

International protection for people with special needs

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Abstract

The research dealt with a certain group of people of the society who are people with special needs and their intergovernmental laws, legislation, decisions, and controls and addressing cases of enabling them to perform their duties while addressing their rights within the principles of human rights in accordance with standards and measurements designed for their purposes by international organizations, starting with the definition according to the Special Needs Convention of the year 2001 and the Optional Protocol of 2012 and in accordance with the European and American Federations, with reference to Iraqi laws and legislation.

Therefore, the vision and concept of people with special needs differ among doctors from that of educators or even community service providers, where each of them looks at the subject from a special point of view according to the science concerned with it, but there is general agreement that this term was used as a designation for a group of people who are unable to live normally, without providing their special care as a result of permanent intellectual, neurological, sensory, or physical deficiencies, or a combination of these conditions, as well as their need for a service that is superior to the service provided to their peers of the same age, and it is preferable to use this term as an alternative to the term handicapped.

Keywords

International protection, protection, people with special needs, rights of people with special needs.

resorted to allocating their own organizations to take into account their affairs and meet their needs, such as the United Nations. In the past, such people were viewed with a bad look, and many tried to avoid them, and some parents imprisoned their children; Therefore, they did not find an opportunity to live their lives normally, but with the increase in the spotlight on them, they began to

Introduction

God (Allah) created human beings at different levels of health and abilities and made each of them need the other, and the term “disabled people” was used to refer to those who lack one of the senses that affect their lives, instead of the term “disabled” because of its negative impact on them, and increased attention to this disadvantaged group of people in recent times, and many countries have

3 -The lack of statistical studies and case studies of people with special needs in the social, cultural, and economic aspects, with a large number of investigations in the educational and sports fields that cannot be adopted as a source for research.

Scope of the Research

The research includes a segment of society, they are people with special needs, their intergovernmental laws, legislation, decisions and controls, and the treatment of cases of enabling them to perform their duties while addressing their rights within the principles of human rights according to standards and measurements designed for their purposes by international organizations, conferences, research, and studies.

Problem of the Research

Despite the mention of international and national documents for the rights of people with disabilities and their guarantee, this segment still faces at the national level many obstacles that do not enable it to enjoy its guaranteed rights fully and on an equal footing and without discrimination with other persons. Also, although there are specific international rules and standards related to guarantees of the rights of people with disabilities, there are still many national legislations that have not been guided by them, to the extent that they enhance the regulation of those rights and their guarantees.

Division of the Research

1- Chapter One: Defining People with Special Needs

practice their lives as healthy people and obtain their full rights.

The United Nations issued charters that guarantee their protection and a decent life for them, as it is their natural right to enjoy life as healthy people.

Importance of the Research

The importance of this research topic is reflected in the following:

1-The importance of ensuring that persons with disabilities fully enjoy their rights without discrimination and on an equal basis with other persons following international and national legal standards.

2-Indicating the importance of collective and bilateral international cooperation, governmental and non-governmental, in improving the enjoyment by persons with disabilities of their rights and enhancing their guarantees.

3- Clarify that declarations, principles, resolutions, and other international documents, even if some of them are not legally binding, express an international moral and political commitment, which can be used as guiding principles in enacting legislation or setting policies for persons with disabilities at the national level.

Difficulties of the Research

The search difficulties are limited to the following:

1 -Lack of Iraqi sources dealing with the topic of research

2 -Lack of translations related to the topic

Defining people with special needs

In this topic, we will address the definition of people with special needs through three demands, the first within the international definition and the second through the regional definition, while the third requirement deals with the definition of people with special needs according to Iraqi laws.

1-1. The first requirement: the international definition of people with special needs

In this requirement, the definition of people with special needs will be highlighted within the international definition in two sections :

first: according to the Convention for People with Special Needs, while the second section is in accordance with the Optional Protocol.

1-1-1. Section one: According to the 2001 Convention for People with Special Needs.

