

## General considerations on people with disabilities

Ioan Hurjui<sup>1,\*</sup>, Cristina Marcela Hurjui<sup>2</sup>

**Abstract:** The issue of integrating people with disabilities into the labor market, being one of national, European and world interest, requires maximum attention from all the world's countries. This disadvantaged category needs concrete and viable measures to facilitate the integration of these people into society, with direct effects on both individuals and the states they are part of.

**Key Words:** disability, disability degree, disability type, social assistance institutions.

### MATERIALS AND METHODS

The problem of people with disabilities has been analyzed, since 2001, by the Member States and United Nations observers, who have analyzed the proposals received for the adoption of a comprehensive and inclusive international convention on the promotion and protection of the rights and dignity of persons with disabilities.

This was materialized by the adoption by the General Assembly of the United Nations on 13 December 2006 of the Convention on the Rights of Persons with Disabilities, adopted and ratified by Romania through the Law no. 221/2010 on the ratification of the Convention on the Rights of Persons with Disabilities. The States Parties engage to ensure and promote the full exercise of all human rights and fundamental freedoms for all persons with disabilities without any discrimination on grounds of disability [2].

The purpose of the Convention is to promote, protect and ensure the full and equal exercise of all human rights and freedoms by all persons with disabilities and to promote respect for their intrinsic dignity. The persons with disabilities include those with long-lasting physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, can limit the full and

effective participation of people in society on an equal footing with others [2].

The Convention provides a framework for public policy development and modernization of practices, tools and modalities of community support that lead to the full participation of people with disabilities in society, to a dignified and fulfilled community life.

Also in 2006, the Law no. 448 on the protection and promotion of the rights of persons with disabilities was adopted in Romania, a normative act containing provisions on the protection and promotion of the rights of persons with disabilities and since its adoption the normative act has suffered many beneficial changes for this category of deprived persons, including in 2017. People with disabilities, in the sense of the law, are those whose physical, mental or sensory affections affect the ability to carry out daily activities normally, requiring protection measures in support of social recovery, integration and inclusion.

The implementation of the Convention on the Rights of Persons with Disabilities was carried out in Romania in 2016 through the adoption of the National Strategy "A barrier-free society for people with disabilities" 2016-2020 (by Government Decision no.655/2016) and the Action Plan for implementing this strategy through coherent, integrated and inter-institutional measures.

1) "Stefan cel Mare" University, Suceava, Romania

\* Corresponding author: Doctoral School of Economics, E-mail: hurjui\_ioan@yahoo.com

2) "Stefan cel Mare" University, School of Economics, Suceava, Romania

Romania is committed to mobilizing the necessary resources to remove barriers, so that no person with disabilities is discriminated, marginalized, excluded or abused and its choices and aspirations to be respected and supported, thus transposing the main policy priorities for people with disabilities of the Governance Program, ensuring the coherence of disability policies in the area of disability, as well as between different levels and mechanisms of governance, but also their consistency with the principles and objectives set out in the international treaties and conventions to which Romania is part to [3].

Persons with disabilities include those with long-lasting physical, mental, intellectual or sensory impairments, which, in interaction with various barriers, can limit the full and effective participation of people in society on an equal footing with others. They are the direct beneficiaries of this Strategy. Indirect beneficiaries are families or family members who care for people with disabilities, legal representatives, specialists and community members. Also, creating conditions that ensure full participation of people with disabilities is indirect to the benefit of all members of society [3].

The Convention explicitly recognizes disability as a human rights issue and also that "it is an evolving concept and that it results from the interaction of people with disabilities and attitudinal and environmental barriers that prevent their full and effective participation in society on equal terms with others". Those social, economic, legal, political and environmental conditions that act as barriers to the full exercise of the rights of persons with disabilities must be identified and eliminated so that the person with disabilities can fulfill his roles in society, just like everyone else.

