LEGAL STATUS AND SOCIAL PROTECTION OF PERSONS WITH DISABILITIES AS A RESULT OF HYBRID WAR

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ABSTRACT

Purpose: The purpose of this article is to study international legal and national law in the field of protecting the rights of persons with disability, as well as studying the phenomenon of “hybrid war” and protecting the rights of persons with disabilities as a result of such armed conflicts.

Method: The main method used by the authors of the article is the formal legal method. Since the basis of the article is built on the analysis of relevant normative sources at the international and national levels, the use of this method ensures the reliability of the results obtained.

Results and conclusion: In order to ensure a full life for people who have received the status of persons with disabilities as a result of a hybrid war, a number of actions should be applied on the legal field, at the practical level of implementation, at the scientific and educational level and in the aspect of international cooperation.

Research implications: The practical significance is revealed through the authors’ proposals for a balanced and smart state policy. The theoretical significance lies in the fact that the article can serve as a basis for further research on this topic, as well as for developing methodological support in related academic disciplines.

Originality/value: The results obtained in this research are innovative, relevant to the scientific community and important basis for state policy in the context of social protection of persons with disabilities.

Keywords: Rights of People with Disability, Persons with Disabilities, Hybrid War, Social Protection of People with Disability, International Law.

STATUS LEGAL E PROTEÇÃO SOCIAL DAS PESSOAS COM DEFICIÊNCIA COMO RESULTADO DA GUERRA HÍBRIDA

RESUMO

Objetivo: O objetivo deste artigo é estudar a legislação internacional e nacional no campo da proteção dos direitos das pessoas com deficiência, bem como estudar o fenômeno da "guerra híbrida" e proteger os direitos das pessoas com deficiência como resultado de tais conflitos armados.

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1 INTRODUCTION

Social protection of persons with disabilities or social security provided by the state through sufficient material and financial support for such persons guarantees the effective functioning of any state. Such provision is especially important in the context of a long-term armed conflict in the east of Ukraine, which provoked many changes in people's lives, as well as the administrative division of the state and the legal regulation of certain issues. The system of ensuring social security of persons with disabilities can be viewed as a set of socio-legal and socio-psychological components that are enshrined in law and implemented due to the existence of an effective mechanism for the implementation of such a policy. The essence of social security is to create conditions that neutralize the impact of negative factors associated with armed actions or compensate for this impact (Marko et al., 2019).

It should be noted that social protection is economic measures of public administration aimed at ensuring the priority minimum needs of the population, a category of persons separately provided for by law (Kandiba, 2020). In turn, the social protection of persons with disabilities is a system of organizational, legal, economic, financial, social measures implemented by the state aimed at meeting the needs of this category of people in restoring and maintaining health, material security, self-realization, unhindered access to social infrastructure facilities, etc. The features of social protection of persons with disabilities include the following: its object is the category of persons established by law – persons with disabilities; it is a system of measures that are carried out by the state and are aimed at meeting certain needs of the corresponding category of the population, in particular, in restoring and maintaining health, material security, self-realization, access to information, to social infrastructure facilities, etc.; the state acts as a guarantor of social protection of persons with disabilities; measures are taken to ensure that persons with disabilities have the opportunity to exercise the full range of general and additional rights guaranteed to them, to lead a full life in accordance with individual abilities and interests (Kutsa, 2011).

Today, in Ukraine, there is still a number of shortcomings in the field of social protection for persons with disabilities, in particular the quality and availability of social security for
people in need. Because of this, there is a need to analyze and study this issue at the international legal level in order to identify international standards in this area, as well as to compare these standards with the legislation of Ukraine in order to identify disagreements and conflicts and improve national legal norms.