The United Nations has defined people with special needs as people who suffer from a permanent state of physical or mental illness in dealing with various obstacles, barriers, and environments, which prevents them from participating fully and effectively in society in a manner that puts them on an equal footing with others. In its position, disability is an umbrella term that includes under its umbrella the various forms of impairments or organic imbalances,

1-1. The first requirement: international identification

1-1-1. Section one: According to the agreement for people with special needs

1-1-2. Section Two: According to the Optional Protocol

1-2. The second requirement: regional identification

1-2-1. Section one: European Union

1-2-2. Section Two: The American Federation

1-3 The third requirement: definition according to Iraqi laws

1-3-1. Section One: According to the Welfare of Persons with Disabilities and Special Needs Law No. (38) Of 2013

1-3-2. Section Two: According to the Executive Regulations

2- Chapter Two: Rights of People with Special Needs

2-1. The first requirement: the civil and political rights of people with special needs

2-1-1. Section One: Their Civil Rights

2-1-2. Section Two: Their Political Rights

2-2. The second requirement: economic, social and cultural rights

2-2-1. Section one: the economic rights of people with special needs

2-2-2. Section Two: Social and Cultural Rights of People with Special Needs

3. Conclusion

proposed sessions and making interventions, and this is the first time that non-governmental organizations and human rights institutions are allowed to be part of this group charged with preparing and drafting the texts of the Convention .

The group for preparing and drafting the texts of the agreement consisted of 40 members, including 27 governments, 12 non-governmental organizations, and one human right institution .

The Arab countries were represented in this group by Lebanon and Morocco at the level of countries and Jordan at the level of non-governmental organizations.⁵

1-1-2 .Section Two: According to the Optional Protocol

The Optional Protocol to the Convention on the Rights of Persons with Disabilities is a side agreement in the Convention that allows parties to recognize the competence of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals. The text is largely based on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

The Optional Protocol entered into force with the Convention on May 3, 2008. As of September 2012, the Protocol has been signed by 92 Parties and ratified by 78 Parties.⁶

5. United Nations, General Assembly, Convention on the Rights of Persons with Disabilities of 2006, Resolution No. (58/246.)

6. JawadJalil Al-Nahi, The Optional Protocol for People with Special Needs, Dar Al-Ajyal

limited activity, and restrictions that limit active participation.¹

The General Assembly of the United Nations, by its resolution 56/168 of December 19, 2001, was established a special committee to consider proposals for the preparation of a comprehensive and integrated convention aimed at promoting and protecting the rights and dignity of persons with disabilities.²

The Special Committee met for the first time in 2002 and decided at its second meeting in June 2003 to establish a working group aimed at preparing and submitting a draft text of the agreement. The working group met for a two-week session in January 2004 and completed the preparation of a full draft text of the agreement.³

During the first session of the Committee, the General Assembly, in its resolution 57/229 of 18 December 2002, requested the Secretary-General to seek the views of relevant bodies and organizations of the United Nations system on proposals relating to the Convention.⁴

Non-governmental organizations working in the field of disability succeeded in attending all the

1 . WathiqMashari: People with Special Needs - A Study of Laws and Legislation, American University of Beirut Publications, 2005, p. 45

2. United Nations, General Assembly, Resolution 168 of 19 December 2001, 56th Session, Industrial Zone (A/Res/56/168(

3.Fifty-sixth session, provisional agenda, document No. (A/62,230), Resolution No. 56/168

4. United Nations, General Assembly, Fifty-second Session, Resolution No. (52/37) Item 119.

Persons with Disabilities was adopted by United Nations General Assembly Resolution No. 106/61 of December 13, 2006.²

The Secretary-General of the United Nations shall be the depositary of this Protocol.³

The optional protocol consists of (18) articles that complement the 2006 Convention on the Rights of Persons with Disabilities, whether related to rights with regard to persons with disabilities, or the process of their implementation or monitoring, or with regard to the Special Committee in terms of submitting communications.⁴

The Optional Protocol provides two procedures to enhance the implementation of the United Nations Convention on the Rights of Persons with Disabilities: a procedure for receiving individual communications, and a procedure for investigations.⁵

It has been opened for signature by States and regional integration organizations⁶ at United Nations

The Committee on the Rights of Persons with Disabilities is a body made up of several human rights experts charged with monitoring the implementation of the Convention. It was initially composed of 12 independent human rights experts, half of whom were elected for two-year terms and a half for four-year terms. Thereafter members will be elected for a term of four years with half the number of members elected every two years. The convention has also achieved 80 ratifications, and the committee will be expanded to 18 members.

