

DISABILITY IN ROMANIA AT THE CONFLUENCE BETWEEN SOCIAL INCLUSION AND EXCLUSION

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Abstract: *Disability has accompanied society in all historical periods. The disability approach should be carried out in a multidisciplinary context with medico-social implications. Although there is still a tendency to treat disability and handicap as purely medical conditions, these preconceptions must be overcome all the more since activists campaigning for the rights of people with disabilities have brought arguments to support the importance of approaching disability using a social model. The article aims at highlighting the current implications of disability reflected in the social level of our country, taking into account the fact that in recent years the relationship between disability, poverty and social exclusion is increasingly highlighted. The current trend of the phenomenon both at European and national level is on an upward slope of new recorded cases of disability, for which social protection measures are requested. From a social, educational and professional point of view, Romania currently does not have a strategy to encourage employers to integrate disabled people into work. The only forms of support for many disabled people remain social benefits in the form of allowances under Law 448 of 2006.*

Keywords: disability, social protection, exclusion, inclusion

1. Conceptual boundaries, theories and models used in the definition of disability

Many of the historical accounts regarding disability did not have as a starting point the conception of the person affected by the disability being approached from the perspective of the expert who ends up treating the disabled persons or their condition and who ends up being perceived as the primary source of the disability (Bredberg, 1999: 190). Linton in 1998 presents disability as embedded in an interdisciplinary field based on a socio-political analysis of disability. Approaching disability as a social construct rather than as an individual characteristic can bring an influence on the perception of specialists involved in special education, social reintegration or assisted vocational training (The American Historical Review, 2003: 765). On the other hand, a purely medical approach to disability makes us refer to the biomedical model that approaches disability as a problem that science and medicine can and must fix, thereby normalizing disabled people. In more and more countries around the world, the principle of normalization comes to dominate political power and the resulting activities in the care of people with disabilities (Moser, 2000). In the context of these people's rehabilitation we come to reconsider the prerequisites for the social inclusion of people with disabilities. Activists for the rights of people with disabilities sought to replace or at least complement the biomedical model of disability with a social model (Diedrich, 2005: 653-654). The medical model focuses on individual pathology and tries to find ways to prevent, cure, or, in the absence of the latter, care for people with disabilities. Policy makers tend to rely on medical definitions of disability to assess the prevalence of disability or to provide treatment and support services that promote social integration. In a broader sense of the international definition of disability, we should take into account the International Classification of Impairments, Disability, and Handicaps (ICIDH), which complements the international classifications of the World Health Organization. Thus, disability is defined as any limitation or lack of ability to carry out an activity within a framework considered normal for a human

being (Marks, 1997: 86-87). However, from the perspective of sociological systems theory, disability as a phenomenon can only be analysed in relation with the social environment, remarking that individuals with disabilities are part of the environment. Consequently the individual becomes part of a system through the specific codification of that system that attributes a certain meaning to the condition of individuals in relation to their state of health and illness, work ability or incapacity (Michailakis, 2003: 213-214). From a legal or administrative point of view, disability can be viewed through the prism of the distribution of welfare and benefits to people with disabilities. Legislation is used to separate people who are or are not eligible to receive support from the state, often containing definitions of what is considered to be a handicap (or 'sufficiently' invalid) in relation to a particular benefit. Beyond the purely biological or legislative aspects there is also the perspective of subjective disability through which *a person perceives himself or herself as having a handicap*. Therefore, according to this situation, the inclusion in the category of "persons with disabilities" becomes voluntary. Unlike other approaches to disability, using a subjective definition result in a sample of people who are subjectively self-labelled as having a disability (Grönvik, 2009: 2-3). The definitions of 'impairment', 'disability', 'chronic illness', 'disorder' are constantly changing, particularly in the manner they relate to what is understood to be disabling. Armstrong, maintaining a critical position, notes that the emergence of concepts such as "chronic disease" come to be related to the medical pathologizing of aging. This may indicate an increasing emphasis on how patterns are understood in the biomedical sciences, rather than based on collective experiences of disability in an austere way (Berghs, 2016).