2 METHODOLOGY

The leading method of the research paper is the formal legal method. Its use ensured the reliability of the results in the analysis of the sources of international law in the issue of ensuring the rights of persons with disabilities, as well as for the consideration of the general regulation of the protection of human rights within the framework of international humanitarian law, provided that the parties to the armed conflict conduct a hybrid war. In addition, the formal legal method was also applied to study and review the national legislation of Ukraine on the issue of legal regulation of the protection of the rights of persons with disabilities in general, as well as persons with disabilities who received such status because of a hybrid war. The adoption of this method gave the author the opportunity to analyze the approach of the international community to this issue based on international standards, as well as to identify some shortcomings, in particular, to justify the need for more detailed regulation of the features of hybrid war at the international level.

In addition, the author applied the method of analysis and synthesis to study theoretical information, international legal acts, legislation of Ukraine and, on their basis, highlight the problems that exist in the area under study. This method has also been applied to the study of international law in the context of general regulation of the protection of the rights of persons with disabilities.

The comparison method provided an opportunity not only to analyze the law of Ukraine and international law, but also to compare various legal norms regulating the same issue in different planes, as well as to identify the norms implemented by Ukraine borrowed from international law. The use of the comparison method provided an opportunity to identify how the participants in international relations regulate the same topical issues differently and which ways are the most beneficial. In addition, the comparative method was applied by the author when analyzing the concepts used in the article, in particular, the concepts of “social protection”, “hybrid war”, “persons with disabilities as a result of armed actions”, etc.

The author also applied the method of historical knowledge in the context of studying the emergence of legal regulation of both the norms of international humanitarian law and the norms on the protection of the rights of persons with disabilities in the human rights system. In addition, the method of historical knowledge provided the opportunity to study the retrospective of legal acts that influenced the formation of legal regulation in the context of the subject matter of the article.

Also, in the course of the study, the author applied the methods of scientific knowledge that were used to study the concept of “hybrid war”; as well as its features and signs. Namely, aggression without an official declaration of war; concealment by the aggressor country of its participation in the conflict; widespread use of irregular armed formations (including under cover of the civilian population); mutual measures of political and economic pressure (with the formal preservation of relations between the two countries); widespread propaganda and counter-propaganda using “dirty” information technologies; confrontation in cyberspace. The results of scientific and educational activities using the above method provided the need to clarify ways to improve legislation in the context of current development directions and standards for the protection of the rights of persons with disabilities, as well as considering the rule of law and respect for human rights (Yaroshenko et al., 2021).
The application of the systematic method made it possible to generalize and systematize disparate information about the problems that exist in the field of the practical implementation of the rights of persons with disabilities and to build ways of possible solutions to such problems in order to fully ensure the human rights of persons with disabilities and their participation in all walks of life.

3 RESULTS

3.1 International Legal Regulation of the Rights of Persons with Disabilities

Over the past decades, the principle of equality of all people has been established in society at the highest level, which has qualitatively influenced the development of all branches of human rights. Among other things, this has had a noticeable impact on the rights of persons with disabilities. The principle of equal rights and opportunities for all approved the need to protect the rights of persons with disabilities to a full life in society and the creation of real conditions for their rehabilitation and social integration by states. The duty of the state and society is to provide adequate social protection and support, social integration, creation of equal opportunities for self-realization, a full life, education and employment, involvement of persons with disabilities in spiritual, cultural and sports life (Kulieva, 2014; Maryniv & Demura, 2021).

Given the fact that ensuring human rights and freedoms is the main task not only of the state, but also of the international community and international human rights organizations, it is worth noting that today, the issues of defining, ensuring and implementing an international legal mechanism for protecting the rights of persons with disabilities are relevant. A person, their rights, freedoms and interests determine the direction of international and national politics, as well as form the functionality of international organizations and supranational structures for ensuring and protecting the rights and freedoms of persons with disabilities (Kuznetsova, 2020).

