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Pension Provision System for Persons With Disabilities: Analysis of International Standards Requirements

Nargiza Azizbekova Mukumjonovna¹

National University of Uzbekistan, Independent researcher

* Correspondence: azizbekova88@inbox.ru

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Abstract: This article critically examines the international minimum standards governing pension provision systems for persons with disabilities, with a focus on the principles outlined by the United Nations and the International Labour Organization. It identifies gaps between these standards and the current practices in Uzbekistan, highlighting legal, institutional, and financial challenges in ensuring equitable and inclusive pension support. The analysis underscores the importance of transitioning from a medical to a social-functional model of disability assessment, aligning national legislation with global standards, and ensuring economic security through adequate pension formulas and consistent indexation. Drawing on comparative experiences from countries such as Germany, Kazakhstan, and Russia, the study proposes comprehensive policy recommendations for improving Uzbekistan's disability pension system. These recommendations aim to enhance the system's inclusiveness, adequacy, transparency, and compliance with international obligations. The findings contribute to ongoing discourse on social justice and inclusive social protection in transitional economies.

Keywords and phrases: social security, pension provision, persons with disabilities, disability groups, disability assessment, average monthly wage, average pension amount, minimal consumer prices, social justice, international minimum standards, coverage ratio.

Introduction

International standards in the field of social protection, along with further improving the protection of human rights, establish international guarantees for ensuring social justice, serving as a basis for aligning a country's social protection policy with globally recognized principles and norms. These standards serve as an important benchmark in assessing the state and adequacy of the national social protection system, as well as in determining directions for reforms. Reliance on international norms allows for the study of best practices and the informed shaping of national social protection policy. Furthermore, these standards help assess the ability to ensure minimum economic security for vulnerable segments of the population, including persons with disabilities. The pursuit of international standards increases the credibility of the national system in the eyes of the international community [1]. In addition, they support the country's efforts to achieve the goals of building an inclusive society.

International standards are a crucial guiding force in ensuring that the national social protection system is humane, fair, and effective.

The effective functioning of the pension provision system for persons with disabilities is based on important aspects such as social justice, economic stability, and the formation of an inclusive society [2].

In Uzbekistan, the social protection of persons with disabilities is recognized as one of the important areas of state policy. One of the central elements of this system is pension provision. Pensions for persons with disabilities are a key means of ensuring their economic security and a decent standard of living in society.

The recognition of Uzbekistan as a social state in its Constitution further strengthens the state's responsibility to its citizens, especially the socially vulnerable. Article 46 of the Constitution stipulates that "the amounts of pensions, benefits, and other types of social assistance established by law cannot be less than the officially established minimum consumer expenses"[3].

Disability pensions are assigned to persons with Group I and II disabilities. While disability pensions due to work-related injuries or occupational diseases are assigned regardless of work experience, a certain amount of work experience is required for disability pensions due to general illness.

The authority to determine the disability group and its causes rests with the Medical and Social Expert Commissions. The activities of these commissions have historically developed and are mainly based on a medical model focused on assessing the degree of loss of a person's ability to work [4].

Disability pensions are not only of social but also of economic importance. Firstly, pension payments stimulate domestic demand and contribute to economic growth by maintaining the purchasing power of the population, including persons with disabilities. Secondly, adequate social protection prevents persons with disabilities and their families from falling into deep social consequences. Thirdly, disability often involves additional costs (medical services, medicines, rehabilitation, assistive devices, transportation, etc.). Pensions help to partially or fully cover these costs, which reduces the financial burden on the family budget [5].

Literature Review. The principle of social justice requires the creation of equal opportunities for all members of society, especially vulnerable groups, and protection from all forms of discrimination. Persons with disabilities often face additional barriers in accessing education, employment, and full participation in social life. The pension system serves to mitigate the economic consequences of these barriers, reduce inequality through income redistribution, and strengthen social solidarity [6]. There are various approaches to this issue in the scientific literature. For example, Nobel laureate Amartya Sen's "capability approach" considers disability not only as a medical condition but also as a limitation of a person's opportunities (capabilities) to choose and realize a life they value. According to this approach, social protection systems, including pensions, should not only meet minimum needs but also serve to expand the capabilities of persons with disabilities [7].

G. Sattarova, in her article "Legal Issues of Further Improving the Pension System in Uzbekistan," analyzes the legal foundations of the pension system in Uzbekistan, including disability pensions, and the directions for their reform, emphasizing that the issues of increasing the coverage and adequacy of the system are directly related to the requirements of international standards [8].

M.Zakharov, in his article "International Legal Standards of Pension Provision and the Russian Pension Insurance System," examines pension provision based on international legal standards and their impact on the Russian insurance pension system [9]. He emphasizes the need to improve pension legislation to comply with the standards set out in the Social Security (Minimum Standards) Convention.

