The labor market integration of people with disabilities

In Europe and Romania:

Literature and policy review report

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Introduction

The purpose of this review of documents on disability is to provide a summary of factors associated to policy outcomes regarding the inclusion of people with disabilities, in order to identify risk factors and best practice models across EU countries. This review aims to examine on one hand the situation of disabled people in EU countries and on the other hand, four large factors associated with social inclusion of disabled persons: (1) employment, (2) educational participation, (3) living condition, and (4) discrimination on grounds of disability across representative studies/reports/policy documents at the EU level.

Based on these four dimensions, a series of reviews were performed to assess the policies and strategies across multiple studies/reports/policy documents on employment, discrimination, education, and living conditions for disabled people. Results showed that a large percentage of disabled persons are excluded from the labor market, in general have lower educational opportunities, and lower community participation compared with people without disabilities.

I. Literature analysis. Methodology

The main research question that guided the analysis was *Is there a solid common ground between EU and Romanian national policies, which can allow for the development of coherent, efficient, and sustainable strategies and policies for social inclusion of vulnerable populations on the labor market?*

The research team used as documentation sources the databases of the European and national authorities, institutions, and organizations, which design and implement the policies addressed to disabled persons, such as: the DG Justice of the European Commission (which comprises various policy documents and EU and national legislation regarding the social inclusion of disabled persons); ANED (Academic Network of European Disability Experts), which offers for consultation legislations, policies, statistics, policy implementation reports, etc., regarding the situation of the disabled persons at EU level and within the Member States; and also other European and national databases and NGOs that represent the interests and promote the rights of the disabled persons.

To be included in the present analysis, studies/policy documents had to describe original data and had to include factors associated with disability among children/youth/adults or factors related to discrimination, employment, unemployment, education, community participation, and living conditions for disabled persons. Further, studies had to include data regarding at least one of the previously mentioned four dimensions. Finally, unpublished papers or reports were not included in the review. Of all sources identified, 24 papers met those criteria. Publication years of those studies ranged from 2002 to 2013 (see Table 1).
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The relevant data regarding the four analyzed dimensions were compiled and synthesized, in order to facilitate a comparison between the specific situation in Romania and that in other European states. Where the similarities of research methodologies used allowed comparability, the two types of data (European and Romanian) were discussed in parallel. Where such comparability was not possible, the situations were separately discussed.

II. Results of the literature and policy analysis regarding the situation of disabled persons in the European Union and Romania

2.1. The outcomes of the quest for common definitions and understandings of disability

As philosophy is still searching for the correct answer at the question “What is philosophy?” the modern world is still debating for the right definition of disability. Many researchers believe that it is part of human condition and, unlike the former medical approach disability is a scholar category within the great human diversity. The former medical approach that segregated those people in special schools and residential institutions was highly contested by their associations. From the human rights perspective that challenged the functioning of the world many times the 20th century, a more social approach is now in action as states the UN Convention on the Rights of Persons with Disability (United Nations, 2006) agreed to it.

In fact, the old personal (medical) perspective and the new more social one are interrelated in the “bio-psycho-social” model promoted by the International Classification of Functioning, Disability and Health (World Health Organization, 2001). Disability is the umbrella term for impairments, activity limitations, and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual’s contextual factors (environmental and personal factors). In the ICF, problems with human functioning are categorized in three interconnected areas:

- **impairments** are problems in body function or alterations in body structure – for example, paralysis or blindness;
- **activity limitations** are difficulties in executing activities – for example, walking or eating;
- **participation restrictions** are problems with involvement in any area of life – for example, facing discrimination in employment or transportation.

**Disability** refers to difficulties encountered in any or all three areas of functioning. The ICF can also be used to understand and assess the positive aspects of functioning such as body functions, activities, participation, and environmental facilitation. The ICF adopts neutral language and does not distinguish between the type and cause of disability – for instance, between “physical” and “mental” health. “**Health conditions**” are diseases, injuries, and disorders, while “impairments” are specific decrements in body functions and structures, often identified as symptoms or signs of health conditions.

The ICF contains a classification of **environmental factors** describing the world in which people with different levels of functioning must live and act. These factors can be either facilitators or barriers. Environmental factors include products and technology, the natural and built environment, support and relationships, attitudes and services, systems, and policies. The ICF also recognizes **personal factors**, such as motivation and self-esteem, which can influence how much a person participates in society. However, these factors are not yet conceptualized or classified. It further distinguishes between a person’s **capacities** to perform actions and the actual **performance** of those actions in real life, a subtle difference that helps shed light on the effect of environment and how performance might be improved by modifying the environment.

The ICF is universal because it covers all human functioning and treats disability as a continuum rather than categorizing people with disabilities as a separate group: disability is a matter of more or less, not yes or no. However, policy-making and service delivery might require thresholds to be set for impairment severity, activity limitations, or participation restriction.

Negative attitudes towards disability can result in negative treatment of people with disabilities, such as
- children bullying other children with disabilities in schools;
- bus drivers failing to support access needs of passengers with disabilities;
- employers discriminating against people with disabilities;
- strangers mocking people with disabilities;

Negative attitudes and behaviors have an adverse effect on children and adults with disabilities, leading to negative consequences such as low self-esteem and reduced participation.

Disability is a human rights issue because
- People with disabilities experience inequalities – for example, when they are denied equal access to health care, employment, education, or political participation because of their disability.
- People with disabilities are subject to violations of dignity – for example, when they are subjected to violence, abuse, prejudice, or disrespect because of their disability.
- Some people with disability are denied autonomy – for example, when they are subjected to involuntary sterilization, or when they are confined in institutions against their will, or when they are regarded as legally incompetent because of their disability.
A range of international documents highlighted that disability is a human rights issue, including the World Program of Action Concerning Disabled People (1982), the Convention on the Rights of the Child (1989), and the Standard Rules on the Equalization of Opportunities for People with Disabilities (1993). More than 40 nations adopted disability discrimination legislation during the 1990s (60). The Convention on the Rights of Persons with Disabilities (2006) – the most recent and the most extensive recognition of the human rights of persons with disabilities – outlines the civil, cultural, political, social, and economic rights of persons with disabilities. Its purpose is to "promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities and to promote respect for their inherent dignity" (Convention on the Rights of Persons with Disabilities, 2006). States that ratified the CRPD have a range of general obligations. Among other things, they undertook to:

- adopt legislation and other appropriate administrative measures where needed;
- modify or repeal laws, customs, or practices that discriminate directly or indirectly;
- include disability in all relevant policies and programs;
- refrain from any act or practice inconsistent with the CRPD;
- take all appropriate measures to eliminate discrimination against persons with disabilities by any person, organization, or private enterprise;

Disability is a development issue, because of its bidirectional link to poverty: disability may increase the risk of poverty, and poverty may increase the risk of disability. Disability may lead to the worsening of social and economic well-being and poverty through a multitude of channels including the adverse impact on education, employment, earnings, and increased expenditures related to disability.

- Children with disabilities are less likely to attend school, thus experiencing limited opportunities for human capital formation and facing reduced employment opportunities and decreased productivity in adulthood.
- People with disabilities are more likely to be unemployed and generally earn less even when employed. Both employment and income outcomes appear to worsen with the severity of the disability. It is harder for people with disabilities to benefit from development and escape poverty due to discrimination in employment, limited access to transport, and lack of access to resources for promoting self-employment and livelihood activities.
- People with disabilities may have extra costs resulting from disability – such as costs associated with medical care or assistive devices, or the need for personal support and assistance – and thus often require more resources to achieve the same outcomes as non-disabled people.