As Ukrainian researcher Kuznetsova (2020) notes, the formation of an international legal mechanism for protecting the rights of persons with disabilities has a number of tasks. In particular, to identify and assess the needs of persons with disabilities; provide a response to specific needs and ensure that protection and assistance programs for persons with disabilities are accessible on an equal basis both at the international and national levels; create conditions in which persons with disabilities are not discriminated against and participate in decisions that concern them; ensure non-discrimination of such persons, considering gender, age, religion, etc.

It is worth noting that the rights of persons with disabilities can generally be divided into two categories: human rights, which are granted to all people without limitation, and those rights that arise from the legal status of persons with disabilities. In the issue of ensuring human rights, it is worth noting that the universal norms of international law were formed long ago and clearly regulate natural rights. In the context of the rights of persons with disabilities, it is very important to highlight the rule of equality and non-discrimination. It is found in almost all key international legal acts of the universal level, such as the Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), International Convention on the Elimination of All Forms of Racial Discrimination (1965) and others.

In the context of ensuring the rights of persons with disabilities, the key document is the Convention on the Rights of Persons with Disabilities of 2006. To date, this Convention has been ratified by 184 states, which confirms its importance in the context of protecting the rights of persons with disabilities. In addition, the significance of this Convention is very high, given the subject matter of the article, which is revealed in four aspects. Firstly, this Convention acts as an international legal basis for the existence and consolidation of more fundamental and basic rights of persons with disabilities. Secondly, it establishes international standards regarding the
rights of persons with disabilities and determines the social guidelines for the development of society and states. Thirdly, this Convention is a key international treaty in the system of sources of social security law, which are developed to regulate social security relations involving persons with disabilities. Fourthly, this document acts as an international legal basis for the development of domestic legislation on social security and legislation on the rights of persons with disabilities (Kostyuk, 2015).

According to the provisions of the 2006 Convention, its purpose is “to protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” The Convention provides for a number of obligations that are imposed on states in the context of the protection of persons with disabilities, including the social sphere. In addition, the 2006 Convention indicates that the participating states recognize the equality of all persons before the law and the right to equal protection and enjoyment of rights without any discrimination. The UN Convention on the Rights of Persons with Disabilities notes that persons with disabilities have an equal right to social protection (Convention on the Rights of Persons with Disabilities, 2006).

It is also worth noting that Art. 3 of the 2006 Convention defines a number of principles: respect for human dignity, freedom of choice and independence; non-discrimination; full involvement and introduction into society; respect for the characteristics and acceptance of persons with disabilities; equality of opportunity; availability; equality of men and women; respect for the abilities of children with disabilities (Convention on the Rights of Persons with Disabilities, 2006). We believe that ensuring the implementation of these principles contributes to the effective implementation of the mechanism for protecting the rights of persons with disabilities. Their recognition both at the national and international levels will increase the degree of security and social protection of such persons.

Another document worth paying attention to is the International Labor Organization (hereinafter – ILO) Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons) (1983). This Convention stipulates that public authorities must promote the employment of persons with disabilities in the following ways: promoting employment opportunities for persons with disabilities in the open labor market; holding consultations with representative organizations of entrepreneurs about the implementation of this policy; holding consultations with representative organizations of persons with disabilities about employment issues; taking measures to organize and evaluate vocational guidance, vocational training, employment, employment services; taking measures to promote the creation and development of services for vocational rehabilitation and employment of persons with disabilities in rural areas, etc.

Thus, it can be stated that the human rights approach that has been formed in international law ensures respect and support for persons with disabilities, since such persons form a significant part of the population around the world, but still remain one of the most vulnerable groups in society. The definition of the principles and objectives of the international legal mechanism for the protection of the rights of persons with disabilities at the level of international documents is an important aspect of respecting the rights of such persons and the implementation of relevant norms in national legal norms (Gnatenko et al., 2020; Zaitsev et al., 2020).

