THE PHENOMENON OF DISABILITY IN THE HUMAN RIGHTS PROTECTION SYSTEM: FROM STIGMATIZATION TO GENUINE EQUALITY

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https://doi.org/10.5281/zenodo.18549584

Abstract: This article provides an in-depth analysis of the concept of disability from a human rights perspective, examining its legal nature and social meaning through an evolutionary lens. The study critically evaluates the medical model of disability, highlighting its limitations in terms of human dignity, autonomy, and legal subjectivity. It further explores the emergence of the social model and the human rights–based legal model, emphasizing their connection with the principles of universality and substantive equality of human rights. Special attention is paid to the issues of stigma and social recognition as persistent structural barriers to the effective realization of the rights of persons with disabilities. The author argues that a comprehensive approach grounded in human dignity and personal autonomy constitutes the most effective theoretical and practical framework for ensuring the human rights of persons with disabilities.

Keywords: disability, human rights, human dignity, autonomy, medical model, social model, stigma, substantive equality.

The principles of the universality of human rights and human dignity constitute the ideological foundation of the modern concepts of the rule-of-law state and civil society. The extent to which these principles are realized in practice is most clearly reflected in the level of protection afforded to the rights of persons with disabilities. For a considerable period, the phenomenon of disability was predominantly interpreted through a medical paradigm, within which disability was primarily perceived as an individual impairment or deficiency. Such an interpretation inevitably restricted both the legal subjectivity and the social participation of persons with disabilities. However, the progressive development of human rights theory, together with the deepening of the concepts of human dignity and personal autonomy, has led to the emergence of social and human rights–based approaches to disability. As a result, disability has increasingly been recognized as an independent subject of legal scholarship and normative regulation. From this perspective, the principal objective of this research is to analyze the evolution of the concept of disability from a human rights standpoint, to provide a theoretical justification for the transition from the medical model to social and legal models, and to examine the role of such fundamental concepts as human dignity, autonomy, and stigmatization within this transformation.

An analysis of disability from the perspective of human rights necessarily requires a proper understanding of both the legal nature and the social content of this phenomenon. Academic literature demonstrates that definitions of disability are multidimensional and historically contingent, reflecting the specific characteristics of particular historical periods, systems of social relations, and prevailing legal and philosophical paradigms. In our view, without examining the evolutionary development of the concept of disability, it is impossible to formulate comprehensive and coherent conclusions regarding the human rights of persons with disabilities.

From a historical perspective, disability in early societies was predominantly perceived as a biological defect or hereditary deficiency. In many ancient legal and social systems, individuals with physical or mental impairments were often regarded as “unproductive” or incapable of contributing to communal life, which resulted in severe restrictions on their participation in social processes. Certain historical sources even suggest that disability was interpreted as a form of punishment or a manifestation of fate. In our view, such perceptions fundamentally precluded the possibility of recognizing the universality of human rights, as they were based on exclusionary assumptions regarding human worth and social utility.

In subsequent historical periods, particularly during the emergence of industrialized societies, attitudes toward disability began to undergo partial transformation. The development of industrial production and labor relations elevated work capacity to the status of a primary social and economic value. As a result, individuals who were unable to fully participate in the labor market, including persons with disabilities, increasingly faced social marginalization. Within this framework, disability came to be assessed through the prism of economic productivity, whereby the value of the individual was measured according to his or her capacity to contribute to economic output. In our assessment, it was precisely during this period that discriminatory attitudes toward persons with disabilities began to acquire an institutional and systemic character.

Within legal scholarship, this paradigm is commonly conceptualized as the medical model of disability. According to the medical model, disability is understood primarily as a disease, impairment, or functional limitation inherent in the human body, and the resolution of the associated challenges is expected to be achieved through medical intervention, rehabilitation, or treatment. Within this model, legal and social factors were generally assigned secondary importance. In this regard, the Russian scholar E.N. Yakovleva emphasizes the inherent limitations of the medical model from a human rights perspective, noting that it has historically obstructed the recognition of persons with disabilities as autonomous legal subjects possessing full and equal rights[1].