The Millennium Development Goals (MDGs) – the international community agreed to it in 2000 and 189 countries endorsed it – are a unified set of development objectives addressing the needs of the world’s poorest and most marginalized people, and are supposed to be achieved by 2015. The 2010 MDG report of United Nations General Assembly is the first to mention disabilities, noting the limited opportunities faced by children with disabilities, and the link between disability and marginalization in education. The United Nations General Assembly (2010) concluded its High Level Meeting on the MDGs in September 2010 by adopting the resolution “Keeping the promise: united to achieve the Millennium Development Goals,” which recognized that “policies and actions must also focus on persons with disabilities, so that they benefit from progress towards achieving the MDGs” (United Nations, General Assembly, 2010).

There are around 785 (15.6% according to the World Health Survey 2002-2004) to 975 (19.4% according to the Global Burden of Disease, 2004) million persons 15 years old and above
living with disability, based on 2010 population estimates (6.9 billion being the total population, with 1.86 billion being under 15 years). Of those, the World Health Survey estimates that 110 million people (2.2%) have very significant difficulties in functioning while the Global Burden of Disease estimates 190 million (3.8%) have “severe disability” – the equivalent of disability inferred for conditions such as quadriplegia, severe depression, or blindness. Including children, over a billion people (or about 15% of the world’s population) was estimated to be living with disability. Disability varies according to a complex mix of factors, including age, gender, stage of life, exposure to environmental risks, socioeconomic status, culture and available resources – all of which vary markedly across locations. Increasing rates of disability in many places are associated with increases in chronic health condition – diabetes, cardiovascular diseases, mental disorders, cancer, and respiratory illnesses – and injuries. Global ageing also has a major influence on disability trends because there is higher risk of disability at older ages. The environment has a huge effect on the prevalence and extent of disability, and on the disadvantage faced by persons with disabilities. Persons with disabilities and households with disabled persons experience the worse social and economic outcomes when compared to persons without disabilities. In all settings, disabled people and their families often incur additional costs to achieve a standard of living equivalent to that of nondisabled people.

As stated in the "National Strategy for the Protection, Integration and Social Inclusion of Disabled People 2006-2013" (2005), in Romania the terms “disability” and “handicap” were/are often used confusedly, expressing more interest in medical and diagnostic aspect and ignoring the relationship with the environment which did a disservice in connection to establishing uniform and consistent national social policies for disabled persons. In Romanian legislation, for describing the disabled persons many concepts are used, such as weakness, impairment, disability, handicap, and special needs.

Like many others studies, the findings of the "European Comparative Data on the Situation of Disabled People: An Annotated Review" (2009) suggest that a worrisome fact is that the data provided by surveys and statistics do not contain a common definition of disability that would match the UN definition. This is a major problem which affects and distorts the results due to the existing cultural differences across countries regarding the disability definition: "All questions in surveys that use terms like 'health' and 'disability' are subjected to cultural bias, since respondents' definitions of the terms tends to vary between countries, p.10"; "There are no EU comparative surveys with disability definition questions that closely match the UN definition of disabled persons, p.39". Also, the authors of the same study recommend that Euro-barometers and other surveys must have an explicit focus on more disability indicators.

According to the study named "Definitions of Disability in Europe: A Comparative Analysis" (2002), a definition on disability 1) should be related to impairment, chronic illness or malfunctions; 2) should not be based on a certain severity of disability, and 3) should cover past, present, future and imputed impairments or chronic diseases and associates.

2.2. Education as a key aspect of social inclusion for persons with disabilities – a global approach

Estimates of the number of children (0–14 years old) living with disabilities range between 93 million (United Nations, Department of Economic and Social Affairs, 2009) and 150 million (United Nations Children’s Fund, 2005).

Historically, many children and adults with disabilities have been excluded from mainstream education opportunities. In most countries, early efforts of providing education or training were generally made through separate special schools, usually targeting specific
impairments, such as schools for the blind. Those institutions reached only a small proportion of those in need and were not cost-effective: usually located in urban areas, they tended to isolate individuals from their families and communities (Hegarty, 1988).

The situation began to change only when legislation started to require including children with disabilities in educational systems (United Nations Educational, Scientific and Cultural Organization 1994).

Children with disabilities are less likely than children without disabilities to start school and have lower rates of staying and being promoted in school. Children with disabilities should have equal access to quality education, because this is a key to human capital formation and their participation in social and economic life. While historically children with disabilities have been educated in separate special schools, inclusive mainstream schools in both urban and rural areas provide a cost-effective way forward. Inclusive education is better able to reach the majority and avoids isolating children with disabilities from their families and communities (World Health Organization/World Bank, 2011).

Thus, despite improvements in recent decades, children and youth with disabilities have lower transition rates to higher levels of education. A lack of education at an early age has a significant impact on poverty in adulthood. Data on children with disabilities who have special education needs are hampered by differences in definitions, classifications, and categorizations (United States Agency for International Development, 2005). Definitions and methods for measuring disability vary across countries based on assumptions about human difference and disability and the importance given to the different aspects of disability – impairments, activity limitation and participation restriction, related health condition, and environmental factors.

The category covered by the terms special needs education, special educational needs, and special education is broader than education of children with disabilities, because it includes children with other needs – for example, through disadvantages resulting from gender, ethnicity, poverty, war trauma, or orphans (Robson, Colin, 2007).

The broad sense of inclusion is that the education of all children, including those with disabilities, should be under the responsibility of the education ministries or their equivalent, with common rules and procedures. In this model education may take place in a range of settings – such as special schools and centers, special classes in integrated schools or regular classes in mainstream schools – following the principle of “the least restrictive environment”. This interpretation assumes that all children can be educated and that regardless of the setting or adaptations required, all students should have access to a curriculum that is relevant and produces meaningful outcomes.

A stricter sense of inclusion is that all children with disabilities should be educated in regular classrooms with age-appropriate peers. This approach stresses the need for the whole school system to change.

The inclusion of children with disabilities in regular schools – inclusive schools – is widely regarded as desirable for equality and human rights. The United Nations Educational, Scientific and Cultural Organization (UNESCO) have put forward the following reasons for developing a more inclusive education:

- **Educational.** The requirement for inclusive schools, to educate all children together, means that the schools have to develop ways of teaching that respond to individual differences, to the benefit of all children.

- **Social.** Inclusive schools can change attitudes towards those who are in some way “different” by educating all children together. This will help in creating a fair society without discrimination.

- **Economic.** Establishing and maintaining schools that educate all children together is likely to be less costly than setting up a complex system of different types of schools specializing in different groups of children.
A review of studies on inclusion published before 1995 concluded that the studies were diverse and not of uniformly good quality (Hocutt, 1996). While placement was not the critical factor in student outcomes, the review found

- slightly better academic outcomes for students with learning disabilities placed in special education settings;
- higher dropout rates for students with emotional disturbances who were placed in general education;
- better social outcomes for students with severe intellectual impairments who were taught in general education classes;

While children with hearing impairments gained some academic advantage in mainstream education, their sense of self suffered. In general, students with mild intellectual impairments appeared to receive the most benefit from placement in supportive general education classes. But where class size is large and inclusion is not well resourced, the outcomes can be difficult for all parties. There will be poor outcomes for children with disabilities in a general class if the classroom and teacher cannot provide the support necessary for their learning, development, and participation. Their education will tend to end when they graduate primary school, as confirmed by the low rates of progression to higher levels of education (Schneider, et al. 1999).