3.2 National Legal Regulations to Ensure the Rights of Persons with Disabilities

In modern conditions, ensuring the rights of persons with disabilities is mainly assigned to the state, as well as to each member of society. That is why this area is especially important for the formation of a worthy developed state and society. In the context of the development of state programs in the field of ensuring the rights of persons with disabilities, their standards and
quality should become more and more significant. This is due to the fact that a person, their life and health, honor and dignity, inviolability and security are recognized in our country as a high social value, and the rights of persons with disabilities are guaranteed by the state at the constitutional level (Parovishnik, 2016).

Among the national legal acts that regulate the issue of ensuring and protecting the rights of persons with disabilities, it is worth noting the Constitution of Ukraine (1996). As the Fundamental Legal Act, it occupies the top spot in the hierarchy of national legal acts. Although it does not directly contain norms relating to the rights of persons with disabilities, it constitutes a normative legal act that has the highest legal force and plays a crucial role in the formation of all state legislation, including that which regulates public relations in the field of ensuring the rights of persons with disabilities.

In addition, the sources of national law on the protection of the rights of persons with disabilities also form international norms ratified by the Verkhovna Rada of Ukraine (Parliament of Ukraine). An example of such legal acts is the previously mentioned Convention on the Rights of Persons with Disabilities, ratified by Ukraine in accordance with the Law of Ukraine “On ratification of the convention on the rights of persons with disabilities and its optional protocol” (2009). Such legal norms, after ratification, become part of the national legislation, thereby introducing international standards into the law in a particular area.

It is also worth noting a number of Ukrainian laws that relate to ensuring the rights of persons with disabilities. In particular, the Law of Ukraine “About bases of social security of persons with disability in Ukraine” of 1991. This Law defines the basis for social security of persons with disabilities and guarantees them equal rights and opportunities with other citizens of the state. In addition, the Law regulates the participation of persons with disabilities in all spheres of public life, the creation of the necessary conditions for persons with disabilities to effectively exercise the rights and freedoms of man and citizen and lead a full life according to individual capabilities, abilities and interests (About bases of social security of persons with disability in Ukraine, 1991).

Another important legal act is the Law of Ukraine “About rehabilitation of persons with disability in Ukraine” of 2005. The purpose of this Law is to determine the basic principles for creating legal, socio-economic, organizational conditions to eliminate or compensate for the consequences caused by a lasting health disorder, the functioning of a support system for persons with disabilities of physical, mental, social well-being, assistance to them in achieving social and material independence (Law of Ukraine No. 2961-IV, 2005).

After analyzing the legal acts that regulate the provision of the rights of persons with disabilities, it can be noted that they are all interconnected and function in a certain relationship. Such a connection gives us the opportunity to assert that assessing the systemic and hierarchical nature of such acts when studying legislation, including in the field of ensuring the rights of persons with disabilities, will help to understand the overall picture of the current legislation and the interaction of these norms.

In the meanwhile, despite the existence of legal norms that regulate the protection and provision of the rights of persons with disabilities, as well as the need for their integration into society, it can be stated that today, there are a number of problems in the field of protecting the rights of persons with disabilities and ensuring their normal life. The legal regulation is, no doubt, a positive aspect. At the same time, it should be remembered that the root of all the problems of people with disabilities is the lack of a mechanism for their mass and economically feasible inclusion in an active socially useful life. Until a firm conviction is formed in society that persons with disabilities are not only an object of manifestations of human compassion, but also a powerful potential for the economic, intellectual and creative development of society, the problems of these people in our country will not be fundamentally resolved.
3.3 Hybrid War: Concept and Legal Framework

The concept of a hybrid war is deeply rooted in Ukrainian realities in the context of a prolonged armed conflict in the east of Ukraine. Despite the frequent use of this concept, its definition is not always fully understood. Because of this, let us consider scientific and legal approaches to its definition. The author of this concept is Hoffman (2007), a former Marine Corps officer, researcher of the US Department of Defense. He notes that in the future, conflicts will be multimodal (i.e. those that are conducted in different ways) and multivariate, not falling within the framework of the simple construction of armed conflict or war. According to Hoffman, future threats can be more characterized as a hybrid ratio of traditional and irregular strategies and tactics. It is decentralized planning and execution, participation of non-state actors using both simple and complex technologies. Hoffman defines hybrid war as any enemy action that quickly and flexibly uses a variety of combinations of legal weapons, guerilla war, terrorism, crimes on the battlefield, and all this to achieve political goals (Hoffman, 2007).