We fully concur with this position, particularly in recognizing that the medical model has significantly constrained the conceptual scope of human dignity. By evaluating an individual primarily through the prism of physical condition, the medical model relegated the social, political, and cultural rights of persons with disabilities to a secondary status. Such an approach is fundamentally incompatible with the principle of the indivisibility of human rights, which presupposes that all rights are interrelated, interdependent, and equally essential for the full realization of human dignity.

By the mid-twentieth century, the progressive development of human rights doctrine facilitated the emergence of new approaches to disability. In particular, the consequences of the Second World War, including the dramatic increase in the number of war-related disabilities and the evolving societal perception of individuals affected by such conditions, accelerated this transformation. During this period, disability increasingly came to be understood not solely as a medical condition but also as a social phenomenon shaped by environmental and institutional

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[1] Yakovleva Ye. N. Poощrenie i zaщita prav invalidov v mejdunarodnom prave: dis. – M.: IGP RAN, 2015. – C.18-23.

factors. This conceptual shift laid the intellectual and normative foundations for the development of the social model of disability.

According to the social model, disability is not determined exclusively by an individual's physical or psychological condition but arises from the interaction between the individual and barriers existing within society. These barriers may be legal, architectural, informational, or cultural in nature and often serve as the primary factors limiting the participation of persons with disabilities in social life. The scholar T.A. Lykhina characterizes the social model as a conceptual cornerstone of international legal standards concerning the protection of the rights of persons with disabilities. She emphasizes that, within this framework, the principal obligation of the state is to eliminate the structural and systemic barriers that restrict the equal opportunities and full participation of persons with disabilities in society[2].

In our view, the social model represents a qualitatively new stage in the development of the human rights system. Unlike earlier paradigms, it does not advocate the segregation or isolation of persons with disabilities from society; rather, it promotes the adaptation of social structures and institutions to the diverse needs of individuals. This approach shifts the focus from formal equality toward substantive equality, thereby ensuring that equality is realized not merely through the uniform application of legal norms, but through the creation of conditions that enable persons with disabilities to exercise their rights on an equal basis with others.

At the same time, the social model has been subject to certain scholarly criticism. Some researchers argue that it insufficiently accounts for the physiological and medical dimensions of disability. However, in our assessment, such critiques often stem from a partial or inaccurate understanding of the social model's underlying premises. The social model does not deny the importance of medical assistance or rehabilitation; rather, it proposes that medical support should be viewed as one component within a broader human rights framework. Within this framework, healthcare is understood not as a mechanism for correcting or "normalizing" individuals, but as a means of facilitating their autonomy, participation, and equal enjoyment of rights.

The emergence of the social model is directly connected to the progressive development of the concepts of human dignity and personal autonomy within human rights theory. Whereas the medical model evaluated individuals primarily through their physiological condition, the social model recognizes persons with disabilities as autonomous individuals capable of making independent decisions and as equal subjects of rights and freedoms. From this perspective, disability becomes one of the central categories of modern human rights scholarship, reflecting the broader transformation of legal thought toward inclusivity and respect for human diversity.

Although the concept of human dignity has often been treated within legal scholarship as a declarative or abstract notion, in the field of disability rights it acquires concrete and practical significance. The principle of human dignity requires that persons with disabilities be recognized not as passive objects of protection, but as active rights-holders capable of independently exercising and defending their rights. The scholar E.N. Yakovleva characterizes human dignity as the ideological and normative foundation for ensuring the rights of persons with disabilities within international law, emphasizing that this concept functions as a universal

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[2] Lykhina T. A. Prava invalidov: problemы mejdunarodno-pravovogo regulirovaniya i mejdunarodnыe obyazatelstva Rossiyskoy Federatsii. – Sankt-Peterburg: SPbDU, 2011. – S.40-44.

criterion guiding the interpretation and implementation of human rights across all legal domains[3].