2. Social inclusion of disabled people

At first glance, legislation in the European Union and the United States promotes equality through anti-discrimination laws, which have often been called "equality laws". In a general context of inappropriate behaviour towards another person for reasons related to race, sexual orientation or social vulnerability, these are just some of the situations mentioned in anti-discrimination laws. Deviations from the idea of equality are justified by direct reference to the distribution of resources or opportunities that are equal for all people. For instance, for equal opportunities, there is more and more talk about removing barriers within public utility institutions (Collins, 2003). More than 50 years ago, the anthropologist and sociologist David Pocock described the processes of social inclusion and exclusion as specific features of all social hierarchies. Pocock guides the discussion of inclusion and exclusion in his effort to define what might be called "social" by the social positioning of groups in a hierarchically structured society. Such a social ontology was described by Sibley in 1995 as a landscape of exclusion through social, economic and political power that invariably results in forms of oppression and exploitation (Allman, 2013: 2). Atkinson in 1998 also pointed out that exclusion can be a "property of a group of individuals rather than of individuals, and therefore can manifest itself at the community level. Social exclusion becomes multidimensional and reflects a combination of inter-related factors (Saunders, 2003). In contrast to what the concept of inclusion should represent, social exclusion at the European level was first used by René Lenoir, the French Secretary of State for Social Action in the Government of Prime Minister Jacques Chirac, at the end of 1974 who described it as follows: "someone is unfit and marginalized due to physical or mental causes, due to behaviour, not being prepared to meet their needs or requiring constant care either by their own decision or by the community's". Social exclusion is a multidimensional phenomenon with a significant negative impact on various fields such as: social protection, the labour market, education, financial services, justice, health, public administration, culture, transport, information and communication. It also appears as a result of deficiencies and failures in the systems and structures of the family, community and society as a whole (Birău, 2019: 3).

As the degree of disability increases in society, the need to understand the concept of social inclusion becomes increasingly important. For example, in recent years, the relationship

between disability and poverty has been highlighted more and more often. For these reasons, there is a tendency to change the way of thinking about the definition of disability, moving from the traditional medical model to a social model that can channel all the necessary efforts for a better integration of people with disabilities into society (World Health Organization, 1999).

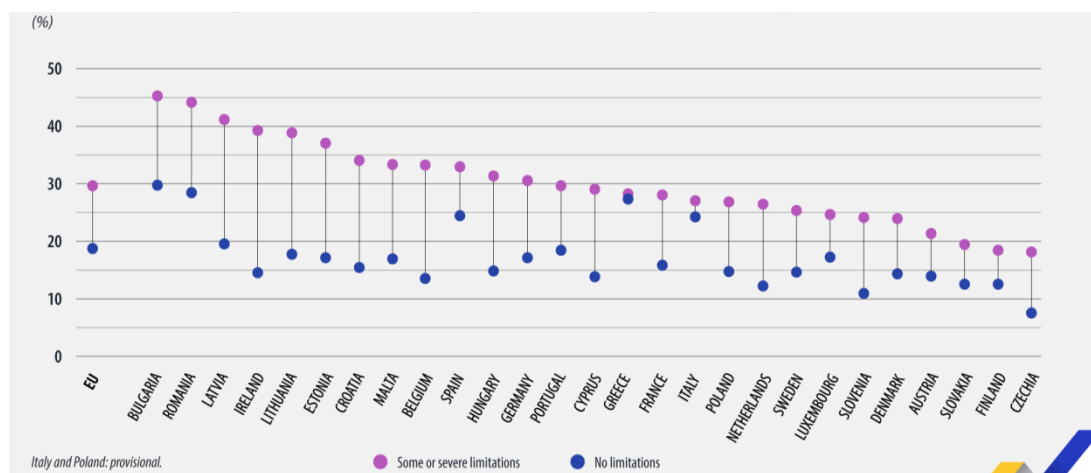
3. Research methodology, data analysis and interpretation

The research methods used in this survey were based on the comparative analysis of statistical data, thus being a descriptive analysis. In order to highlight the phenomenon of disability in Romania, we took into account the analysis parameters already used by Eurostat at the European level and the National Authority for the Protection of the Rights of Persons with Disabilities (ANPDPD) within the Ministry of Labor and Social Solidarity in Romania, along with the legislation in the field. These statistical and legislative parameters at the level of our country are centralized by ANPDPD. The purpose of the study is to highlight the current trends of disability as a phenomenon in Romania. All states must be able to guarantee the non-discriminatory protection of the rights of persons with disabilities. Disabled persons should be given equal recognition before the law to exercise all their fundamental rights, such as the right to work, marry, found a family or vote, and thus make decisions in all aspects of their lives. Equal recognition before the law is necessary to ensure that the decisions of any person produce legal effects (ANPDPD, 2021: 64).