It is the first comprehensive human rights convention in the twenty-first century to be opened for signature by regional integration organizations. It also constitutes a shift in the attitude and approach towards persons with disabilities. This agreement reflected the shift from the medical model of dealing with persons with disabilities to the model of social interaction, and from the approach of compassion to a legal human rights approach. This transformation helps in enabling persons with disabilities to exercise their rights and ensure their active participation in cultural, social, economic, and political life.¹

The Optional Protocol to the United Nations Convention on the Rights of

2. United Nations, General Assembly, Resolution No. 106 adopted on December 13, 2006, 61st session, 76th plenary meeting, (A/Res/61/106), Document No. (06-50077), concerning the adoption of (Annex I: Convention United Nations Rights of Persons with Disabilities) and (Annex II: Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities).

3. Article (9) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities

4. *ipd*, p.: 106

5. Andrew Byrnes, Graham Edwards, *op.cit.*, p.30.

6. Paragraph (1) of Article (12) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities defines regional integration organizations as: (an

Publications for Printing and Publishing, Beirut, 2007

1.. Muhammad Badr Muhammad, The Optional Protocol for People with Special Needs, an article published in the Kuwaiti Al-Arabi Magazine, No. 21, Volume Seven of 2001, p. 184

1-2-1 Section one: The European Union

The World Health Organization defines disability as a condition that limits an individual's ability to perform one or more of the functions that are essential in daily life, such as self-care, social relations and economic activities, within the limits that are considered normal. Or it is the inability of a person to obtain self-sufficiency and making him in constant need for the help of others, and for a special education that helps him to overcome his disability.

Disability is a term that covers disability, and disability is a problem with the function or structure of the body.

1-2-2. Section Two: The American Federation

A person is called a person with special needs as a result of the presence of disorders that are divided into several types: physical, sensory, psychological, nervous and intellectual disorders. The most common type of disability is the physical disability, followed in the second place by the intellectual and sensory disabilities. The cause of physical disability is often due to problems in the work of the circulatory, respiratory, muscular, or nervous systems, accompanied by impaired hearing and vision. The reason for the neurological and cognitive disability is due to the presence of stiffness or injuries in the brain, and the intellectual disability is due to the difficulty in thinking,

Headquarters in New York, as of 30 March 2007. ¹

This Protocol is subject to ratification by the signatory countries that have ratified or acceded to the Convention, and is also subject to formal acknowledgment by the signatory regional integration organizations, which have formally endorsed or acceded to the Convention, and accession to it is open to any country or regional integration organization that has ratified or approved the Convention officially or acceded to it and did not sign the Protocol ².

1-2. The second requirement: regional definition:

The regional definition of people with special needs will be dealt with in this requirement through two branches, the first section deals with the definition based on the definition of the European Union, while the second section deals with the definition of people with special needs according to the definition of the American Union.

organization formed by sovereign states in a region to which its member states transfer jurisdiction in relation to issues governed by this agreement and this Protocol. In their instruments of formal acknowledgment or accession, those organizations shall declare their competence in relation to the matters governed by this Convention and this Protocol. They shall hereafter inform the Depositary of any substantial modification in the scope of their competence..

1. Article (10) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities of 2012

2. Article (11) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities of 2012.

First- Disability: Any restriction or inability of a person directly due to a disability or defect to perform interactions with his surroundings within the limits of the human being considered normal.

Second - Person with a disability: Anyone who has lost the ability, wholly or partially, to participate in the life of the community like others as a result of having a physical, mental or sensory impairment that leads to a deficiency in his functional performance.

Third - Care: It is the comprehensive services provided to people with disabilities and special needs in order to guarantee their rights.

Fourth - Rehabilitation: A coordinated process of employing medical, social, psychological, educational and professional services to assist people with disabilities and special needs in achieving the maximum possible degree of functional effectiveness to enable them to comply with the requirements of their natural and social environment and to develop their abilities to rely on themselves and make them productive members of society whenever possible.

Fifth - Integration: Measures, programmes, plans and policies that aim to achieve the full participation of people with disabilities and special needs in various areas of life within society without any form of discrimination.

Sixth - Discrimination: Any distinction, exclusion or restriction

learning, communicating, remembering things and using them when needed, making decisions and solving problems, and it also includes anxiety, phobias and depression.¹

The United States of America is the first country to issue legislation and laws for the disabled. In 1975, the first law for the disabled appeared in the United States of America, known as Public Law No. 94/142, and since 1995 AD, that law became known as: The Education Act for Persons with Disabilities by Law No. (Individuals With Disabilities Education Act, IDEA) (PL 101 - 176), which was established by US President George Bush on October 30, 1990 AD.

