scope of this document meant that in the 1950s Germany did not recruit enough people with a significant degree of disability for employers to fulfill the employment obligations proposed by this law. Before the adoption of the next version of the Law «On people who received injuries that led to disability in the service or during the war» which took place in 1974, the legislator did not take into account the cause of a person's disability as a decisive factor in the appointment of the disability. Since 1974, any person whose capacity for work has been reduced by at least for 50%, regardless of the reason for its reduction, has been considered as a person with permanent physical disabilities and as a result has had the right to protection under the auspices of **the Law «On people who received injuries resulting in disability in the service or during the war»**. The main goal of the Law «On people who received injuries that led to disability in the service or during the war" was the maximum possible rehabilitation of people with disabilities. It also emphasized that the conditions of financial support for citizens with disabilities remained the same. The changes mainly concerned the rehabilitation of people with disabilities in the form of special rehabilitation measures.

Such measures, if they were successful and combined with employment obligations, provided for the possibility of access to jobs for people with disabilities. At the same time, it should be noted that these measures were and remain quite ineffective because many employers prefer to pay a compensatory tax instead of hiring people with a permanent form of disability (Постанова Кабінету Міністрів України «Про затвердження Положення про індивідуальну програму реабілітації особи з інвалідністю №757, 2007; 4).

The significance of the German Basic Law for the situation of people with disabilities is difficult to overestimate. Article 1 of this Law protects the dignity of the individual and applies to people with disabilities. One of the clear examples of protection is the ban (in accordance with the provisions of this article of the Constitution) on the participation of people with disabilities in scientific research and experiments, if they are not able to recognize their essence and possible consequences. Article 3 of the German Constitution formulates the general principle of equality: «all people are equal before the law». This principle is considered to be violated if there is unequal treatment for which no justifiable reason can be given. Benefits and privileges that according to German legislation are enjoyed by people with disabilities do not violate the principle of equality, because the state of disability is a justified reason for a formal violation of the principle of equality according to Article 3 of the German Constitution. In 1994 Article 3 of the German Basic Law was amended: Article 3 now prohibits discrimination on the basis of disability, and German courts can refer to the Basic Law when interpreting provisions related to discrimination against people with disabilities. In addition, Article 3 of the German Constitution formulates the principle of equality, specially formulated for people with disabilities, which is their central fundamental right and promotes equal social participation of this category of citizens. The provision of this article is the constitutional basis and measure of any regulation that affects people with disabilities. A qualifying feature for the application of Article 3 of the German Constitution in favor of a specific person is the presence of this person's disability. The Constitution does not contain a definition of disability, it is enshrined in the German Social Code (Section 2 (1) Part IX). Article 3 of the German Constitution prohibits people with disabilities from being treated worse than people without disabilities in the same situations. The significance of Article 3 of the German Constitution is that its appearance in the 1994 edition marked a paradigm shift in the legislation on people with disabilities in this country.

The adoption of two important normative acts on people with disabilities was a direct consequence of the appearance of the above-mentioned amendment to the German Constitution. The first of them is the German Social Code of 2001, which occupies a special place in the legislation regulating the position of people with disabilities in this country. Part III of the German Social Code is devoted to the development of opportunities for people with disabilities (the possibility of being hired and receiving professional training). The provisions of Part IV-VII of the German Social Code apply to social insurance issues; Part I of the German Social Code (chapter 10) lays down the fundamental principles for the application and interpretation of the provisions relating to persons with disabilities. The starting point of these principles is the equal participation of people with disabilities in the social life of the country. Chapter 10 of Part I of the German Social Code formulates the main goal of the policy of the German state regarding people with disabilities, namely: «to facilitate their participation in social life with the opportunity to live as independent

and separate people. At the same time, the above-mentioned principles did not form the basis of the provision of personal rights or legal interests of representatives of this category of persons».

Most of the legitimate interests of people with disabilities are provided for in Part IX of the German Social Code. Section 4 of this regulation lists the various benefits that people with disabilities may need. All legitimate interests prescribed in the German Social Code are divided into 3 groups. The first group (Chapters 17–21 of Part IX of the German Social Code) allows the possibility of medical benefits («Leistungen zur medizinische Rehabilitation»). Sections 44–54 Ch. IX of the German Social Code allow the possibility of benefits for means of subsistence and other «supporting» benefits («unterhaltssichernde und andere äsälzende Leistungen»), and this is the second group of benefits. And the third group of benefits is enshrined in Sections 33–34 IX of the German Social Code: these are benefits upon employment (Leistungen zur Teilhabe am Arbeitsleben), such as the right to job search support for people with disabilities (Section 33 (3) no. 1 Part IX of the German Social Code). Chapter III of the German Social Code not only contains a list of benefits that this category needs, but also establishes the requirement of equal social participation for people with disabilities. Unlike previous similar acts, Section 46 of the «Federal Act on Social Welfare» of 1950 was included in the German Social Code, which prescribes a number of specific measures to ensure social integration.