In our view, the concept of human dignity also requires the rejection of paternalistic approaches toward disability. Paternalism, even when justified by intentions to provide protection or assistance, often results in limiting the freedom of persons with disabilities to make independent decisions regarding their own lives. Such an approach is fundamentally incompatible with the core human rights principles of autonomy, freedom, and self-determination, as it replaces the individual's will with externally imposed judgments about what is presumed to be in his or her best interests.

Within human rights theory, the concept of autonomy denotes the capacity of an individual to exercise independent control over personal choices, life decisions, and social participation. The denial or restriction of autonomy in relation to persons with disabilities frequently manifests as a seemingly justified or socially accepted limitation of rights. In practice, paternalistic policies may appear benevolent but often perpetuate dependency, social exclusion, and the marginalization of persons with disabilities from decision-making processes that directly affect their lives.

The scholar T.A. Lykhina critically examines this phenomenon, emphasizing that the autonomy of persons with disabilities must be fully recognized within international human rights law. According to her analysis, the failure to acknowledge and guarantee such autonomy creates a substantial normative and institutional gap within the human rights system. The recognition of autonomy is therefore not merely a theoretical principle, but a necessary legal and ethical condition for ensuring the full realization of human dignity, equality, and participation of persons with disabilities in all spheres of social life[4].

According to our analysis, the principle of autonomy holds particular significance in the context of disability from two interrelated perspectives.

First, the principle of autonomy ensures the full recognition of persons with disabilities as independent legal subjects. It affirms their capacity to exercise rights, make decisions, and participate in social, political, and cultural life on an equal basis with others. Such recognition represents a fundamental departure from traditional paternalistic approaches, which tended to regard persons with disabilities primarily as objects of protection or care rather than as active holders of rights.

Second, the principle of autonomy imposes additional obligations upon both the state and society. The recognition of autonomy necessarily entails the creation of conditions that enable its effective realization. In this regard, the issue extends beyond the mere adoption of legal norms and encompasses the adaptation of educational systems, access to information, infrastructure, and social services. Ensuring autonomy therefore requires comprehensive structural reforms aimed at eliminating barriers that restrict the independent living, participation, and self-determination of persons with disabilities.

The progressive development of the social model has consequently led to the emergence of a new legal paradigm within human rights theory concerning disability. This legal model conceptualizes disability as a factor that directly influences the realization of human rights and

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[3] Yakovleva Ye. N. Роощrenie i защita prav invalidov v mejdunarodnom prave: dis. – M.: IGP RAN, 2015. – C.18-21

[4] Lykhina T. A. Prava invalidov: problemы mejdunarodno-pravovogo regulirovaniya i mejdunarodnыe obyazatelstva Rossiyskoy Federatsii. – Sankt-Peterburg: SPbDU, 2011. – S.40-44.

recognizes the proactive role of the state in addressing structural inequalities. The scholar A.P. Rakhimli, analyzing this model from a constitutional and legal perspective, emphasizes that the positive obligations of the state constitute a decisive element in ensuring the rights of persons with disabilities. According to his analysis, the fulfillment of such obligations reflects the transformation of constitutional guarantees into practical mechanisms designed to secure substantive equality and effective protection of disability rights[5].

We support this approach; however, we also maintain that the positive obligations of the state must be clearly defined and carefully delimited. In the absence of such boundaries, positive obligations risk transforming from instruments for the protection of human rights into mechanisms of excessive administrative control. For this reason, the principle of balance occupies a crucial place in human rights theory when determining the appropriate scope of state intervention. A well-functioning human rights system requires the state to actively ensure equal opportunities and remove structural barriers, while simultaneously respecting individual autonomy and avoiding disproportionate interference in personal decision-making.

From a human rights perspective, the evolution of the concept of disability can thus be understood as progressing through three principal stages: the medical model, the social model, and the human rights–based legal model. In our view, these stages should not be interpreted as mutually exclusive or contradictory. Rather, each model reflects the prevailing legal and social paradigms of a particular historical period. Within the framework of the contemporary rule-of-law state, however, the human rights–oriented model must assume a dominant role, as it provides the most comprehensive and normatively consistent approach to ensuring equality, dignity, and participation for persons with disabilities.