1-3. The third requirement: definition according to Iraqi laws

The third requirement will focus on defining people with special needs in accordance with the Iraqi laws in force through two branches: the first: according to the Law No.

1-3-1. Section One: According to the Welfare of People with Disabilities and Special Needs Law No. (38) of 2013

The Iraqi Law No. (38) of 2013 for the Care of Persons with Disabilities and Special Needs defines².

Article 1 - For the purposes of this law, the following terms have the meanings indicated thereto:

1.Shams JawadOmran, People with Special Needs in Western Laws and Legislations, paper work of the Higher Judicial Institute, Egypt, 2003, p. 83.

2.The Iraqi Law of Welfare for People with Disabilities and Special Needs No. (38) of 2013 published in Al-Waqa'a Al-Iraqiya No. 4295 dated 10/28/2013.

the second requirement deals with economic, social and cultural rights.

2-1. The first requirement: the civil and political rights of people with special needs

The civil and political rights of people with special needs are dealt with in this demand in two branches: Section one: their civil rights, and the second section: political rights.

2-1-1. Section one: civil rights their civil rights

The idea of the right is a basic legal fact recognized by the vast majority of legal scholars, and the right has three elements: the person of the right or its owner, its place represented by the thing or action to which the right responds, and the legal protection for it represented by the lawsuit ¹.

The right, whether it is an ability, an interest, or a value, is linked to the reality of political, economic and social systems, and to the principles and values prevailing in society, as well as linked to the function and purpose of the law ².

Human rights and freedoms have become the basis of a universal character, as they have become indivisible, which was confirmed by international documents such as the Charter of the United Nations of 1945, which defined rules and means to promote and encourage respect for

due to disability or special needs that results in harming or canceling the recognition, enjoyment or exercise of any of the rights established under legislation on an equal basis with others.

Seventh - People with special needs: A person who has shortcomings in performing his role and tasks in relation to his peers in age, social, economic and medical environment, such as education, sports, vocational training, family relations, etc.

1-3-2. Section Two: According to Executive Regulation No. 4 of 1999

Public places should be accessible to the disabled as follows:

1. Taking into account that the streets, roads, lanes, and paths are paved, and this is done in coordination between the Ministry of Social Affairs, Transportation and Local Government.

2. Governmental and non-governmental buildings must be suitable for the disabled to access and move around, and this is done in coordination with the Ministry of Local Government, municipalities and village councils.

3. Taking into account that workplaces, markets and shops are suitable for the disabled.

Chapter two Rights of people with special needs

This chapter deals with the rights of people with special needs, where the first requirement is devoted to studying the civil and political rights of people with special needs, while

1 .Dr.. Hamid Hanoun, Human Rights, 1st Edition, Al-Sanhoury Library, Baghdad - Iraq, 2013, pp. 10-11.

2. Dr. Muhammad Thamer, Human Rights, General Principles and Principles, 1st Edition, Al-Sanhoury Library, Iraq, Baghdad, 2012, p. 79.

world's population, a number of nearly one billion people in 2012, according to the statistics of the World Health Organization. They face inequality in access to basic resources such as education, work, health care and legal support systems. Therefore, as the Secretary-General of the United Nations asserts, we must: (Remove all barriers that affect the inclusion and participation of persons with disabilities in society, including by changing attitudes that perpetuate discrimination. We need to work harder to ensure that infrastructure and services provide support necessary for comprehensive, equitable and sustainable development that serves all.⁴

Studies in many countries indicate that about (10-15%) children out of every hundred are considered to have special needs from the point of view of their society, and these children must benefit from rehabilitation, care and special education.⁵

The United Nations showed clear care for persons with disabilities, which gave a global dimension to the protection of their rights. The United Nations General Assembly

human rights within the principles of the United Nations Organization¹.