2.2.1. European policies and programs for the educational inclusion of people with disabilities

The Commission issued many programmatic documents in this field. For instance, the Mid-term Evaluation of the European Disability Action Plan 2003-2010 (2009) was carried out by the Centre for Strategy and Evaluation Services (CSES) on behalf of the Unit for the Integration of People with Disabilities (Unit G3) of the Directorate-General Employment, Social Affairs and Equal Opportunities (DG EMPL) during the period January 2008 to June 2009. The evaluation covered the two first phases of the Action Plan’s implementation - 2004-2005 and 2006-2007. The purpose of the mid-term evaluation was to assess progress towards objectives and to suggest corrective actions where progress was not in line with expectations. It was also used as an instrument for ensuring proper transparency and accountability. The document presents detailed results of evaluation for each stage of implementation (2004-2005) and (2006-2007), an analysis of the use of specific instruments employed for supporting the implementation of the action plan, the four key evaluation issues (relevance, efficiency, effectiveness, sustainability), and the conclusions and recommendations derived from the evaluation. Between the most important negative aspects of the programmatic actions required, the document stated that disabled people integrated into mainstream education throughout their youth were much more likely to develop the general and vocational key competences necessary to succeed later in the labor market (European Council, 2001). Also, access to mainstream lifelong learning opportunities continues to be insufficient, especially for people with disabilities.

People born with disabilities tend to attain lower education levels than those who acquire a disability later in life. Furthermore, people with disabilities participate less in education and have lower educational qualifications than those without a disability (European Labor Force Survey and EU-SILC, 2002).

Only 63% of the 16-19 age groups who were considerably restricted in their ability to work participated in education or training compared to 83% of those not restricted. Likewise, over 50% of those aged 25-64 who were considerably restricted in their ability to work had no educational qualifications beyond compulsory schooling, compared to 32% of those reporting no restriction. The education level of women with disabilities seems to be even lower. In 2002, some 58% of women aged 25-64 who were considerably restricted had only basic schooling, as compared with
38% of those not restricted. Only 10% had tertiary or university education, as against 21% of those not restricted. This pattern is evident to varying extents in all Member States.

The policy challenges identified after the second phase (2006-2007), in the area of education, training and lifelong learning were

- Improving the reliability and comparability of data on participation rates among disabled persons lifelong learning (this will necessitate working together with Eurostat and national statistical offices);
- Promoting inclusive education approaches at MS level; and
- Strengthening the quality of inputs in the area of education, training and lifelong learning at Disability High Level Group meetings by inviting the European Agency for Special Needs Education to participate formally in this body.

The document proposed also a number of solutions to those identified problems and challenges. The most important were linked with increasing the participation of people with disabilities in lifelong learning – activities identified in EU DAP scoreboard phase one:

- Assessing DG EAC Programs from the viewpoint of equal opportunities;
- Incorporating the special needs of people with disabilities in eLearning;
- Improving the PLOTEUS information system on lifelong learning opportunities;
- Incorporating disability issues into lifelong learning concept and processes (mainstreaming);
- Promoting disability issues via the European year of Education through Sport.

Critiques regarding policy in education after the implementation of the second phase:

- The disability dimension in EU education, training and lifelong learning policies and programs has been emphasized. However, the extent to which this was attributable to the EU DAP, as opposed to wider developments, particularly the increased political attention placed on disability issues within DG Education and Culture, is questionable, since only a few activities took place through the EU DAP itself.
- The EU DAP did not pay adequate attention to the potential positive contribution to be made by better-known, more visible EU programs in the areas of education, training and lifelong learning field, such as Comenius, Erasmus and Leonardo in the first and second phases. The EU DAP Scoreboard only mentioned a small number of activities supported in the education field and those tended to relate to small-scale programs such as the e-Learning Program or to specific initiatives, such as the development of the Proteus information management system.
- Overall, progress towards the objective of increasing the participation of people with disabilities in lifelong learning has been mixed. Less activity took place through the framework of the EU DAP than had been anticipated, especially in the first phase of the Action Plan. Several stakeholders that were interviewed stated that more could have been achieved through the Action Plan to promote participation in lifelong learning among disabled persons, and to improve statistics on disabled people’s participation in different types of lifelong learning (vocational training, higher education, etc.).

In Europe, the UN Convention on the Rights of Persons with Disabilities (CRPD) has been put into action with controvrtible results as indicated by the report of the European Union (European Commission, 2014).

The report covers the period from the entry into force of the CRPD for the EU in January 2011 to December 2013. The report presents the progress made by the EU institutions (especially the EC) in meeting the terms of the UNCRPD, but also in reaching the objectives of the EU Disability Strategy 2020.
In 2012, the Commission published a report on Education and Disability/Special Needs — policies and practices in education, training and employment for students with disabilities and special educational needs in the EU. The report, compiled for the Commission by the NESSE network of experts, showed that, despite Member States’ stated commitment to promote inclusive education, too many learners with special needs were still placed in segregated institutions or in mainstream settings with inadequate support. It also highlighted the wide variation between Member States as to how children with special needs were identified, and whether, after identification, they were placed in mainstream or special schools.

According to the latest EU-level data from the Labor Force Survey ad hoc module on the employment of disabled people in 2011, around 25 % of young disabled people (aged 18-24) are early school leavers, as compared to 12.4 % of non-disabled young persons. The high rates of early school leavers among young disabled people may indicate problems relating to accessibility and a lack of adapted programs. Also, out of people with disabilities in the 30-34 years old group, only around 24 % have successfully completed tertiary-level education, as compared to 36 % of non-disabled people. In the EU, pupils with special educational needs represented 4.1 % of all school-aged pupils in the 2010-2011 school year. About 40 % of them are in segregated special schools.

The solution proposed referred to different aspects:

- ‘Education and training’ is one of the eight priority areas under the Disability Strategy. The specific goal is to promote inclusive education and lifelong learning for pupils and students with disabilities.
- Education and Training 2020 (ET 2020) is the updated (since 2009) strategic framework for European policy cooperation in education and training that succeeded the Education and Training 2010 (ET 2010) Work Program. It includes commonly agreed strategic objectives and benchmarks, peer learning opportunities, and tools to monitor progress and guides the Commission’s policy cooperation with the Member States in this field. One of its four strategic objectives is promoting equity, social cohesion, and active citizenship.
- In 2012 and 2013, the Youth in Action Program supported about 1 775 projects involving young people with disabilities and 1 161 of the organizations involved in the program emphasized disabilities as a topic relevant to their work.
- The EU works closely with and financially supports the European Agency for Special Needs and Inclusive Education (EASNIE), an independent organization established by member countries (EU Member States along with Iceland, Norway, and Switzerland) to act as a platform for cooperation on the development of inclusive education. The Agency provides analysis, evidence and information on the real state of inclusive education across Europe, recommendations for policy and practice, and tools to evaluate and monitor progress.
- According to the Europa 2020 objectives, the proportion of 30-34-year old persons who would completed tertiary or equivalent education should reach at least 40 % by 2020.

Another important programmatic document of the field is European Disability Strategy 2010-2020 (European Commission, 2010). The inclusive education programmatic provisions are highly relevant because they encourage the incorporation of accessibility and ‘design for all’ in educational curricula and training for relevant professions.

In fact, the document states “Access to mainstream education for children with severe disabilities is difficult and sometimes segregated. People with disabilities, in particular children, need to be integrated appropriately into the general education system and provided with individual support in the best interest of the child”, p.7”. However, “EU action will support national efforts through ET 2020, the strategic framework for European cooperation in education and training, to remove legal and organizational barriers for people with disabilities to general education and lifelong education.”
learning systems; provide timely support for inclusive education and personalized learning, and early identification of special needs; provide adequate training and support for professionals working at all levels of education and report on participation rates and outcomes, p.8“

At the European member countries’ level things are not going too well. In a study issued in 2011 on behalf of the Academic Network of European Disability Experts (ANED), University of Bristol authors found out that those disabled students who were enrolled in mainstream education had better academic results than those schooled in special classes or, a fortiori, in special schools and, therefore, might had better chances in accessing subsequent employment. Nevertheless, at the same time the commitment to education for all is not necessarily linked to obligatory mainstream education for all disabled students because implementing the right to education requires a focus on individuals’ educational needs instead on their abilities. In fact, “Access opportunities in education often depend on synergies developed through co-operation between the education system, social services, and health services (p.21)”.