4. Disability in Romania and Europe

A significant number of people in the European Union are at risk of poverty or social exclusion, and people with disabilities are at a much higher risk of poverty. At the end of 2021, according to Eurostat data, 21.7 % of the European Union population was exposed to the risk of poverty or social exclusion. People with disabilities end up being exposed to a greater risk of poverty or social exclusion given that 29.7 % of the EU population aged over 16 who currently have a disability continue to be at risk of poverty or social exclusion, compared to 18.8% of people who do not have a degree of disability.

Figure 1: Share of people aged 16 years or over at risk of poverty or social exclusion

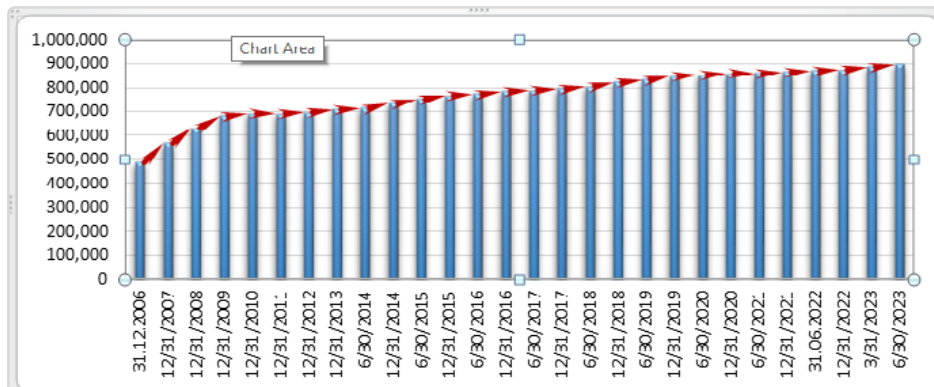


Source: Eurostat 2022 <https://ec.europa.eu/eurostat/en/web/products-eurostat-news/w/ddn-20221214-2>

In the context of an increasing risk of social exclusion, reference is made to the social theory of disability, which becomes more and more relevant in explaining the impact of disability on the social inclusion process. For example, employers may be less interested in

integrating people with disabilities into the labour market and the labour supply may be reduced if the disabled person has a lower exercise capacity as a result of the disability. Thus people with disabilities, although they may be at the age where the career could be developed, end up not being able to reach their potential and consequently are exposed to lower levels of income and more likely to the risk of poverty (Gannon, 2007: 1427). Around 87 million people in the European Union (EU) have some form of disability. Many disabled people in Europe do not have the same chances for a social and professional life compared to other people in society. Schools or jobs, infrastructure, products, services and access to information often end up being inaccessible to this category of people. Not infrequently, disabled people experience discrimination, stigmatization and social marginalization in a context of vulnerability (European Commission). Taking into account these aspects, the development of social policies and the provision of services to promote the social inclusion of people with physical or mental disabilities are essential steps in achieving a more inclusive society (Grammenos, 2003). In Romania, according to the statistical data available at the level of the National Authority for the Protection of the Rights of Persons with Disabilities (ANPDPD), on June 30th 2023, 899,066 persons with disabilities were officially recorded. Among these, **98.20** % (882,911 people) are in the care of families or live independently in a non-institutionalized form, while **1.80** %, i.e. 16,155 people, are in public residential social assistance institutions for adults with disabilities coordinated by the Ministry of Labor and Social Solidarity through the National Authority for the Protection of the Rights of Persons with Disabilities (National Authority for the Protection of the Rights of Persons with Disabilities, 2023).

Figure 2: Evolution of the recorded cases among people with disabilities in the period 2006-2023



Source: National Authority for the Protection of the Rights of Persons with Disabilities, 2023

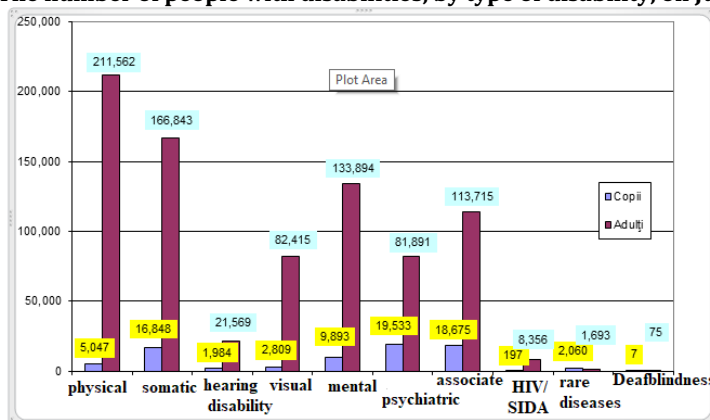
The numerical evolution of disabled persons registered in the 2006-2023 period has exhibited an upward trend of diagnosed and registered cases in these past 17 years. This is mainly due to the technological advancement in medical diagnosis of conditions that in the past ended up being difficult or almost impossible to diagnose. The upward trend of the number of disabled people in our country is also influenced by the expansion of criteria or medical conditions that can be classified as a disability. So that currently many more medical conditions can be evaluated by the evaluation commissions of disabled people being fit into a degree of disability.