Among the conventions concluded under the auspices and supervision of the United Nations, was the Convention on the Rights of the Child of 1989, which is the first human rights convention that explicitly prohibits discrimination against children on the basis of disability, and also recognizes the right of children with disabilities to enjoy a full life, and to receive special care and assistance to achieve This goal.²

Prior to the adoption of the 2006 Convention on the Rights of Persons with Disabilities, human rights conventions did not address the rights of persons with disabilities, and those persons did not fully benefit from the various protection mechanisms under those conventions. Therefore, the Convention on the Rights of Persons with Disabilities represented an advanced global step towards establishing new mechanisms to protect their rights. and monitor.³

The percentage of persons with disabilities reached about 15% of the

4. United Nations Secretary-General Ban Ki-moon's message on the International Day of Persons with Disabilities, (United Nations: Persons with disabilities should be able to reap the benefits of development), 3 December 2013, New York, United Nations News Center, available at: The following link - : <http://www.un.org..>

5. Rana Nadim Bou Ajram, Integrating People with Special Needs and Learning Difficulties, 1st Edition, Publications Company for Distribution and Publishing, Beirut - Lebanon, 2005, pp. 16-17

1. David Weissbrodt, Joan Fitzpatrick, Frank Newman, International Human Rights, Law, Policy and Process, Third Edition, Anderson Publishing CO. , Cincinnati, Ohio, USA, pp.17-18.

2. Andrew Byrnes, Graham Edwards, United Nations, Office of the High Commissioner for Human Rights, Disabilities From Exclusion to Equality, Realizing the Rights of Persons with Disabilities ,Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol , printing : SRO-Kundig , Geneva ,Switzerland , 2007 , p.11.

3. Ibid, p.11.

Charter, was also given the power to make recommendations with regard to promoting respect for human rights and fundamental freedoms.

As well as granting in Article (68) the power to establish committees for economic and social affairs and the promotion of human rights.³

Indeed, a human rights commission was established under it, which later evolved into the Human Rights Council, which became subordinate to the General Assembly.

The Universal Declaration of Human Rights of 1948 emphasized an important guarantee of the rights of persons with disabilities when it referred to the right of persons with disabilities to secure their own livelihood⁴.

The General Assembly adopted the World Program of Action on December 3, 1982 by virtue of its Resolution No. 52 issued on December 16, 1981 in its 37th session, in its 90th plenary session, after finding that very large numbers of persons with disabilities⁵ still need

considered 1981 the international year for them, and the decade from 1983-1992 was called the International Decade of Disabled Persons. It also took an important step represented in the adoption of the Global Program of Action For the Disabled in December 3, 1983, which organized three main areas: prevention, rehabilitation, and equal opportunities for the disabled¹

The United Nations General Assembly declared December 3, 2003 to be an annual day for persons with disabilities in the world, for the international community to express its emphasis on the need to respect, promote and protect the rights of persons with disabilities throughout the world, those rights based on the International Bill of Human Rights and the global system of the rights of persons with disabilities. disability. The efforts made by the United Nations through the international instruments it issued, as well as its affirmation in the preamble of its charter, represent the belief of the peoples of the world in fundamental human rights, in the dignity and worth of the individual, and in the equal rights of men and women and nations.²

The Economic and Social Council, in Clause (2) of Article 62 of the

3 . Preamble to the Charter of the United Nations and the Statute of the International Court of Justice, New York, signed on June 26, 1945 in San Francisco at the conclusion of the United Nations Conference on the Regime of the International Court, and entered into force on October 24, 1945.

4 .Article 25 of the Universal Declaration of Human Rights of 1948 states: "Everyone has the right to secure his livelihood in cases of unemployment, sickness, disability, widowhood, old age and other loss of means of livelihood as a result of circumstances beyond his control".

5. The number was five hundred million people at the time, including four hundred million people living in developing countries.

1.

2. United Nations , History of United Nations and Persons with Disabilities - The World Program of Action Concerning Disabled Persons. Development and Human Rights for all , available at:

-<http://www.un.org>.

What we are concerned with here is the right of the disabled to vote and run for membership in the House of Representatives. These political rights are proven only to those who meet special conditions of citizens. Those who do not meet these conditions are deprived of them. The Jordanian constitution stipulates in Article (75/1/g) that no one who is insane or insane shall be a member of the House of Representatives or notables.

Article 21 of the Universal Declaration of Human Rights, in its three paragraphs, states that every person has the right to participate in the management of the public affairs of his country, either directly or through representatives of his free choice, and that every person has the right to hold public office in his country on an equal basis with others, in addition to the fact that the will of the people is The authority of the government is based, and this will must be manifested through genuine elections held periodically by universal suffrage on an equal footing among the electors, by secret ballot, or by an equivalent procedure in terms of guaranteeing freedom of voting.