Research Methodology. In the research process, the theoretical and practical foundations of international principles and standards for the pension provision of persons with disabilities were studied and analyzed. The article employs methods such as theoretical observation, systematic approach, generalization, and comparison. Conclusions and proposals were formulated regarding existing problems and their solutions in the implementation of international principles and standards for the pension provision of persons with disabilities, as well as the tasks to be carried out in this area.

Analysis and Results. The main international legal documents regulating the sphere of pension provision for persons with disabilities include:

1. The UN Convention on the Rights of Persons with Disabilities (2006), ratified by Uzbekistan on June 7, 2021. Article 28 of this Convention establishes the obligation of States Parties to ensure the right of persons with disabilities to an adequate standard of living and social protection, including equal rights to pension provision [10].

2. The International Labour Organization's Convention No. 102 concerning Minimum Standards of Social Security (1952), which has not yet been ratified by Uzbekistan. It sets minimum standards at the international level for nine basic branches of social security.

In addition, on June 14, 2012, Recommendation No. 202 concerning National Floors of Social Protection was adopted at the International Labour Conference. The main purpose of the Recommendation is to provide guidance for establishing and maintaining national floors of social protection and on strategies for the extension of social protection [11].

3. The International Covenant on Economic, Social and Cultural Rights (1966), ratified by Uzbekistan on September 28, 1995. Article 9 of this Covenant establishes the obligation of States Parties to recognize the right of everyone to social security, including social insurance.

It is noteworthy to mention that Section 9 of the Convention concerning Minimum Standards of Social Security sets the following minimum standards for disability pensions:

Scope. According to the Convention, a Member State should define the categories of persons to be protected under its legislation, and in doing so, comply with at least one of the following conditions:

- prescribed classes of employees, comprising not less than 50 per cent of all employees;
- prescribed classes of the economically active population, comprising not less than 20 per cent of all residents;
- All residents whose means during the contingency do not exceed the prescribed limits.

Definition of contingency. The contingency covered should include incapacity to engage in any gainful activity to an extent prescribed [12]. This incapacity should be permanent or likely to persist after the exhaustion of sickness benefit.

Qualifying period. The right to a disability pension may be subject to the completion of a qualifying period. The Convention sets the following minimum requirements: for a full pension: either 15 years of contribution or employment before the contingency arose, or 10 years of residence.

If all economically active persons are protected: 3 years of contribution and a prescribed yearly average contribution.

For a reduced pension: 5 years of contribution or employment before the contingency arose.

Amount of pension. For a standard beneficiary (defined in the Convention as a man with a wife and two children), the amount of the pension should be at least 50 per cent of the beneficiary's previous average earnings (or of the earnings of a standard employee) [13].

Duration of pension. The benefit should be paid for the duration of the contingency or until a qualifying age for an old-age pension is reached.

Although the Convention concerning Minimum Standards of Social Security has not been ratified, its standards serve as an important criterion for assessing the pension provision system. A comparison of the Convention's requirements with the pension provision for persons with disabilities in Uzbekistan reveals the following:

Scope. It should be noted that Uzbekistan uses a medical model for determining disability, while

international practice widely uses a social model [14]. The pension system mainly covers persons with Group I and II disabilities who have work experience. The fact that pensions are not assigned to persons with Group III disabilities due to general illness may contradict the criterion of "incapacity to engage in any gainful activity."

Required work experience. The amount of work experience required in Uzbekistan to receive a pension due to general illness (from 2 to 20 years, depending on age) has a slightly more complex structure compared to the minimum requirements established by the Convention (15 years of contribution/10 years of residence for a full pension; 5 years of contribution for a partial pension). The absence of work experience requirements for industrial injuries or occupational diseases is consistent with the Convention. There is partial compliance/differences [15].

Amount of pension. Uzbekistan calculates pensions for persons with disabilities as a percentage of the average wage (55% base + 1% supplement for work experience). The Convention requires a replacement rate of at least 50% of previous earnings for a standard beneficiary. Whether the current average replacement rate in Uzbekistan meets fully the Convention's standard requires further research. While linking the minimum pension to the minimum consumer expenses is an important guarantee, it differs from the Convention's earnings-related standard.

Duration of Pension. The payment of the pension for the duration of the disability or until an old-age pension is assigned fully complies with the requirements of the Convention.

Studying how foreign countries implement the Convention concerning Minimum Standards of Social Security in the field of disability pensions can provide Uzbekistan with alternative approaches, effective mechanisms, and potential solutions. Below is a comparative analysis of the experience of some foreign countries (Germany, Kazakhstan, and Russia).

Germany has a complex pension system based on social insurance. The amount of disability pension is calculated using a point system based on the individual's earnings during the insurance period. The right to a pension and its amount depend on the extent to which a person's ability to work in the labor market has decreased (full or partial reduction).

In Kazakhstan, all persons with disabilities are entitled to a state social benefit for disability. The amount of the benefit depends on the disability group (I, II, III) and the amount of the subsistence minimum established in the country.