According to the legal frameworks, implementing inclusion often involves several departments and ministries, and coordination issues are often raised. In addition, responsibilities for support arrangements may be divided among ministries. In many countries, pedagogical accessibility is the responsibility of the ministry of education whereas supports linked with impairment may fall under the responsibility of other ministries (family, labor).

Authors analyzed the educational policies of different European countries about disability students and found that although most countries use the SEN (special educational need) qualification in their laws, there is no legal definition of the SEN notion except in very few countries. Some countries have included in their legal framework provisions for preparing pupils for post-compulsory school opportunities and disabled students have the legal right to access upper secondary education if they have successfully completed compulsory schooling, as their non-disabled peers. Some other countries may have a more restrictive approach as, for example, in the Netherlands where, according to the national report, upper secondary schools are not allowed to admit students with cognitive disabilities, the latter being intended to enroll in pre-vocational secondary education. Greece adopted in 2009 a quota system allowing disabled students to be accepted at a rate of 5% of all available places in any university course, while Poland adopted legislation on financial support for college and university disabled students.

The shift from educational support needs towards disability access means that upper secondary schools, training centers or universities have to make adaptations that are necessary for the student to overcome identified barriers (for example, adapted examinations). This shift begins to challenge inequality in education, as for instance when the student’s career choice is diminished because of inaccessible buildings, lack of adapted transportation systems or other barriers created by the built environment as reported from several countries.

In general, support after compulsory schooling is considered primarily in terms of ‘reasonable accommodation’ and technical support (such as the kinds of note-taking, sign interpretation or mobility support often listed in the reports) rather than the kind of pedagogical learning support often provided in schools. This may suggest particular barriers to academic study opportunities at higher levels for students with learning difficulties and intellectual impairments. The concept of ‘reasonable’ accommodation is well-established but contentious. In Iceland, for example, universities may reserve the right to refuse specific supports if these are deemed to be too expensive or impractical and, therefore, unreasonable. In Germany, disabled students who would like to follow a higher academic career face a serious obstacle because the social assistance authorities consider a bachelor degree as sufficient qualification for a job and, for this reason, refuse to provide additional support to disabled students for master level courses.

Analysis of progress made towards inclusion is very uncertain. Many of the country reports indicate that reliable and accurate data on inclusion opportunities for disabled youth is missing at national level.
A considerable amount of data on participation and qualification levels would be available if more countries included disability identification in their regular national Labor Force Surveys. According to the reports, countries collect disaggregate data on educational outcomes even for disabled children in school. Data seldom permit even the identification of employment opportunities for young disabled people, most countries lacking data on this group of persons or their transition from school to work opportunities.

This increase of enrolment in inclusive education seems to be particularly notable for children and youth with specific learning difficulties (dyslexia, etc.). In France, for example, the number of students with such learning difficulty and students with a psychological conditions accessing mainstream education grew faster than the number of students with a cognitive impairment, a sensory impairment, and to a lesser extent, with a motor impairment. The German report indicates that access to mainstream education is easier for children with speech impairments and specific learning difficulties than for those with cognitive impairments. A similar trend may be observed in higher education.

The conclusion of this study drew a bleak picture of the system: education systems failed in preparing young disabled people for the requirements submitted by the labor market. They have a lower access to vocational training provision. Vocational training opportunities for young disabled people seem to be inappropriate to both their needs as well as to the employers’ needs. Many young disabled people in Europe graduate a more or less supported vocational training course without reaching the level of an official qualification, or without being considered to have reached a certification level. It will then be more difficult for them to find a job and to participate on equal level in the labor market (although they may still become effective workers because of their training). Progression within the education system and transition to work are hampered by policies that tend to ignore transition issues between education levels. Many countries include transition to work in their policies, but few consider the transition from lower secondary education to upper secondary education. Current modes of funding do not generally provide an incentive for the development of a life course perspective that includes normal transitions. For example, they tend to be highly segmented (e.g. between school and university or vocational training) offering only limited possibilities for students to co-ordinate support for the pedagogical accessibility of their studies academic and their non-academic activities.

Another ANED study issued in 2013 in the same framework but authored this time by the University of Leeds experts (Grammenos, 2013) found that at the EU level, 19% of young disabled persons are early school leavers compared to 11% for non-disabled young persons and also that “lack of experience further increases the initial disadvantage of persons with disabilities. This might push them to exit the labor market, p.71”. In fact at the European level the disadvantage of young persons with disabilities compared to young persons without disabilities can be measured by the difference of the respective shares of early school leavers. This difference seems to be small in Austria, Netherlands, Sweden, Slovenia, and Finland. On the other hand, the gap is relatively important in Greece, Romania, and Lithuania (p.90). Also the rate of early school leavers among young people with a severe limitation is 39%. The same rate for persons with a moderate disability is 14%. This rate is 11% for persons without disabilities (p.91). At the same time, only 15% of persons with a severe disability aged 30-34 have completed a tertiary or equivalent education program. This rate is 32% for persons with a moderate disability and 37% for persons without disability (p.111).
2.2.2. The Romanian national policies supporting the educational inclusion of persons with disabilities

In Romania, the children with disabilities are included in the “special educational requirements” category students. Apart them there is other two groups: difficulties and disadvantages. Difficulty group includes educational problems, attention deficit or behavior troubles. Disadvantage group includes socioeconomic excluded families or persons belonging to minority groups (as Roma).

Disability group is 2-5% of the scholar population while the other groups represent 10-20% (Vrășmaș, 2010). Before 1989, they were enlisted in special education units where they were divided in 3 categories: recoverable, partially recoverable, and non-recoverable. The recoverable persons were oriented toward special vocational schools specialized on the disability type and then employed in protected economic units. Those partially recoverable and non-recoverable were sent to home schools or hospital schools and protected there for the rest of their life. Recent researches showed that de-institutionalization is a better and more democratic option for the social inclusion of the disabled people. That is why special institutions and special schools are now considered limitative and in the last two decades, there have been many initiatives for integration of the disabled children in the mass-education units. However, this process is facing the negative attitudes from teachers, parents and other stakeholders that restate the advantages of old special schools.

Between 1992 and 1999, a Commission for Diagnosis and Sorting made up of physicians, a psychologist and a psycho-pedagogue developed the evaluation of disability. In parallel, the school inspectorate had a special commission for expertise that evaluated problematic scholars and found solutions.

In 2001, the Child Protection Agency created Complex Evaluation Service for evaluating (official handicap certificate) and guiding children with deficiencies to the best school solution.

In 2011, the Law of Education stated that evaluation of children with special educational requirements is made by County Centers for Resources and Educational Assistance with the help of the Child Protection Agencies.

One of the strategic goals of Romanian secondary education is the involvement of disabled children in ordinary or special schools. Even a holder of severe disability certificate is compatible with mass education (Vrășmaș, 2010). The certificate is guaranteeing the involvement in the support program.

For a child with disabilities the educational offer is
- Special school according to the disability type;
- Support socio-educational services in the mass schools having different practices such as speech therapy, psycho-pedagogy or support services with special or itinerant teachers or school mediators.

Special schools are usually for mental, physical, audio or visual impairments, with classes of 8-12 students and 4-6 students in the case of severe or associate disabilities. During the morning time, classes are organized while during the afternoons different therapies for recovery are taking place. All the schools have dormitories and canteens so that all the children are institutionalized during the school period. Teachers, recovery specialists and auxiliary personnel constitute the staff.

Inclusive education is based mainly on the teachers’ capacity to organize the process so that every child receives some knowledge. An important role is played by the support teachers that help special needs children in different public schools. In some mass schools, there are psycho-pedagogues who help the students to solve their problems (disabilities but also social or behavior problems) and assist the teachers and the families to better understand and help the students with such problems.