The disabled people need to be informed, consulted and receive opportunities for active participation and appropriate measures to exercise or claim their rights. In this respect, the social, economic and policy actors involved in the promotion, protection and assurance of the exercise of the rights of persons with disabilities must work in partnership and prevent the emergence of new barriers in all aspects of life so as to ensure the most efficient use of the existing resources. In Romania, understanding the concepts, defining and addressing the issues has gone through several stages. The term used in national law or translation of international documents was constantly the one of "handicap" and the argumentation was based on the existence of a distinct article in the Romanian Constitution. However, the Convention has been ratified using the term "disability", the development and generalization of the concept and implicit approach starting with this Strategy.

Currently, the two terms, "handicap" and "disability" are used with similar meanings. In the next stage, with particular reference to Article 1 of the Convention, the elements that determine the state of

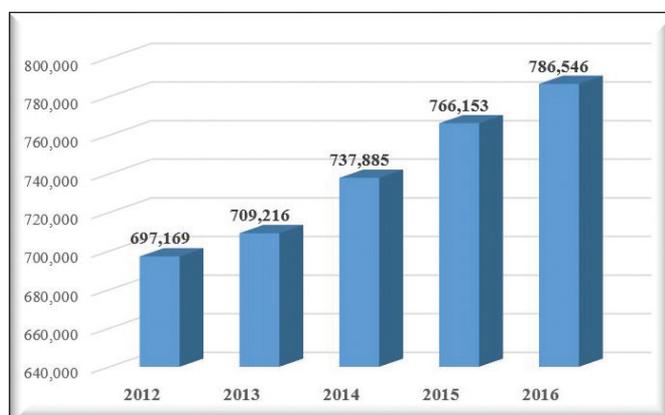
disability in the interaction between the person with the deficiency/impairment and the attitudinal and environmental barriers will be clarified, so that the intervention corresponds to the correct and real need identified, with focus on respect for human rights and to be effective [3].

The strategy focuses on eight main lines of action for implementing the Convention in Romania. These are: accessibility, participation, equality, employment, education and training, social protection, health and statistics and data collection.

## RESULTS AND DISCUSSIONS

In Romania, according to data communicated by the public authority with attributions in this respect, it results that during the period 2012-2016 the number of persons with disabilities increased consecutively from one year to another, the increase being 11% in 2016 compared to 2012.

The evolution of the number of people with disabilities in the period 2012-2016 is presented in Figure 1.



**Figure 1.** Source \*Ministry of Labor and Social Justice, Statistical Bulletins 2012-2016.

According to the same data reported on 31 December 2016, the total number of disabled people was 786,546 persons. Of these, most 98% (768,456 persons) are in family care and/or living independently (not institutionalized) and only a small proportion of 2% (18,090 persons) are in residential social care institutions for adults with disabilities (institutionalized).

Relating to the population of Romania after the census of 2011, the disability rate was about 4%, which is differentiated by development regions. Compared to the rate of 4 people with disabilities per 100 inhabitants, calculated at the level of Romania, the South-West Oltenia, South-Muntenia and North-West regions register the highest rates, while the lowest rates are recorded in the Bucharest –Ilfov region, North-East, South-East, Center, West. In counties/ municipalities, the highest number of people with disabilities is registered in Bucharest (63,165

persons) followed by Prahova County (37,221 persons) and the lowest number is recorded in Covasna County (5,936 persons).

Statistics show that 53% of the total number of people with disabilities is represented by women, by age groups the 18-64 age group represent over half of the adults with disabilities (57% - 417,023 persons) and the persons over 65 years old have a share of 42% (307,457 persons).

Legislation in the field of people with disabilities defines degrees of disability as easy, medium, accentuated and severe. From the point of view of the share in the total number of people with disabilities according to the degree of disability, the number of accentuated disabled people is more than half of the total (52%), followed by the severely disabled persons who are 37%, the average and easily disabled persons hold the difference of 11% of the total.

At national level, the number of public social assistance institutions for adults with disabilities at the end of 2016 was 448, of which 388 were residential, with the difference of 60 being non-residential.