However, even if we end up classifying one person as disabled, compared to other EU member states, Romania is not doing so well in pursuing the objectives of the European Disability Strategy (EDS) 2010-2020 or the targets regarding ensuring equal opportunities for people with disabilities. Moreover, official Romanian statistics face a serious challenge in realistically presenting the situation of disabled people in the Romanian society and on the

labour market, since, from a legal and financial point of view, the figures we have are those reported by The General County Directorates of Social Assistance and Child Protection centralized at the national level by the Ministry of Labor, but which refer exclusively to disabled persons for whom a disability certificate has been issued and which represent only a part of the total number of such persons (Baciu, Lazar, 2017: 6-7). The European Disability Strategy 2010-2020 identifies 8 directions of action: Accessibility, Participation, Equality, Employment, Education and Training, Social Protection, Health and External Action and aimed to create a Europe without barriers (International Federation for Spina Bifida and Hydrocephalus). So that at the level of the European Commission, in order for there to be a continuity of the old strategy, the Development of the Strategy for the Rights of Persons with Disabilities for the period 2021-2030 is required to address the challenges faced by persons with disabilities. This new strategy aims at making progress in all areas of the United Nations Convention on the Rights of Persons with Disabilities, both at the EU and Member State level. The aim of the new strategy is to create the context of equal opportunities for people with disabilities, education, free movement, civic participation and non-discrimination (European Commission, 2021).

In our country, according to the ANPDPD data, approximately 4% of the people currently suffer from some form of disability. Romania has ratified the UN Convention on the Rights of Persons with Disabilities since 2011. Legislation and regulations in the field require Romanian authorities that public places, means of transport and housing be accessible and adapted for persons with disabilities. In this direction, a series of measures have been promoted by the Romanian Government meant to facilitate the accessibility of disabled people by marking parking areas; installation of elevators and adapted toilets in public utility buildings; improving accessibility in housing, financial incentives, installation of special lighting for visually impaired people and provisions specially adapted for motor vehicles. As for the urban mobility, public transport and access to public utility buildings are better adapted in Bucharest or large cities, in international airports and big hotels. Even so, access to public transport is not adequately marked for the visually impaired and people with disabilities may face obstacles when trying to access public transport. Often where there are disabled equipped buses, a disabled person may find that the bus stops right in front of a parked car thus limiting access. Furthermore, platforms may be narrow, steep and slippery, especially in subway stations. Central public institutions and supermarkets tend to be slightly better equipped for disabled people (Disabilityinsider.com).

Figure 3 The number of people with disabilities, by type of disability, on June 30th 2023:



Source: National Authority for the Protection of the Rights of Persons with Disabilities, 2023

According to the ANPDP statistics in Romania, people with disabilities who are beneficiaries of a form of social protection, i.e. who have been issued a disability classification certificate, have a series of complex pathologies. So that almost half of the disabled people in Romania have a physical or somatic disability. In figure no. 3 we can observe a heterogeneous "map" of disability in Romania. After physical or somatic disabilities, mental illnesses or the accumulation of associated illnesses represent the next category from a numerical viewpoint. The integration of disabled people aims at all aspects of the social, economic, cultural and educational life of a community, without any form of discrimination. The goal of inclusion is to make sure that all people, regardless of their disabilities, have equal access to opportunities and resources, and the opportunity to live their lives in the most independent and fulfilling way possible. In our country, Law 448/2006 with all subsequent amendments regulates the protection of persons with disabilities. Access to education for people with disabilities according to Law 448/2006 aims at creating the necessary premises for a quality education favouring social inclusion. This involves the provision of inclusive education services that allow children with disabilities to attend schools and educational institutions alongside other students. For this, it is necessary to carry out individual assessments to identify the specific needs of each disabled person. This assessment can help determine both the resources and services needed to facilitate the learning process. Adaptation concerns both learning resources and teaching methods or didactic materials. These adaptations may include, for example, structural changes at the level of each school by using Braille textbooks, providing technical assistance or facilitating accessible learning environments. Unfortunately, the most difficult to adapt educational resources remain the human ones. The training of teachers becomes more than necessary so that they acquire the necessary competences for the differentiated approach of students with disabilities for their adaptation and integration in the classroom. In theory, this ideal framework creates the prerequisites for inclusive learning. In reality, children and young people with special educational needs (SEN / CES in Romanian) and with disabilities may no longer be able to attend classes in educational institutions, if they do not have specially trained teaching staff. The legislative proposal passed the Chamber of Deputies in May 2023 and reached the Senate, to be voted on. But organizations that defend the rights of these children do not agree with this and say that if it is adopted, they will organize protests (Focuspress, 2023). Despite the fact that all 27 member states of the European Union have ratified the United Nations Convention on Children's Rights, violence continues to affect the lives of millions of children throughout the European community. In this context, a report by the FRA (European Union Agency for Fundamental Rights) identifies children with disabilities as being particularly vulnerable to abuse. Moreover, children and young people with disabilities often end up being subjected to different forms of "disability-specific" violence because they are related to the disability status of these children but also to the treatment or services they receive (Crețu, childhub.org).