Inclusive education is facing some challenges.
1. The inter-institutional evaluation of children with disabilities (the family care physician should refer earlier the case to a specialist and inform the parents; however, parents are often discouraged because they have to address to different institutions, and the population’s poverty leads to confusions between disabilities and difficulties or disadvantages because of the social facilities from the special schools).

2. Challenges because of team-work (difficult cooperation of the professionals with the parents, communicational barriers and rivalry between specialists but also lack of organization of services)

3. Difficulties in the collaboration with the parents (parents are reluctant to send children to special schools or getting a handicap certificate because of stigma – especially the high social status parents, or some parents are not fulfilling the required actions saying that it is too complicated)

4. Different student communities (inclusive schools have students with different educational levels and needs, Romanian schools are performance oriented and special needs students are diminishing the school prestige, students with disabilities are evaluated formally without having real knowledge acquisitions).

The professional’s dilemma is about choosing the right alternative for each child: keeping him in his family or sending him to a special institution, putting him in a special school or sending him to a regular school. Sending a child from the very beginning to a special school is not a popular choice for professionals because at early age deficiencies are unequally manifested and children could often recuperate. In addition coming back from special schools to general education is very difficult and almost impossible. Also the large majority of parents reject the special schools because of stigma. Usually parents of problematic children transfer them to 3-4 schools before of asking the professional’s advice. There are also parents whose main revenues are due to their children disabilities and they refuse the special school under the pressure of losing these revenues. But sensorial deficiencies cannot be managed in public schools; usually those children have to go to special schools.

The actual situation about education of disability students is more formally described in a recent study on behalf of Academic Network of European Disability Experts (Chiriacescu, Pintea, Moraru, Gyorki, Cretu, Vlad, 2011).

Therefore, the report mentions that, despite the fact that the rights of persons with disabilities are protected by specific policies, in practice there is a lack of adaptation in terms of materials and logistics for students with disabilities. Also there is a lack of qualified professionals and not enough resources to provide specific services for their particular needs (i.e. occupational therapist). The Ministry of Education’s decision to abolish the Arts and Trades schools has had a negative impact, reducing the opportunities for training among students with disabilities. “In 2009-2010, the Ministry of Education decided to abolish the Arts and Trades Schools, together with the completion year. These schools have been transformed into so-called “technologic high schools”, of two years duration. This measure significantly affected students with disabilities, who very often could not meet the high school requirements or the professional training in only 2 years” (p. 5).

Although students with disabilities and their families have the right to choose the form of education they want to attend, in practice they are mainly oriented toward special schools. The disability awareness of teachers, parents and students in mainstream schools remains low, despite efforts that have been constantly made by MER and NGOs over the years. According to the law, students with disabilities and their families have the possibility to choose the form of education they want to attend (inclusive or specialized). In practice, a vast majority of students with disabilities are still oriented by the assessment commission towards the special system, despite improvements that have been made in the last decade. “Mainstream schools were completely unprepared to receive children with disabilities on large scale, parents were very concerned about whether their children could adapt and the consequences of the transfer, and the special schools felt threatened in terms of whether their work would continue. A national
evaluation of this decision in the following year (organized by UNICEF and the Government of Romania) showed that the decision was inappropriate and produced a lot of negative effects (among which was a critical rate of student drop out after several months, as well as the return of numerous children to special schools), p.11"

Although in Romania NGOs had an important role in promoting the image of disabled students, they are still discriminated and stigmatized in mainstream schools. “NGOs contribute significantly to the provision of support services for inclusion (in schools or in the labor market). They usually offer a wide range of support services that are not available (or are not sufficient) in communities, p.23".

In Romania, there was no culture of continuous education for disabled people but in recent years there has been some progress, on the one hand due to NGOs activities and on the other hand, thanks to the funds received from European Union.”Access of students with disabilities to continuous education is not denied in theory; however, there has only been recent progress, due to a number of projects managed by NGOs or public authorities, with the support of European Structural Funds (the human resources category – POSDRU), p.9".

There is a poor accessibility to public space and there are also important limitations regarding devices for communication for disabled students.“In practice, despite progress in recent years (due to a National Disability Strategy that has targeted accessibility of public buildings) a majority of school buildings have still problems, not only in terms of architecture barriers, but also in terms of equipment for communication for learners with specific needs (e.g. computers, easy-to-read materials, information in Braille etc.), p.9".

The poor integration of young disabled on labor market is due to the fact that only recently the vocational curricula of special schools was related to labor market demands.“Young adults with disabilities face significant problems, since vocational programs in special schools have not been adapted, until more recently, to the reality of the labor market. Young people who cannot pass the baccalaureate examination are at more risk of exclusion in employment subsequently, p.12".

Young severely disabled persons are still excluded from the education system. Support services for education and employment are relatively new in Romania. “The problem here is that, in many cases, school managers and local authorities do not have a correct understanding of the concept of “reasonable accommodation”. In addition, the provision of assistive devices is limited in Romania, and they are not always affordable. Moreover, the profession of occupational therapist does not exist in Romania. Therefore, there is little knowledge about ergonomic arrangements, adaptation of work places, of homes and of schools. “For some of the support staff (such as mediators or sign language interpreters), professional standards did not even exist in Romania, and it took almost a decade to arrive at a stage where those professions were officially recognized and regulated, p.23”. “The number of support teachers remains very low and their training is no longer coordinated at a national level. There is no follow up or monitoring of support teachers in the country, except for those who are employed directly by School Inspectorates, p.23”.

There are no databases in order to centralize the school situation of students with disabilities according to different variables (e.g. type of educational support, participation in vocational training).“There are no recent statistics regarding the number of children and young people with disabilities in mainstream and in special schools (pre-tertiary education). Data are not disaggregated by type of learning difficulty or type of educational support, p.16".

In Romania, there are no detailed extensive studies to present and describe the costs of inclusive education in all its aspects and forms.

Also, the NGOs services for support disabled young people education or employments are not sufficient or are not available in all communities. Because the financial incentives they receive from the state are very low, employers are reluctant to invest in training disabled employees. Lack of financial resources is the main cause of the barriers that stand in the way of
community integration of disabled people in Romania (human resources, medical equipment, and infrastructure). “Employers may benefit from deduction of the training costs from the calculation of the taxable profit or taxable income, if they organize training courses for their own employees. The weakness of this procedure is that grades given for training of persons with disabilities are very low; therefore not motivating for employers when it comes to fiscal deductions and facilities, p.22”.

It should be noted that in Romania there are big differences between regions in terms of availability of support services for disabled people and also these services are not the same in the entire country. The provision of support services depends on where people live in Romania. It is difficult to transfer these services from one county to another. Also “the insufficient quantity and the poor quality of assistive devices and equipment are the main causes of the poor participation of disabled persons in community activities, p.24”. “For medical equipment, a certain amount is free of charge, but usually the actual cost of the product is higher that the legal limit covered by the insurance system, and the person with disability needs to cover the difference in cost, p.24”.

### 2.2.3. Fitting into the European framework – the Romanian challenges regarding the educational inclusion policies for the disabled persons

Young severely disabled persons are still excluded from the education system. Support services for education and employment are relatively new in Romania. In addition, the provision of assistive devices is limited in Romania, and they are not always affordable. Moreover, the profession of occupational therapist does not exist in Romania. Therefore there is little knowledge about ergonomic arrangements, adaptation of work places, of homes and of schools.