The statistics from the relevant authority in the field reveal that about two-thirds of the public residential institutions for adults with disabilities (59%) are care and assistance centers (30%) with 6,010 beneficiaries and sheltered housing (30%) with 914 beneficiaries. The total beneficiaries of these institutions, counting 7,417 persons represent 41% of the total number of 18,090 people in residential institutions.

A significant number of beneficiaries is also present in the 67 neuropsychiatric recovery and rehabilitation centers, respectively 5,970 persons (33%) of the total number of 18,090 persons.

The data reported for 2016 by the public authority through which the budget is paid from the state budget the rights due to severe, accentuated or medium disabled adults (i.e. monthly allowance and complementary personal budget, regardless of income, allowance for adult escorts with severe visual disability, monthly food indemnity) shows that they amounted to 2,825,628,974 RON (up 8% over the previous year) and represent a quarter of total social assistance payments [5].

The legal framework in this field stipulates that, in addition to the above-mentioned rights granted from the state budget, the persons with severe or accentuated disability benefit of free urban and/or interurban transport, of bank loans whose interest is borne from the state budget, free of charge for balneal treatment tickets, and other tax incentives (income tax exemption).

Given that the rights and services relating to persons with disabilities are granted by several entities and their financing is carried out both from the state budget and local budgets, addressing the same group of beneficiaries, the unitary management of payments for this category of underprivileged people could create the

prerequisites for an increased attention to these people either to have easy access to all the rights or to adopt concrete measures to attract them on labor market.

In order to integrate these people into employment, in Romania, similar to most of the Member States of the European Union, the legislator has set the collecting of some amounts from public authorities and institutions, legal entities, public or private, which do not employ disabled persons and that have to pay monthly to the state budget a certain amount in the case when they did not employ persons with disabilities. These amounts go to the state budget and not to a budget that could be used to stimulate job creation for this category of people. In the same sense, the National Strategy "A barrier-free society" includes provisions for the integration of these persons in society and the increase of the weight of this category of disadvantaged persons among the employees, which can be achieved by organizing competitions dedicated to hiring persons with disabilities to public institutions with more than 50 employees, a provision included in the legislative amendment of 2017.

Given the annual increase in the number of people with disabilities, it is essential to ensure a wider range of early detection and early intervention services to provide care for people with disabilities. Early diagnosis and early intervention are of major importance for children with disabilities. Depending on the medical condition of the child, a functional deficiency or limitation can be detected successfully immediately after birth or in the first six months up to three years of life. Early detection increases these people's chances of acquiring the skills they need to live as independently as possible [4].

At present, in Romania, the early diagnosis of medical conditions that can cause a disability is carried out by family doctors or specialists in pediatric, neuropediatric or infantile neuropsychiatry.

However, there are several types of illnesses (such as autism spectrum disorders (TSA), behavioral disorders, attention deficit hyperactivity disorder (ADHD) and some rare genetic diseases) that are often undiagnosed, even by specialized medical departments. Early intervention services are usually located in the county seat, which means they are inaccessible to many families living in small towns or in rural areas because transport is either not always well-established or not affordable [4].

Studies in the field reveal that in Romania, the way how families are informed about their child's disability is inappropriate, as their parents have stated that medical staff has often described children's disability as an irreversible condition and a burden that will affect family life.

Early diagnosis of medical conditions that can cause a disability through medical services covering the entire spectrum of disabilities and the entire territory of the country, with the possibility of easy access of these services by the entitled persons is necessary.

## CONCLUSIONS

At national level, there are a number of policies and regulations that generally support the accessibility and protection against discrimination based on disability. However, the needs of persons with disabilities are different and require additional attention from policy-makers and regulators, especially with regard to ensuring all the necessary conditions to enable them to fully enjoy all the fundamental rights and freedoms.

Although some progress has been made, the analysis of the current situation regarding the accessibility

leads to concerted and effective measures to increase the participation of people with disabilities in the life of the society, implicitly by attracting these disadvantaged categories to the labor market.

In conclusion, the quality of existing early detection and early intervention services in Romania could be improved by adopting good practice in the field that have been previously tested.

**Conflict of interest.** The authors declare that there is no conflict of interest.

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