A deeper analysis of disability from a human rights perspective also requires particular attention to the concepts of identity and stigmatization. These notions reveal that disability is not merely a legal or medical phenomenon, but also a complex socio-cultural construct shaped by societal attitudes, values, and patterns of interaction. In our assessment, a substantial proportion of the challenges associated with ensuring the rights of persons with disabilities arises not from the absence of legal norms, but from deeply rooted social stereotypes and mechanisms of stigmatization. Such attitudes frequently create invisible yet powerful barriers that hinder social inclusion, limit opportunities, and undermine the effective realization of human rights. Consequently, overcoming stigma and transforming public perceptions must be regarded as an integral component of comprehensive disability rights policy, complementing legislative and institutional reforms.

Identity represents a complex socio-legal category closely connected with both an individual's self-perception and the manner in which that individual is perceived by society. In the context of persons with disabilities, identity is frequently shaped through the lens of deviation from perceived social "norms." Such labeling not only reinforces exclusionary stereotypes but also poses a significant threat to the fundamental principles of human dignity and equality. Within human rights theory, this phenomenon is often regarded as a manifestation of structural discrimination, whereby societal attitudes and institutional practices systematically disadvantage certain groups, even in the absence of explicitly discriminatory legal norms.

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[5] Raximli A. P. Osobennosti konstitutsionno-pravovogo statusa invalidov v Rossiyskoy Federatsii: dis... – M.: Moskovskiy gosudarstvennыy gumanitarnыy universitet im. MA Sholoxova, 2007. – S.15-18.

The scholar E.N. Yakovleva emphasizes that stigmatization associated with disability constitutes one of the most persistent and deeply rooted barriers to the effective realization of human rights. According to her analysis, even in circumstances where advanced legal guarantees and formal protections exist, the continued presence of negative societal perceptions of disability significantly undermines their practical effectiveness. In our view, stigmatization represents one of the most insidious forms of human rights violation, as it frequently manifests in subtle and indirect ways, resulting in what may be described as the “invisible erosion” of rights. By shaping public attitudes, limiting social opportunities, and reinforcing patterns of exclusion, stigma can effectively neutralize formal legal protections, thereby preventing persons with disabilities from fully exercising their rights and participating equally in social life[6].

Stigmatization may not always be directly prohibited under legal norms; however, it often operates as an indirect constraint on the exercise of fundamental human rights, including the rights to education, employment, healthcare, and participation in public life. For instance, a person with a disability may formally enjoy legal guarantees ensuring equal access to employment, yet negative stereotypes and prejudicial attitudes on the part of employers can significantly reduce the likelihood of actual recruitment. In our view, it is precisely at this intersection that the disconnection between formal human rights guarantees and prevailing social consciousness becomes most evident.

A number of scholars analyzing the problem of social acceptance emphasize that stigmatization in relation to disability constitutes a phenomenon that is broader and, in many respects, more dangerous than explicit legal discrimination. According to this perspective, while legislative reforms and the amendment of legal norms can often be achieved within a relatively short period, the transformation of social attitudes and collective perceptions requires sustained, systematic, and multidimensional efforts. Such transformation necessitates not only legal and institutional reforms but also long-term educational, cultural, and informational initiatives aimed at reshaping public awareness and promoting inclusive social values[7].

Accordingly, human rights policy should not be confined solely to legal reforms. The formation of the social identity of persons with disabilities is significantly influenced by education systems, mass media, and cultural policy, all of which play a decisive role in shaping public perceptions and societal attitudes toward disability. This underscores the necessity of integrating disability rights within the broader framework of the state’s social policy, thereby ensuring a holistic and coordinated approach to the protection and promotion of human rights.