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Finally one could notice that inclusion and integration remains a controversial concept in education and overall, both in Romania and across EU member states only a small proportion of disabled children/youth has the opportunity to attend a regular community school. On the other hand, the concept of inclusion is ubiquitous in education today, and its importance is not matched by a total clarity of meaning or understanding.
2.3. Discrimination and living conditions as key determinants for the labour market insertion of vulnerable categories

In Romania, the antidiscrimination principle was imposed due to the concern on status of disabled persons and to the manifested criticism towards disabled in Romanian society in various fields of economic, political, social and cultural life. Despite the efforts to ensure a climate of equality in public sphere, a closer look at the community inclusion of disabled persons highlighted contrasts and dysfunctional realities. Moreover, important documents for the promotion of inclusion were translated and published in Romania with the help of UNICEF.

Over the past 7 years, following the official ratification of "Convention on the Rights of Persons with Disabilities", which aims to ensure that disabled people exercise their rights on equal basis with all other citizens, the research in the field of disability has explored a number of characteristics associated with the disabled person impairments as well as characteristics of the disabled people in relation to employment, education, living conditions, health and discrimination on ground of disability. According to Degener and Quinn (2004), discrimination laws have the purpose to prevent unequal treatment, which is rooted in stereotypes and stigma.

In Romania, the concern of the ministerial strategies and policies toward disabled inclusion happened in a large part due to external pressures, to the need for alignment with the spirit and European and international standards to ensure the full participation of the disabled persons in the public life.

2.3.1. Universal and European approaches regarding discrimination of the disabled

According to the "Report on the Implementation of the UN Convention on the Rights of Persons with Disabilities" (2014): "direct discrimination is considered to occur where one person is treated less favorably than another is, has been or would be treated in a comparable situation". For example, when a child with severe disability cannot be enrolled in mainstream education because of his disability, this can surely be identified as direct discrimination.

On the other hand, the same report argues that "indirect discrimination is considered to occur where an apparently neutral provision, criterion or practice would put persons with a particular religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage as compared with other persons, unless: a) that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary; or b) the employer, or any person or organization to whom the Directive applies, is obliged under national legislation to take appropriate measures in line with the principles of 'reasonable accommodation for disabled persons' in order to eliminate disadvantages entailed by such provision, criterion or practice". For example, the lack of training of staff is an obstacle that children have to face: it is a barrier to receive the best possible education.

All over Europe, the United Nations Convention on the Rights of Persons with Disabilities serves as a benchmark for the evaluation of policy aimed at improving the lives of people with disabilities. The UN Convention demands equality and non-discrimination equal access in article 5. According to article five,

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures that are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

According to a recent ANED policy report called "European Comparative Data on Europa 2020 & Housing Conditions. Final Report" (2013), a common problem for EU member states is discrimination on the grounds of disability. Therefore, the statistics from this report show that origin and gender discrimination decrease the employment probability for both disabled and non-disabled persons. In terms of solutions against discrimination the author of this report, argued that the discrimination could be diminished through a better social awareness about the difficulties faces by disabled people in their everyday life.

Another ANED policy report, "European Comparative Data on the Situation of Disabled People: An Annotated Review" (2009) is analyzing quantitative data from surveys, registered data, indicators, statistics and comparative surveys across UE member states regarding education, work, employment, income, social protection, mobility, information, communication, political participation, cultural participation, and discrimination among disabled people. This report shows that although in the field of discrimination more data are available compared to other disability dimensions, it is noticed that the databases contain mostly the representations of general population and less the disabled self-reported representations concerning discrimination. The same report’s recommendation for a better understanding of the state of the art in the field of disability is that the EU surveys/databases should provide information taken only from disabled people.

Disabled persons are discriminated since birth or from the moment they acquire the disability. In the poor communities, a disabled child is even more excluded. Because of the lack of the resources, their equal repartition could be seen as economical irresponsibility, due to the fact that those could not return them to the providing family. A low investment in a disabled child is not ignorance but a desperate decision even if reasonable (Ashton, 1999).

A study by Yeo (2006) showed that they are the last to access family resources because of the fear that the other children’s chances would be affected and anyhow they were not fit for the benefits (of education for instance). Ninety-eight percent of disabled children in poor countries are not involved in the formal education system.

Following an exhaustive review of the EU research reports, the "European Comparative Data on Europa 2020 & Housing Conditions" (2013) report shows that "In 2010, about 11.2% (10.8% in 2009) of people with disabilities are severely materially deprived compared to 7.0% (7.1% in 2009) of people without disabilities. There is a wide diversity of situations in the Member States. The share of severely materially deprived persons is less than 1% in Luxembourg but reaches 35% in Bulgaria. Concerning people with disabilities, the percentage of severely materially deprived persons ranges from 1.5% in Luxembourg to 48% in Bulgaria, p.112").

According to a Romanian researcher (himself a disabled person) Guttman (2011, p.250), it seems obvious that "if you live in poverty you are more at risk of getting a disability, the disabled
persons have bigger poverty rates and when poor people have also disabilities they are more marginalized and socially excluded then the non-disabled people”.

In Romania, in the area of protection of disabled people, the efforts were concentrated on drafting and applying the public policies regarding the protection, integration and social inclusion of this category.

According to the "National Strategic Report on Social Protection and Social Inclusion (2008-2010)", the main objective for all the inclusion efforts made by Romanian government was the creation and the development of the community system of social services to help people with disabilities to stand outside special institutions, to let them live independently their life, being assisted by a support network. This policy document shows that in 2 years (2006, 2007), 7,086,000 lei were allocated for financing the projects in the field of special protection and socio-professional integration of adults with disabilities. Through this, 41 new social services were created.

From the results of the study "Excluded from Labor Market. Barriers to Employment for Disabled People in Romania" (2009), it could be noticed that people with mental and neuropsychic impairments have a higher proportion of unemployment from the disability unemployed group. At the same time, the people with hearing impairment seem to have the highest employment level. Analyzing those data from a discriminative perspective, one could see that the first group has the higher level of discrimination, while those with hearing impairments (but also those with less visible deficiencies, somatic disabilities of infrequent diseases) are less exposed to discrimination. "It follows that it is not the nature of deficiency that affects the employment chances but rather the employers’ prejudices toward different disability types, p. 39". This fact can point to some other factors that may affect the disabled people inclusion, such as functional barriers imposed by the disability, the exclusion of disabled people is caused mainly by the discriminatory access to some public services and also by the social prejudices.

The educational disadvantages mentioned in the present study comply with nominalization of school as being the environment where the disabled persons are most frequently discriminated. One the other hand, employment discrimination was mentioned by (10%) of the subjects through access restrictions, under-employment, lower salaries or priority licensing.

Results of policy studies across countries showed mixed evidence on the success of anti-discrimination laws for bringing people with disabilities into the workforce.

Overall, such laws seem to have been more successful in preventing discrimination among those who are already employed. Early research on the Americans with Disabilities Act suggested that implementation of the Act caused a decline in employment of people with disabilities. Possibly employers avoided potential litigation simply by not employing people with disabilities or perhaps the obligation to provide reasonable accommodation acted as a disincentive to taking on staff with disabilities (The World Report on Disability, 2011). Studies that are more recent suggest that while the numbers of disabled people in employment did decline, this was not a result of the Americans with Disabilities Act but because of a new definition, used in the welfare support system, of what constituted disability.
2.3.2. European strategies and policy documents tackling discrimination of the disabled

In the United Kingdom, the Disability Discrimination Act had no impact in the period immediately after its introduction, and may have led to a fall in the employment rate. It may have been more effective as a disincentive to dismissing workers who developed a disabbling condition than as a tool to promote hiring. But recent evidence does suggest a narrowing of the employment gap in the United Kingdom (76), though the legislation may have helped disabled men more than disabled women (45) (The World Report on Disability, 2011, p.74).