The integration of children and young people with special educational needs in the regular schools has been a topic often addressed in special education in the last 25 years. More recently, however, the term "inclusion," which encompasses a range of assumptions about the purpose and meaning of schooling, has come to replace "integration" in the vocabulary of special education teachers. However, school integration comes to depend on how children are given a chance for education in the "least restrictive environment", and integration becomes a matter of "placement decisions" (Avramidis, 2000) . In this context, the "blame" is divided between various institutions and the schools end up freeing themselves from this burden.

Along with education, disabled persons' right to work is regulated in Romania by Law 448/2006. Thus, any person with a handicap should be able to benefit from a workplace adapted to disabilities or, as the case may be, integration into a protected unit for people with disabilities (National Agency for Payments and Social Inspection, Law 448/2006). In Europe, the concept of a protected unit is also known as a social enterprise for work integration (Equal

Access to the Labor Market, 2015). From the perspective of employers, although positive attitudes towards the principle of integrating people with disabilities into the labour market have been found, they are becoming reluctant to actually employ these people. Reasons given by employers in Romania include concern about lower productivity, need for closer supervision or regular absence due to medical problems (Angela, 2015).

The interaction between people with disabilities and companies is stipulated and regulated by legislative frameworks, well defined both by Law 448/2006 and by EU directives. From a legislative perspective, any person with disabilities but who is able to work should be included into the labour market of Romania by adapting the workplace (Anghelescu, 2016). Despite all these efforts and the last decades of economic growth and development, the employment of disabled people has not been equally improved. On the contrary, the participation in the professional life of people with disabilities is decreasing compared to other social groups present on the labour market. In a study published as back as 2009 by the Organization for Economic Cooperation and Development (OECD) it was showed that the labour market integration of people with disabilities was low, and these people were exposed to the risks caused by poverty and lack of income. The labour market integration of employees with disabilities in Romania is much lower compared to other categories of workers in good health (Dănăciță and Cirnu, 2014). The main form of material support for more and more people with disabilities in Romania remains that of the social benefits in money offered by the Romanian state in the form of disability compensation or accompanying carer in case of severe disability.

Conclusions

Disability essentially refers to a condition that limits in some way a person's ability to perform certain activities or fully participate in society. The handicap may be physical, mental, intellectual or sensory in nature and can range in severity from mild to severe. It may be present since birth or may occur lately in life as a result of accidents, disease or other factors that are independent of the person's will. Romania continues to have an increasing trend of newly detected cases of disability. Educational integration remains a current challenge for Romania, which is not yet ready from a logistical, legislative and human point of view to offer an inclusive education in mainstream education to children and young people with disabilities. The lack of qualified staff in schools, high schools and universities remains an obstacle difficult to overcome in Romania's current context. People with physical or somatic disabilities represent approximately 40% of all disabled people in Romania. Faced with this scenario, quick solutions must be found to facilitate the access of these people to everything that means mobility and urban life. Urgent measures are required regarding the accessibility of people in wheelchairs to public utility buildings, public transport, medico-social assistance and leisure. Not infrequently, cases were reported in which certain health facilities did not have built-in access ramps for people in wheelchairs, so that the accompanying carers had to carry up the stairs the persons immobilized in wheelchairs. The absence of active measures to encourage the socio-professional inclusion of disabled people will lead over time to an increasing dependence on social benefits in money in the form of disability or accompaniment allowances, a fact that will put even greater pressure on the budgets for social insurance in Romania. Sanctioning all forms of discrimination against people with handicaps could reduce the phenomenon of discrimination often reported in the current context of our country.

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