The second most important piece of legislation on people with disabilities in Germany was the «Act on equal opportunities for people with disabilities» (Behindertengleichstellungsgesetz), which was adopted on May 1, 2001. This law was the next step towards independent social participation of people with disabilities. It is dedicated to enabling people with physical disabilities to use vehicles, communication services, etc. without restrictions, including improving social interaction between people. The new concept of the policy regarding the disabled in Germany and the new placement of accents in the legislation received further development in the Act. Section 1 of this Act sets out its two main objectives. The first is the implementation of freedom from barriers («Barrierefreiheit»), which consists in giving people with disabilities full and unrestricted access to social life. Section 8 of the Equal Opportunities for People with Disabilities Act 2001 makes it mandatory that new buildings, public space and means of transport are designed without barriers that prevent access by people with disabilities.

Thus, sections 9, 10 and 11 of the Act address the problem of «intangible barriers». A second purpose of Section 11 of the Equal Opportunities Act is to prevent discrimination.

This is confirmed by the «Act on Hotels and Restaurants» of 1998, which (to Section 4) was amended accordingly due to the adoption of the «Act on Equal Opportunities for People with Disabilities» of 2001. In the new edition of the «Act on Hotels and Restaurants» 1998 contains a requirement according to which the owners undertake to rebuild hotels and restaurants in such a way that they do not have obstacles for people with disabilities.

Among the national sources of law of the Federal Republic of Germany, dedicated directly or indirectly to people with disabilities and which had a significant positive impact on the situation of such people, the following should be considered:

1) **UN General Assembly resolution 48/96 of 12/20/1993**, thanks to which the Standard Rules for Providing Equal Opportunities for People with Disabilities appeared. This international legal act emphasized the emergence of a number of legal acts for the emancipation of people with disabilities. Despite the fact that the Standard Rules are only advisory in nature.

2) **ILO Convention No. 159 of 09.01.1989, On Vocational Rehabilitation and Work** (in particular, people with physical disabilities). Articles 2 and 3 of this document emphasize the duty (obligation) of the state to encourage the possible employment of people with disabilities, and equality of opportunities for people with disabilities is established and strengthened in Article 4. In Germany, with the adoption of the «Act on equal opportunities for people with disabilities» in 2001 the conditions for meeting the requirements of the convention appeared; so it contains a number of principles aimed at establishing equal opportunities in the living space for people with disabilities.

European Social Charter. International agreement signed by the Federal Republic of Germany and other states – members of the Council of Europe on October 18, 1961 in Turin. The Charter is a legal instrument that guarantees a wide range of social rights. According to Part I of Article 15, every person with a disability has the right to professional and social integration, regardless of the nature and causes of the disability. In order to effectively guarantee the mentioned rights, member states must, in accordance with Art. 15 part II of the European Social Charter, take appropriate measures to ensure the possibility of professional training and jobs for people with disabilities. Whether the European Social Charter provides legitimate interests is not entirely clear, but they must be taken into account in the interpretation.

In its activity, German legislation takes as a basis the treaties of the European Union, which are legally binding for the member states, and which contribute to the creation of a legal instrument for the fight against discrimination and for the most complete satisfaction of the rights, freedoms and legitimate interests of people with disabilities.

For example, Article 136, Part 1 of the Treaty on European Union (German Treaty of 2001) states: «The Community and the member states, bearing in mind the basic social rights, as set out in the European Social Charter of 1961., as well as in the Charter of Basic Social Rights of Workers of the Community of 1989, consider their goals to be to promote employment, improve living and working conditions, to make possible their harmonization ..., as well as to promote adequate social protection ..., development of human resources to ensure a high level of employment and fight against social rejection»; and part 3 of this article states that it will «contribute to the harmonization of social systems». Article 13 of the same treaty deals with discrimination: «The Council, acting unanimously, on the basis of the Commission's proposals and after consultation with the European Parliament, may take appropriate actions to combat discrimination».

After all, discrimination extends to the conditions of access to work (including independent entrepreneurial activity), to access to professional guidance and training, and to working conditions, as well as to membership in organizations related to employment. In order that the protection against discrimination does not turn into a loan that exists in words.

The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community dated 13.12.2007 (2007/C 306/01) contributed to the further improvement of the situation of people with disabilities.

Thus, the principles of the policy of the European Union towards its citizens, declared in the 1992 Maastricht Treaty on the European Union and in the 2001 German Treaty, are defined in the Lisbon Treaty as the main tasks of the policy of the European Community.

The presented brief overview of the German legislation on people with disabilities allows us to see that in the course of its development, German legislation went from providing minimal material support for military disabled people to the most possible social integration of people with disabilities with subsequent employment.

In the process of improving German legislation in this area, the attitude of the state and society towards people with disabilities changed significantly. In Germany XXI the concept of public policy for people with disabilities is aimed at making them full participants in everyday life. In modern Germany the legal basis of the state's policy towards people with disabilities is the sources of domestic legislation, sources of European Union law, as well as sources of international public law, which are mutually consistent with each other.

Список використаних джерел:

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