The policy report named "Equal Opportunities for People with Disabilities: A European Action Plan" (2003) set a rolling multi-annual Action Plan with the time horizon of 2010. The multi-annual Disability Action Plan is designed to allow for the planning, implementation and follow-up of priority actions, which can contribute significantly to increasing economic, social integration, equal access and effective participation of people with disabilities.

Therefore priority actions addressed the various stages of the so-called "employment chain" to make the right to work equally accessible to people with disabilities.

The priority areas of intervention for the first phase were grouped under the following four complementary pillars: access to, remaining in, employment; lifelong learning in support of employability, adaptability, personal development and active citizenship of people with disabilities; using the potential of new technologies, which play a crucial role in ensuring equal opportunities and mobility in the economy, in empowering people with disabilities; accessibility to the public built environment, which is a pre-condition for participation in the workplace and mobility in the economy and society.

The communication presents a detailed planning of the first phase of the action plan: 2004-2005. The first phase is focused on creating the conditions necessary to promote the employment of people with disabilities while delivering empowerment in this regard. The initiatives under this phase are thought so they can reinforce and complement Directive 2000/78/EC on equal treatment in employment and occupation.

The document comprises three main chapters: (1) the description of the context this policy is designed to fit; (2) the description of the four pillars the plan is based on (and of initiatives that can be taken under each of them); and (3) the methodology and structures for monitoring and follow up of the action plan: ("The EU also sees disability as a social construct. The EU social model of disability stresses the environmental barriers in society, which prevent the full participation of people with disabilities in society, p. 4"); Accessibility and mobility issues are now dealt with in the light of equal opportunities and the right to participate. In particular, it has become crucial to ensure the removal of technical and legal barriers to the effective participation of people with disabilities in the knowledge-based economy and society to empower them to tap the information society potential p. 4").

2.3.3. Living conditions and free access for the disabled – research data and policy perspectives

Related to the topic of living conditions for disabled persons, the ANED report "European Comparative Data on Europa 2020 & Housing Conditions" (2013) shows quantitative data, comparative statistics and indicators in EU regarding the Europa 2020 Strategy such as employment, unemployment, activity rate, early leavers from education/training, participation in education, and indicators concerning housing conditions.
An important theme of this report focuses on disabled people satisfaction with dwelling and also draws attention to the barriers that make health services, schooling, public transport, and in general, accessibility less or more inaccessible for this group of people. Therefore, in conclusion, this policy report raises the awareness of EU member states about the need and the importance of adapting the social infrastructure, promoting working conditions and educational opportunities for disabled people.

The UN Convention demands equal accessibility for people with disabilities in article 9. The UN Convention refers in the article 9 to the following:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
   a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
   b. Information, communications and other services, including electronic services and emergency services.

States Parties shall also take appropriate measures to:
   a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
   b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
   c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
   d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
   e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
   f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
   g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
   h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

The communication bearing the title "Equal opportunities for people with disabilities: A European Action Plan, COM (2003)" revealed the following proposed solutions. In 2003, the EC already set up legislation and policy to deal with discrimination on the grounds of disability:

- Article 13 of the EC Treaty;
- Articles 21 and 26 of the Charter of Fundamental Rights;
• the EU Anti-Discrimination Program;
• the Directive stipulates that the failure to provide reasonable accommodation (measures to adapt the workplace to individual workers with a disability) in the workplace can constitute discrimination; Member States have until December 2003 to transpose the provisions of the Directive into national law;
• EC Communication named "Towards a barrier free Europe for people with disabilities" (COM(2000) 284 final of 12.5.2000);
• the Commission decides reviewing the current exemption of disability benefits from the exportability provisions of Regulation EEC 1408/71 with a view to reducing the number of such benefits that are currently not exportable;
• 2003 - European Year of People with Disabilities;
• Commission has launched a study to analyses on the situation of people with disabilities in residential institutions in the EU Member States, Accessing and Candidate Countries.

Considering the "Charter of Fundamental Rights" that specifically protects the rights of disabled people, its suggested incorporation in the future EU Treaty is a key development. The Charter makes political, economic and civil rights indivisible from social rights. Its Articles 21 and 26 set out the rights of people with disabilities. Article 26 in particular recognizes as a fundamental right "the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community" (Equal opportunities for people with disabilities: A European Action Plan, 2003, p. 4).

Additionally, based on the implementation of the "design for all" principle, the design and construction of a building should take into account the universal access in the building, promoting accessibility to leisure and cultural facilities. This fact is recognized by the Council in its Resolutions of 6 May 2003 (OJ C 134, 2003); and of 21 May 2002 (OJ C 135, 2002) accessibility of transport facilities (the Commission's "White Paper on European Transport Policy for 2010: a time to decide" (COM, 2001, 370 final)). It recognizes that accessible public transport is an integral part of accessibility in the wider sense ("recognizing and protecting the rights of people with disabilities is at the core of EU actions. Article 13 of the EC Treaty enables the Community to bring forward legislation aiming to combat discrimination, inter alia, on the grounds of disability"). Action has already been launched through the EU Directive for equal treatment in employment and occupation as well as through the EU Anti-Discrimination Program in particular" (Equal opportunities for people with disabilities: A European Action Plan, 2003, p.4). Summarizing, "accessibility and mobility issues are now dealt with in the light of equal opportunities and the right to participate. In particular, it has become crucial to ensure the removal of technical and legal barriers to the effective participation of people with disabilities in the knowledge-based economy and society to empower them to tap the information society potential" (Equal Opportunities for People with Disabilities: A European Action Plan, 2003, p.4).
2.3.4. The quest for a comprehensive solution: European Disability Strategy

The Communication bearing the title "European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe" (2010) sets out the main elements of the European Disability Strategy 2010-2020. It establishes eight main areas of action for the 2010-2020 period, which are Accessibility, Participation, Equality, Employment, Education and Training, Social protection, Health, and External Action. For each of those areas, the strategy proposes: at EU-level objective, a set of key actions to be implemented by the Commission and actions at EU level to supplement the national ones. This strategy is a comprehensive framework at the European level in which the European Commission promotes the right of disabled people to enjoy full rights and elimination of daily life barriers.

In the second part, the strategy determines the mechanisms dedicated to the implementation of the UN Convention at EU level (including inside the EU institutions) and also identifies the support needed for funding, research, awareness-raising, statistics, and data collection.

The "European Disability Strategy 20120-2020" aims to remove the barriers against people and children with disabilities for enabling participate in society on equal terms. The objective of this strategy is to provide people and children with disabilities the ability to enjoy full rights and to benefit fully from participation in social, cultural and economic life. Although EU countries have the primary responsibility for social inclusion of disabled people, this strategy supports and supplements the efforts of member states.

Regarding the proposed solutions, the present strategy aims to contribute to social and economic inclusion efforts made by member states in implementing at national level the principles of present strategy with the financial support of European Social Fund.

Considering that discrimination is widespread in Europe, the "European Disability Strategy" will support the member states to remove stereotypes and practices that encourage discrimination against disabled people and to promote good practice models for changing the public opinion about the disabled persons. ("Over half of all Europeans consider discrimination on grounds of disability or age to be widespread in the EU, p.6"; "EU action will support and supplement national policies and programs to promote equality, for instance by promoting the conformity of Member State legislation on legal capacity with the UN Convention, p.7"; "The Commission will support and supplement national public awareness campaigns on the capabilities and contributions of people with disabilities and promote exchange of good practices, p.9". "Optimize use of EU funding instruments for accessibility and non-discrimination and increase visibility of disability-relevant funding possibilities in post-2013 programs, p.10").