A hybrid war is a conflict between states or between a state and a non-state entity, in which one subject carries out direct aggression against another subject with the covert use of its armed forces or indirectly through other subjects. It uses the complex of political, economic, information and other non-military measures, as well as terrorist, sabotage and criminal technologies in order to deprive the enemy side of actual sovereignty, while the parties to such a conflict are in a state of “hybrid peace” (i.e. legally this is not a war, but practically it is not peace) (Sidorenko, 2018).

As noted by Ukrainian scholars Permyakov, Korolyuk, Pharaoh, a hybrid war is, in fact, a high-tech conflict in which the differences between the war itself in its classical sense and politics and economics, between the military, its other participants and the civilian population are erased. New vulnerabilities of the national critical infrastructure, which appear together with the rapid development of technologies, cause new dangers, threats and risks in the information and cyberspace and require solutions to issues of prevention, containment and neutralization (Permyakov et al., 2021; Prudnykova et al., 2021). As the American researcher Wither (2020) notes, historians use the term “hybrid war” simply to describe the repeated use of conventional and non-conventional forces in the same military campaign.

Ukrainian researcher Komarchuk (2018) highlights a number of features of a hybrid war. Namely, aggression without an official declaration of war; concealment by the aggressor country of its participation in the conflict; widespread use of irregular armed formations (including under cover of the civilian population); mutual measures of political and economic pressure (with the formal preservation of relations between the two countries); widespread propaganda and counter-propaganda using “dirty” information technologies; confrontation in cyberspace, which is becoming more frequent, sophisticated and serious (Albalas, Modjtahedi & Abdi, 2022). Thus, it can be argued that the main feature of a hybrid war is the use of non-classical methods of war in conjunction with the classical ones, as well as often the actual lack of the legal status of belligerents between opponents.

It is worth noting that despite the not fully resolved features of such a phenomenon as a hybrid war, attempts were still made to resolve this issue at the international level. Thus, in 2018, the Parliamentary Assembly of the Council of Europe (hereinafter – PACE) adopted a Resolution on combating hybrid war. Although this document does not give a final definition of the concept “hybrid war” and it is mainly advisory in nature, it is nevertheless important that the main feature of this phenomenon is emphasized, namely the “legal asymmetry”, which is manifested in the fact that the parties, waging a hybrid war, deny their responsibility for the operations and try to avoid the legal consequences of their actions.

They take advantage of the gaps and complexity of the law, operate at the margin of the law and in unregulated spaces, use legal barriers and are willing to go to gross violation of legal
norms to disguise their actions. It is also significant that the Resolution states that the parties to a hybrid war do not operate in a legal vacuum and that relevant norms of national and international law, including international norms for the protection of human rights, are applied to their actions. If during a hybrid war any state resorts to the use of force against another state, then the latter has the right to exercise the right to self-defense on the basis of Art. 51 of the UN Charter, in which case the rules of international humanitarian law (hereinafter – IHL) will apply (Resolution 2217, 2018).

PACE’s reference to the IHL rules is particularly important in the context of this study, as it gives us the opportunity to refer to the IHL rules when considering the protection of human rights in hybrid war in the same way as in classic armed conflicts. Such a statement has a high legal value for the protection of human rights in the dangerous conditions of armed conflict.