Article 25 of the International Covenant on Civil and Political Rights stipulates that every citizen shall have, without any form of discrimination, the following rights that he must have the opportunity to

to promote their rights to Full participation in social life and the development of their societies, and realized that the International Year of Disabled Persons had contributed to the community's acceptance of the right of persons with disabilities in that participation, and in providing an impetus to activities related to equal opportunities, disability prevention and rehabilitation¹.

The General Assembly requested all Member States, non-governmental organizations, organizations of persons with disabilities and all bodies, institutions and agencies of the United Nations system, to ensure the early implementation of the World Program of Action relating to Persons with Disabilities².

2-1-2.Section Two: Political Rights

The international community has realized that people with special needs have needs that must be met, and rights that must be taken into account and made available to them. Therefore, various countries of the world and international organizations have been keen to codify these rights through a set of declarations and international charters.³

1.Preamble of General Assembly Resolution No. 52 issued on December 3, 1982 in its 37th session in its 90th plenary session, entitled (The World Program of Action relating to Persons with Disabilities.)

2. Article (2) of General Assembly Resolution No. 52 issued on December 3, 1982.

3. Kamel Nasser Al-Afrit, Empowering People with Special Needs within Human Rights, research published in Damascus University Journal for Human Sciences, No. 8, Volume IV of 2006, p.

will focus on the economic rights of people with special needs, while the second section will focus on social and cultural rights for people with special needs.

2-2-1. Section one: the economic rights of people with special needs

The United Nations Declaration on the Rights of Persons with Disabilities issued by Resolution 3447 on the ninth of December 1975 is one of the most important international conventions related to the rights of persons with disabilities, and it included the following².

In its first clause, it is stipulated that: (The disabled shall enjoy all the rights contained in this Declaration, and these rights shall be recognized for all persons with disabilities without any exception and no discrimination or discrimination on the basis of race, colour, sex, language, religion, political or other opinion, or national origin or social, or wealth, or birth, or because of any other status that applies to the disabled himself or his family.

In its fifth clause, it guarantees the disabled the right to measures aimed at enabling him to reach the greatest degree of autonomy.

It also stipulated in its seventh article that (the person with a disability has the right to economic and social security and an adequate standard of living, and the right, according to his ability, to obtain and retain work or to

enjoy without unreasonable restrictions:¹.

(a) To take part in the management of public affairs, either directly or through representatives freely chosen.

(b) To vote and be elected, in genuine elections held periodically by universal suffrage, on an equal footing among the electors, and by secret ballot, which ensure the free expression of the will of the electors.

(c) To have the opportunity, on a general equal footing with everyone else, to hold public office in his country.

As a result, we arrive at that the incompetent person that we talked about previously does not have the right to vote and to run for membership in the House of Representatives, as if he was interdicted for himself, like the insane and the lunatic, and the stone was not removed from him. The right to vote is a voter's testimony of the validity of his candidate for membership in the House of Representatives. It is not the right to vote for those who lack capacity or lack thereof, such as the insane or the lunatic. As for the rest of the categories of the disabled, each of them has the right to vote or be elected. There is nothing to prevent them by law from exercising their political rights.

2-2. The second requirement: economic, social and cultural rights

In this requirement, we will deal with economic, social and cultural rights through two sections: the first section

2. The United Nations Declaration on the Rights of Persons with Disabilities promulgated by Resolution 3447 of December 9, 1975.

1. *ibid*, p. 106.

many governments, which adhere to the principle of equal opportunities, but they cannot turn it into a reality.

In all societies of the world there are still obstacles that prevent persons with disabilities from exercising their rights and freedoms and make it difficult for them to fully participate in the activities of their societies, and it is the responsibility of States to take the necessary measures to remove these obstacles. Persons with disabilities and their organizations should play an active role as partners in this process.²

2-2-2. second two: Social and cultural rights of people with special needs

It is customary that “the presence of a disabled person in the family drains its financial resources through the high costs it pays for education, medical treatment, surgery, tools and aids, or because of the costs of training sessions, which may result in pressures that burden the family, especially if the disabled needs facilities during his stay in The hospital or to the clinics or rehabilitation, training and treatment centers, and often this role is played by the mother. If the mother is an employee, she may resign from her work in order to follow up on her

practice a useful, profitable and remunerative profession, and to belong to trade unions).