Efforts to combat stigmatization represent a practical manifestation of the concept of human dignity. The recognition of human dignity must not remain limited to formal legal declarations; it must also be reflected in the everyday interactions and social relations among members of society. The scholar A.P. Rakhimli draws particular attention to the moral and ideological functions of the state in ensuring human dignity. He emphasizes that legal guarantees, regardless of their formal strength, risk remaining ineffective if they are not supported and internalized by societal values and public consciousness. In this context, the promotion of

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[6] Yakovleva Ye. N. Pooщrenie i zaщita prav invalidov v mejdunarodnom prave: dis. – M.: IGP RAN, 2015. – C.141-151.

[7] Lykhina T. A. Prava invalidov: problemы mejdunarodno-pravovogo regulirovaniya i mejdunarodnыe obyazatelstva Rossiyskoy Federatsii. – Sankt-Peterburg: SPbDU, 2011. – S.155.

inclusive cultural norms, public awareness, and ethical standards becomes an indispensable component of a comprehensive human rights protection strategy[8].

In our view, this position is particularly relevant in the context of disability. The rights of persons with disabilities are often not violated in an explicit or overt manner; rather, they are frequently diminished or neutralized through entrenched patterns of social interaction and institutional practice. For this reason, the issues of stigmatization and identity must be regarded as integral components of legal analysis within human rights theory. Without addressing these socio-cultural dimensions, legal guarantees alone are unlikely to achieve their intended protective function.

Thus, the evolution of the concept of disability from a human rights perspective extends far beyond changes in legal definitions or doctrinal formulations. It encompasses a complex and interrelated set of issues, including human dignity, personal autonomy, legal capacity, social acceptance, and the struggle against stigmatization. In our assessment, it is precisely this comprehensive and interdisciplinary approach that constitutes the most scientifically grounded and practically effective model for ensuring the human rights of persons with disabilities.

The analysis conducted above demonstrates that the evolution of the concept of disability within human rights discourse represents a multi-stage, complex, and often contradictory process. The transition from the medical model to the social model, and subsequently to a human rights–oriented legal model, reflects not merely a transformation of theoretical paradigms but a fundamental re-evaluation of societal attitudes toward the individual, human dignity, and legal subjectivity. In our view, this evolutionary transformation constitutes one of the most significant achievements of contemporary human rights scholarship in addressing the issue of disability.

Within the framework of the medical model, disability was predominantly interpreted as an individual deficiency or impairment, while legal and social challenges associated with disability were regarded as secondary concerns. Such an approach significantly restricted the legal subjectivity of persons with disabilities and contributed to their marginalization from social life. The social model, by contrast, critically reassessed this perspective by shifting the focus from the individual to the structural barriers embedded within society. However, despite its progressive nature, the social model was not capable of fully resolving all issues related to disability rights, as it did not provide sufficiently precise legal mechanisms for the implementation and enforcement of human rights guarantees.

In conclusion, our research demonstrates that the evolution of the concept of disability from a human rights perspective represents a multi-stage, complex, and often contradictory process. The transition from the medical model to the social model, and subsequently to a human rights–oriented legal model, signifies a fundamental re-evaluation of societal attitudes toward human dignity, personal autonomy, and the full legal subjectivity of persons with disabilities. The findings of this study substantiate the necessity of recognizing the rights of persons with disabilities not as secondary or special categories of rights derived from general human rights provisions, but as an autonomous legal institution grounded in the principle of human dignity.

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[8] Raximli A. P. Osobennosti konstitutsionno-pravovogo statusa invalidov v Rossiyskoy Federatsii: dis... – M.: Moskovskiy gosudarstvennыy gumanitarnыy universitet im. MA Sholoxova, 2007. – S.15-18.

At the same time, the research confirms that the existence of legal guarantees alone is insufficient to ensure the effective realization of disability rights. Persistent challenges related to stigmatization and social acceptance continue to represent significant barriers to the practical implementation of human rights. Consequently, the effective protection of the rights of persons with disabilities requires the adoption of a comprehensive human rights–based approach, the establishment of balanced and clearly defined positive obligations of the state, the development of consistent social policies aimed at fostering respect for human dignity within society, and the harmonious integration of legal and social mechanisms designed to ensure the full and equal participation of persons with disabilities in all spheres of public life