3.4 Protection of Persons During Armed Conflicts

So, as it was established earlier, despite the specific nature of a hybrid war, the rules of international law, including international humanitarian law, still apply to such an armed conflict. Regardless of their social nature (international wars, wars of national liberation, internal conflicts), legal or illegal (aggressive wars or defensive wars; armed actions of separatists inside the country or actions of government troops to protect the constitutional order), these armed conflicts threaten the realization of the majority human rights and freedoms. It is to prevent such violations, as well as to ensure and protect human rights that the IHL rules exist. IHL has a fairly large number of legal norms and regulations aimed at protecting human rights. We only note that the main principle that the parties of the conflict should be guided by in terms of an armed conflict in relation to the civilian population is that “the civilian population, as well as individual civilians, should not be the object of attack”, in particular:

1. Acts of violence or threats of violence that have the primary purpose of terrorizing the civilian population are prohibited (Watkin, 2004). In addition, the use of starvation as a method of warfare among the civilian population is prohibited. Therefore, it is prohibited to attack, destroy, remove or render unusable objects necessary for the survival of the civilian population for these purposes (Jinks, 2014).

2. Forced displacement of the civilian population for reasons related to the armed conflict is prohibited, except in cases of ensuring the safety of these persons.

3. It is prohibited to attack installations and structures containing dangerous forces, namely dams, dikes and nuclear power plants, as such an attack could cause casualties among the civilian population (Droege, 2008).

Thus, it can be argued that IHL in its rules covers various situations that may occur during an armed conflict in order to maximize the security of the rights and lives of the civilian population, especially unprotected, voiceless children, women and people with disabilities who suffered from the different violent conflicts (Mukhtaruddin & Kang, 2023). In addition, since the norms of IHL have been formed over a long period of time and under the influence of large-scale global conflicts, we can say that they deeply regulate the issue of how to protect the civilian population during hostilities, including a hybrid war.

3.5 Ensuring the Rights of Persons with Disabilities as a Result of Hybrid War

Despite the fact that the norms of IHL regulate the fundamentals of the protection of human rights during armed conflicts, the rights of people who have received the status of a disabled person as a result of war deserve special attention. First of all, we note that according to the Law of Ukraine “About the status of veterans of war, guarantees of their social protection” of 1993, persons from the military personnel of the army and navy, partisans, underground
workers, workers who have become people with disability are entitled to the status of a person with disabilities as a result of the war. Namely injury, concussion, disease received in the defense of the motherland, the service at the front line, in partisan detachments and formations, underground organizations, groups and other formations, in the area of military operations, in the front-line railway areas, at the construction of defensive lines, naval bases and airfields during the civil and Second World War or with participation in hostilities in peacetime. In addition, the Law establishes a long list of other persons who may receive the relevant status (Law of Ukraine No. 3551-XII, 1993).

Considering the peculiarities of the armed conflict that is taking place on the territory of Ukraine, as well as the lack of a legal declaration of war, we can assert that the armed conflict on the territory of Ukraine has all the features of a hybrid war described earlier in the article. Based on this, we can state that those persons who received the status of a person with disabilities due to a real armed conflict fall under the category of persons who received the status of a person with disabilities as a result of a hybrid war. It should be noted that such persons are subject to both the special legislation of Ukraine regulating the provision of the rights of persons with disabilities, described earlier in the article, and the legal norms regulating the rights of such people as those affected by the armed conflict.

Returning to the mentioned Law of Ukraine “About the status of veterans of war, guarantees of their social protection”, we note that Art. 13 stipulates a number of benefits that are provided to persons with disabilities who have received such a status as a result of a hybrid war. Namely free medicines, immunobiological products and medical products according to doctor's prescriptions; unscheduled and free-of-charge dental prosthetics; free annual provision of sanatorium-and-spa treatment; 100% discount on housing and utility fees; 100% discount on fuel costs; free travel on all types of urban passenger transport; unscheduled free major structural renovation of their own houses or apartments; unscheduled and free-of-charge medical assistance in medical institutions, etc. (Law of Ukraine No. 3551-XII, 1993).