The purpose of these rules is to ensure that persons with disabilities, as citizens of their communities, can exercise the rights and obligations of others. The early nineties of the last century saw the adoption of the normative rules for granting equal opportunities to persons with disabilities. In the same decade,¹ the United Nations Commission on Human Rights recognized that the international community must establish a legal framework to protect the rights of persons with disabilities. The rights of persons with disabilities do not exist except in the framework of the Convention on the Rights of the Child, which clearly refers to children with disabilities in one of the articles of the Convention.

Therefore, some countries are actively seeking to develop a comprehensive convention that does not only reformulate the rights contained in existing human rights instruments, but also takes an additional step by providing tangible services and equal opportunities, while others point out that the rights of persons with disabilities are closely related to the economic resources of any country, so They fear that the financial burden of adhering to it in the developing world will be an obstacle that prevents the treaty from obtaining the approval of

2.Wadah Ahmed Al-Ayal, United Nations and the Rights of Persons with Disabilities, an article published in Al-Zaman Magazine, No. 212 of 2006

1 .Wadah Ahmad Al-Ayal, a previously mentioned source, p. 129.

The concept of liberation from institutions is based on three basic concepts: habituation or normalization - a less restrictive environment - the developmental method.

Thus appeared the term habituation or normalization, which requires that the disabled be given the same ways and conditions of normal life available to the rest of society, using the means of ordinary culture to help the disabled to live in conditions or a level similar to those conditions in which ordinary individuals live, and it also includes teaching the disabled methods of behavior and encouraging them to use it, accustoming them to appearing appropriate, and exposing them to various experiences that bring them closer to the normal ways of life and facilitate their integration into it.

Some have used the term integration to refer to the necessity of educating, caring for, and training the disabled with their ordinary peers. Those holding this view believe that the term integration is more appropriate as it includes the process of adapting the social, organic and professional aspects of the disabled with society, taking into account the special needs of each individual and choosing what suits him from Environmental conditions (23).

Accordingly, what the disabled person does is only half of what is required, as the other half falls on the shoulders of other social parties who will take over the tasks of receiving

child, which may affect the family budget.¹

This entails the emergence of new ideas that pushed the movement of raising and caring for the disabled to the humane trend and calling for the adoption of the principle of making the disabled person normal or normal, which is a social trend that aims to provide the disabled person the opportunity to live like ordinary individuals and deal with them in a normal manner and give them opportunities and equal rights and make the conditions surrounding them Ordinary, and in order to achieve this goal, many terms were used as basic stations on the way to achieving it, such as the term liberation from institutions, a less restrictive educational environment or educational integration, integration or unification of the educational process, and inclusion or comprehensive school. The term liberation from institutions was used to refer to that process that It includes removing the disabled from internal private institutions and placing them in open environments and less restrictive of their freedoms as much as possible, in a way that allows local communities to contribute to caring for the disabled in a way that helps them accustom them to life among their ordinary peers.²

1. MuzahimMaaleh Al-Abed, Public Rights for People with Special Needs, research published in the Iraqi Justice Journal, No. 2 of 1999.

2. Articles: (2, 10, 12, 13) of General Assembly Resolution No. 53 issued on December 3, 1982

having a physical, mental or sensory impairment that has led to a deficiency in his functional performance.

2 - People with special needs are people who have shortcomings in carrying out their role and tasks in relation to their counterparts in age, social, economic and medical environment, such as education, sports, vocational training, family relations, and others. The law considered short stature people with special needs.

3- Many Arab countries have been interested in developing legislation regulating the rights of the disabled, and we can mention them, for example: the Jordanian Law of Welfare of the Disabled No. (12) for the year 1993 AD, and the Lebanese Law No. (220) issued on May 29, 2000 on the rights of the disabled, and the Law Syrian No. (34) for the year 2004 AD regarding the disabled.