In Russia, there are two main types of disability pensions: insurance pension and social pension. To receive an insurance pension, a person must have at least one day of insurance experience. The amount of the pension depends on the individual pension coefficient (IPC) and insurance experience accumulated by the person and consists of two parts: a part based on the IPC and a fixed payment. The amount of the social pension is fixed by law and varies depending on the disability group. Its amount is fixed by law and varies depending on the disability group (Table 1).

Table 1. Comparative Analysis of the Standards of the Convention concerning Minimum Standards of Social Security in Uzbekistan and Foreign Countries

Standard requirement s/Countries	ILO Convention Standard	Uzbekistan	Germany	Kazakhstan	Russia
Main system type	Insurance / Universal	State pension (with insurance elements)	Insurance (Statutory pension insurance)	State social benefit	Mixed (insurance + social)
Coverage (who is eligible?)	Broad (50% workers / 20% population / income-based)	Groups I, II (with work experience), Group III (special cases)	Insured persons (with reduced earning capacity)	All persons with established disability	Insurance: ≥ 1 day of experience; Social: no experience

Required period (work Exp.)	Full: 15 yrs contribution/10 yrs residence; Reduced: 5 yrs contribution	General illness: 2-20 years (depending on age); Work injury: none	5-year waiting period (3 years in the last 5 years)	Not required (for benefit)	Insurance: ≥ 1 day; Social: none
Pension/benefit amount (replacement rate/method)	Min. 50% (standard beneficiary, relative to earnings)	55% of avg. wage + % for experience; not less than minimal consumer expenses	Point system, depends on earnings, degree of reduction	Depends on subsistence minimum, by group	Insurance: individual pension coefficient *value + fixed payment; Social: fixed amount (by group)
Disability assessment	Incapacity to engage in any gainful activity	Medical model (Groups I, II, III)	Degree of reduction in earning capacity	Medical and social expertise (groups)	Medical and social expertise (groups)

Social protection, including pension provision, is an inalienable right of every person, regardless of their health status. The pension system serves as an important mechanism for the realization of these rights.

Conclusions and Recommendations. Non-ratification of the Convention concerning Minimum Standards of Social Security exempts Uzbekistan from the ILO's formal supervisory mechanisms for compliance with convention standards, such as the obligation to submit regular reports to the Committee of Experts. This may provide some flexibility in shaping national policy. However, this does not diminish the impact of other international obligations, particularly the requirements of the Convention on the Rights of Persons with Disabilities, or the recommendations made by international financial institutions regarding the reform of the social protection system. On the contrary, the requirements of the Convention on the Rights of Persons with Disabilities may, in some respects (e.g., non-discrimination, equal opportunities, social model), require even broader and deeper reforms than the standards of the Convention concerning Minimum Standards of Social Security.

In order to align the pension provision for persons with disabilities in Uzbekistan with international standards and principles, as well as to increase the fairness and effectiveness of the system, it is proposed to implement a set of comprehensive measures in the following areas:

Improvement of legislation. This requires reforming the disability assessment system. It is necessary to finalize the transition from the current group-based medical model to a social-functional model that takes into account a person's functional abilities, limitations in activity, and environmental barriers. On this basis, the issue of providing pensions or social benefits to persons with Group III disabilities should be considered.

Improving pension amount determination mechanisms. While maintaining the guarantee that the pension amount is not less than the minimum consumer expenses, it is necessary to introduce mechanisms to increase its adequacy.

Improving "reasonable accommodation". It is necessary to introduce obligations to provide "reasonable accommodation" and mechanisms of responsibility for non-provision.

Institutional reforms. The activities of the Medical and Social Expert Commissions assessing disability should be adapted to the new social-functional model, strengthening their independence, transparency, objectivity, and grievance mechanisms in decision-making processes. Non-governmental non-profit organizations representing the interests of persons with disabilities should be actively involved in the processes of developing, implementing, and monitoring the implementation of social policy.

Indexation of pensions and benefits: The amounts of disability pensions and benefits should be regularly indexed, taking into account the inflation rate and the growth of the average wage, in order to maintain their real purchasing power and increase the level of coverage of additional costs associated with disability.

Strengthening employment promotion programs. It is necessary to expand and improve the quality and effectiveness of active labor market programs for persons with disabilities, such as vocational training, retraining, employment assistance, and subsidies. Strict control over the implementation of the job quota system and the application of sanctions against employers who do not comply with it is recommended. This, in turn, will be of significant importance in ensuring the adequacy of pension amounts for persons with disabilities.

Conducting awareness campaigns: It is crucial to conduct comprehensive information and awareness campaigns aimed at changing stereotypes and misconceptions about disability in society and fostering an inclusive environment.

In implementing the proposals, it is important to find a balance between the requirements of the United Nations and the International Labour Organization conventions. The main goal is to create an inclusive system that both guarantees minimum economic security and ensures the full and equal participation of persons with disabilities in society.

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