It is also worth noting that such categories of citizens are issued by the social security authorities with a disability identification card as a result of the war, confirming the appropriate status. Thus, at the state level, such persons are provided with social security in the form of benefits and guarantees. The 2004 Law of Ukraine “On improving the financial situation of combatants and persons with disabilities as a result of the war” also provides for monthly additional payments for persons with disabilities (Law of Ukraine No. 3551-XII, 2004).

Thus, at the state level, social security is provided for persons with disabilities as a result of a hybrid war. Ensuring the rights of the persons with disabilities is based on three categories of legal acts: a rule of law that ensures their rights as a person and citizen; the rules of law governing the protection of the rights of persons with disabilities; legal acts protecting the rights of persons with disabilities who received such status as a result of a hybrid war. A set of all these legal norms, together with international guarantees, provides full comprehensive protection of the rights of persons with disabilities. At the same time, in order to achieve real realization of their rights and full integration into the processes of public life, a balanced state policy should be pursued aimed at implementing the existing legislation. In addition, we consider it appropriate to introduce programs and the work of volunteers to ensure such implementation and real assistance to persons with disabilities. Also, it is worth considering the need for educational work with the population to popularize information and develop acceptance by society of such persons as full members.

4 DISCUSSION

Issues of international legal regulation of the rights of persons with disabilities are disclosed in the work of researcher Kuznetsova (2020). It justifies the need to analyze the norms...
of the main international documents that regulate the protection of the rights of persons with disabilities and determine the priorities of national policies of states in the field of protecting the rights of persons with disabilities. The study focuses on the need for effective implementation of the mechanism for protecting the rights of persons with disabilities. In addition, Kuznetsova argues that the recognition of the rights of persons with disabilities both at the national and international levels will increase the degree of safety and social protection of such persons. The norms of most international instruments contribute precisely to this, since the goal is to promote, protect and ensure the full and equal enjoyment by all persons with disabilities of all human rights and fundamental freedoms, as well as to encourage respect for their dignity.

Important issues of legal regulation of social protection of persons with disabilities in the system of universal international legal acts were highlighted by the Ukrainian scholar Kostyuk (2015). He noted that the norms of the 2006 Convention on the Rights of Persons with Disabilities are of a social nature. The author also notes that the provisions of the Convention on the Rights of Persons with Disabilities are fundamental for the development of national legal norms in this aspect. In addition, he emphasizes the need for a systematic development of legal norms in this direction.

The English researcher Rogers (2021) notes that the main coverage of persons with disabilities should be provided for by the main social protection programs. He notes that social protection programs should be monitored through administrative data and functioning screening questions. This will mean more accurate reporting of social protection spending for persons with disabilities, as illustrated in some countries (Rogers, 2021). In the context of the analysis of hybrid war, the study of the American scholar Hoffman who developed the concept of “hybrid war”, described its features and predicted potential armed conflicts, is important. His concept of hybrid war formed the basis of future research papers and studies (Hoffman, 2007).

Particular attention should be paid to the work of the Ukrainian researcher Gordienko (2018) who in his scientific work summarized and analyzed the current legal acts regulating public relations in the field of social protection of combatants. In addition, the author identified the main range of issues that require further legislative regulation of the social protection of combatants and persons with disabilities as a result of hostilities. An important contribution of the author is the developed and proposed systematization of legal acts in the area under study according to the relevant classification criteria.

Some aspects of equality and gender non-discrimination were raised in their works by such scholars such as Droege (2008), Jinks (2014), Kandiba (2020), Komarchuk (2018), Korolyuk (2021), Kulieva (2014), Kutsa (2011), Marko (2019), Marko (2019), Parovichnik (2016), Pernyakov (2021), Sidorenko (2018), Witer (2020), Chernysheva (2019), Watkin (2004) and others. Despite a certain number of scientific works on the issue of protecting the rights of persons with disabilities as a result of a hybrid war, nevertheless, today it remains insufficiently studied and debatable in legal science, which makes its further study relevant.