4- Iraqi law provides for the provision of medical requirements and social services and the provision of opportunities for public and private education and vocational education, and those covered by the law are granted special identities with the provision of devices and equipment needed by the disabled and those with special needs. The law provides for the establishment of a body called the Authority for the Care of People with Disabilities and Special Needs, linked to the Ministry of Labor and Social Affairs. It performs major tasks, the most

and identifying the disabled. It mentions the issue of integrating the handicapped into society, unless it mentions with it the issue of employing the handicapped and providing suitable work sites for him.¹

There are means of support or support for people with special needs socially through: -

1. Guidance and guidance services.
2. Social support services
3. Health support services
4. Mutual or complementary support services systems .²

Conclusion

At the conclusion of the research, it was possible to reach a set of conclusions and recommendations regarding the international protection of people with special needs, which we list as follows:

1- The Law for the Care of Persons with Disabilities and Special Needs defines persons with disabilities as any person who has lost the ability, wholly or partially, to participate in society like others as a result of

¹.United Nations , Implementation of the World Programme of Action concerning Disabled Persons [A/49/435] - part 1,Report of the Secretary-General ,Forty-ninth session ,Agenda item 95,Social development, including questions relating to the world social ,situation and to youth, ageing, disabled persons and the family.

².Azhar Muhammad Al-Kazemi, People with Special Needs in Iraqi Law, research published in the Journal of Social and Psychological Sciences, Tishreen University, Damascus, 2007.

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5) Dr. Muhammad Thamer, Human Rights, General Principles and Principles, 1st Edition, Al-Sanhoury Library, Iraq, Baghdad, 2012.

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Resolutions and Laws:

1) United Nations, General Assembly, Resolution No. 168 of December 19, 2001, 56th Session, Document (A/Res/56/168).

2) Article 62 of the 1945 United Nations Charter.

3) United Nations, General Assembly, Convention on the Rights

important of which is providing full care to the disabled and those with special needs.

Recommendations:

In light of what was mentioned in the body of the research and conclusions, the researcher recommends the following:

1 - Exploiting the data of the current study to establish more than one introductory seminar on the international protection of people with special needs, especially in the departments that have to do with people with special needs and the judicial departments.

2 - Urging academics in the legal field to survey people with special needs and to know the extent of their awareness of the existence of international protection for them and the protection of their rights, especially in Iraqi laws.

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4) Shams JawadOmran, People with Special Needs in Western Laws and Legislations, The Message of the

Day of Persons with Disabilities, (United Nations: Persons with disabilities should be able to reap the benefits of development), December 3, 2013, New York, United Nations News Center, Available at the following link:

13) Paragraph (1) of Article (12) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities, Regional Integration Organizations as: and this Protocol. In their instruments of formal acknowledgment or accession, those organizations declare the scope of their competence in relation to the matters governed by this Convention and this Protocol. They shall hereafter inform the Depositary of any substantial modification in the scope of their competence.

14) Articles: (2, 10, 12, 13) of General Assembly Resolution No. 53 issued on December 3, 1982.

15) Article (25) of the Universal Declaration of Human Rights of 1948 that: (Every person has the right to secure his livelihood in cases of unemployment, sickness, disability, widowhood, old age and other loss of means of livelihood as a result of circumstances beyond his control).

16) Article (68) of the Charter of the United Nations, provided that: (The Economic and Social Council shall establish committees for economic and social affairs and for the promotion of human rights, as well as other committees that it may need to perform its functions).

of Persons with Disabilities of 2006, Resolution No. (58/246).

4) United Nations, General Assembly, Fifty-second Session, Resolution No. (52/37) Item 119.

5) Fifty-sixth session, provisional agenda, document No. (A/62,230), Resolution No. 56/168.

6) Article 10 of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities.

7) Article (11) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities.

8) Article (9) of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities.

9) United Nations, General Assembly, Resolution No. 106 adopted on December 13, 2006, 61st Session, 76th Plenary Meeting, (A/Res/61/106), Document No. (06-50077), concerning the adoption of (Annex I) The United Nations Convention on the Rights of Persons with Disabilities (Annex II: Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities).

10) Article (2) of General Assembly Resolution No. 52 issued on December 3, 1982.

11) The Iraqi Law of Welfare for People with Disabilities and Special Needs No. (38) of 2013.

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17) Preamble to the Charter of the United Nations and the Statute of the International Court of Justice, New York, signed on 26 June 1945 in San Francisco at the conclusion of the United Nations Conference on the Regime of the International Court, and entered into force on 24 October 1945.

18) The United Nations Declaration on the Rights of Persons with Disabilities issued by Resolution 3447 on the ninth of December 1975

19) Preamble to General Assembly Resolution No. 52 issued on December 3, 1982 in its 37th session at its 90th plenary session, entitled (The World Program of Action relating to Persons with Disabilities).

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