5 CONCLUSIONS

It is the entrenchment of the rights of persons with disabilities within the acts of international law that is needed to determine the direction of the international legal mechanism for protecting the rights of such people, along with protection of inalienable, natural rights. This leads to the choice of certain opportunities for the formation of international and national policies in relation to persons with disabilities, since, in fact, the responsibility for observing and ensuring the rights of persons with disabilities is directly borne by the states themselves, both at the domestic level and at the international level – within the framework of international cooperation.
It should be noted that today, at the international legal level, there is no consolidation of the concept of “hybrid war”, which in turn creates problems in other areas of regulation of this phenomenon, including the field of protecting the rights of persons with disabilities during a hybrid war. Thus, today it is necessary to enshrine the concept of “hybrid war” at the conventional level, since only the formation of a single comprehensive concept of “hybrid war” will allow us to bring the regulation of this phenomenon to a qualitatively new level. In particular, this will allow us to develop clear international rules for conducting and counteraction to such a war, as well as to determine the nature of international legal responsibility for waging a hybrid war. In addition, the international legal regulation of hybrid war will provide an opportunity to properly consolidate the legal and institutional mechanisms for the protection of human rights during this kind of conflict, especially vulnerable groups of the population, which, among others, include persons with disabilities.

People who have received the status of persons with disabilities as a result of a hybrid war need not only legal regulation of their rights, but also their practical provision. In order to fully ensure a full life for such persons, a number of actions should be applied. First, on the legal field. Regardless of the existing norms concerning the research topic, the issue of protection of such persons should be developed both at the international and national levels. Secondly, at the practical level of implementation. It is necessary to pursue a balanced state policy aimed at the implementation of existing legislation and the integration of persons with disabilities into society. Thirdly, at the scientific and educational level. In this context, more attention should be paid to the topical issues at the level of research of the analysis of the ways of its legal solution. In addition, appropriate work should be carried out with the population to popularize information and develop acceptance of such persons as full members of society. Fourth, in the aspect of international cooperation, by borrowing the most successful foreign models for ensuring the rights of persons with disabilities.

**LIMITATIONS OF THE RESEARCH**

This research, however, is subject to several limitations. Despite the fact that the author refers to some acts of international law at the beginning of the article, the analysis of the protection of social rights of persons with disabilities is limited to the national legislation of Ukraine. It is described as it is in force in Ukraine and is relevant for the citizens of this state in the context of the ongoing military conflict.

In addition, the paper discusses the problems and features of hybrid warfare and its impact on persons with disabilities. The article did not address the issue of ensuring the social rights of the relevant persons in the context of a full-scale invasion of Ukraine. Also, the article is limited to the analysis of the relevant issue in relation to Ukrainian citizens. It does not include an analysis of the protection of the social rights of persons with disabilities who have refugee status, temporary protection and internally displaced persons.

**RECOMMENDATIONS FOR FURTHER RESEARCH**

The authors limited their research to the national legislation of Ukraine and the specifics of assistance to persons with disabilities during the armed conflict. Given this, it is possible to continue the relevant area of research by supplementing it with an analysis of the legislation of European countries. In further research, it is advisable to pay attention to the social protection guaranteed by EU member states to Ukrainian refugees with disabilities who fled Ukraine as a result of the war. It would be especially relevant to study this issue in those countries that have received the largest number of Ukrainian refugees, namely: Poland, Germany and the Czech Republic. But the legal regulation of other countries should also be taken into account.
Moreover, the issue is even more interesting a year after the outbreak of full-scale war. During this time, all procedural issues should have been resolved, and therefore further research could include an analysis of the legislation of the selected countries on social assistance to Ukrainian refugees with disabilities, as well as practical aspects of its implementation. In addition, further research could include the protection of internally displaced persons with disabilities in Ukraine in the context of the armed conflict.

REFERENCES