On one hand, the strategy distinguishes some other negative aspects. ("Currently, at EU level, people with disabilities still face serious challenges in fully exercising their fundamental rights - including their Union citizenship rights - and their participation in society on an equal basis with others. Those rights include the right to free movement, to choose where and how to live, and to have full access to cultural, recreational, and sports activities. (For example, a person with a recognized disability moving to another EU country can lose access to national benefits, such as free or reduced-cost public transport). This Strategy, identified, on average in the EU-27, that only (5%) of public websites fully complies with web accessibility standards, though more are partially accessible. Many television broadcasters still provide few subtitled and audio-described programs: “There are still major barriers in all of these areas. (For examples, only (5%) of public
websites fully complies with web accessibility standards, though more are partially accessible in the EU-27. Many television broadcasters still provide few subtitled and audio-described programs, p.5")

On the other hand, "European Disability Strategy 2010-2020" mentioned that one of the factors associated with reduced social exclusion of disabled persons is to ensure accessibility to goods and services including public services and assistive devices for people with disabilities.

According to "European Disability Strategy 2010-2020", (2010, p.5) accessibility is defined as meaning that people with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications technologies and systems (ICT), and other facilities and services. Accessibility is a precondition for participation in society and in the economy, but the EU still has a long way to go in achieving this. Regarding accessibility, the present strategy points out that the European market for assistive devices is still fragmented, and the devices are expensive for many disabled people: ("The EU market for assistive devices (with an estimated annual value of over € 30 billion) is still fragmented, and the devices are expensive, p.4").

Thus, it is necessary to adapt the social environment, transportation, information, communications, and technologies to disabled people’s needs. Moreover, the same Strategy revealed that a consistency between legal policies and practice regarding the rights of disabled people is necessary. Also, the present strategy will support/stimulate the disabled persons’ full participation in the economic, social, educational, cultural and political life through involvement of the country’s community.

By emphasizing the relevance of support and supplement for national activities, such as implementing accessibility, removing the existing barriers, improving the availability and choice of assistive technologies, "European Disability Strategy 2010-2020" revealed also the following key-actions:

• using legislative and other instruments (standardization), to optimize the accessibility of the built environment, transport and ICT in line with the Digital Agenda and Innovation Union flagships ("The Commission proposes to use legislative and other instruments, such as standardization, to optimize the accessibility of the built environment, transport and ICT in line with the Digital Agenda and Innovation Union flagships, p.5");

• exploring the merits of adopting regulatory measures to ensure accessibility of products and services, including measures to step up the use of public procurement; ("EU action will support and supplement national activities for implementing accessibility and removing existing barriers, and improving the availability and choice of assistive technologies, p.5");

• encouraging the incorporation of accessibility and ‘design for all’ in educational curricula and training for relevant professions;

• fostering an EU-wide market for assistive technology;

Moreover, recognizing the importance of the participation principle, "European Disability Strategy 2010-2020" set up several objectives at EU level to help member states to achieve full participation of people with disabilities in society by: 1) enabling them to enjoy all the benefits of EU citizenship; 2) removing administrative and attitudinal barriers to full and equal participation, and 3) providing quality community-based services, including access to personal assistance.
It should be noted from the current review of "European Disability Strategy 2010-2020" the following key actions that pointed on the area of participation:

- to overcome the obstacles in exercising their rights as individuals, consumers, students, economic and political actors; to tackle the problems related to intra-EU mobility and to facilitate and promote the use of the European model of disability parking card: ("Policy and regulatory frameworks do not reflect the needs of people with disabilities adequately, neither do product and service development. Many goods and services, as well as much of the built environment, are still not accessible enough, p.4").
- Another aim of the present Strategy is to offer support for national activities to help EU member states to achieve the transition from institutional to community-based care, including use of Structural Funds and the Rural Development Fund for training human resources and adapting social infrastructure, developing personal assistance funding schemes, promoting sound working conditions for professional caregivers and support for families and informal caregivers and make sports, leisure, cultural and recreational organizations and activities accessible, and use the possibilities for exceptions in the Directive on copyright; raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people: ("Promote the transition from institutional to community-based care by: using Structural Funds and the Rural Development Fund to support the development of community-based services and raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people, p.6").
- to improve the accessibility of sports, leisure, cultural, and recreational organizations, activities, events, venues, goods and services including audiovisual ones; to promote participation in sports events and the organization of disability-specific ones; to explore ways of facilitating the use of sign language and Braille in dealing with the EU institutions; to address accessibility to voting in order to facilitate the exercise of EU citizens' electoral rights; to foster the cross-border transfer of copyright works in accessible format; and to promote use of the scope for exceptions provided by the Directive on copyright: ("Improve the accessibility of sports, leisure, cultural and recreational organizations, activities, events, venues, goods and services including audiovisual ones; promote participation in sports events and the organization of disability-specific ones; explore ways of facilitating the use of sign language and Braille in dealing with the EU institutions; address accessibility to voting in order to facilitate the exercise of EU citizens' electoral, p.6").

The need for equality is also recognized in the present Strategy whose general objective is to eradicate discrimination on grounds of disability in the EU first through some actions that ensure and promote the equal treatment of people with disabilities through a two-pronged approach:

- using existing EU legislation to provide protection from discrimination, and implementing an active policy to combat discrimination and promote equal opportunities in EU policies;
- by paying greater attention to the cumulative impact of discrimination that people with disabilities may experience on other grounds, such as nationality, age, race or ethnicity, gender, religion or belief, or sexual orientation;
by ensuring the full implementation of Directive 2000/78/EC banning discrimination in employment;

It is also important to promote diversity and fight discrimination through awareness-raising campaigns at EU and national level and support the work of EU-level NGOs active in the area. "The Commission will support and supplement national public awareness campaigns on the capabilities and contributions of people with disabilities and promote exchange of good practices, p.9"; "Optimize use of EU funding instruments for accessibility and non-discrimination and increase visibility of disability-relevant funding possibilities in post-2013 programs, p.10").

The support for national activities refers to promoting equality, for instance by promoting the conformity of Member State legislation on legal capacity with the UN Convention ("EU action will support and supplement national policies and programs to promote equality, for instance by promoting the conformity of Member State legislation on legal capacity with the UN Convention, p.7").

In conclusion, the aim of this strategy regarding the antidiscrimination principle is to support the member states for removing stereotypes and practices that encourage discrimination against disabled people and to promote good practice models for changing the public opinion about the disabled persons.

2.3.5. Targeted anti-discrimination practices and solutions – social and employment discrimination

"The World Report on Disability" (2011) show that employers may discriminate against people with disabilities, because of misconceptions about their capabilities, or because they do not wish to include them in their workforce. The conclusions of the same research report argue that different impairments elicit different degrees of prejudice, with the strongest prejudice being exhibited towards people with mental health conditions.

For example, the "World Report on Disability" (2011) notices that 29% of the people with schizophrenia experienced discrimination in either finding or keeping a job, and 42% felt the need to conceal their condition when applying for work, education, or training.

In addition, the policy research report carried out by the "European Foundation Centre" (2008) identifies that legislative acts on equality and non-discrimination exist mainly within the context of employment, at both the EU and Member States level. Nevertheless, many Member States have extended the application of the principle of non-discrimination beyond the workplace.

At the international level, anti-discrimination laws make it illegal to make decisions about a person’s employment on the basis of their disability, as in Australia (1992), Canada (1986, 1995), New Zealand (1993), and the United States (1990). More recently, other countries have incorporated disability discrimination clauses into more general legislation, as in Germany and South Africa while Brazil and Ghana have anti-discrimination clauses on disability in their constitutions. In Romania, theoretically, the legislation contains all the mechanisms to stop the discrimination, but the real practice puts a question mark on the efficiency of anti-discriminatory policies in the case of people with disabilities.

In the formal sector, the reasonable accommodation requirement refers to adapting the job and the workplace to make employment easier for people with disabilities, where this does not impose an undue burden (see Article 2 of the CRPD). These CRPD requirements are expected to reduce employment discrimination, to increase access to the workplace, and to
change perceptions about the ability of people with disabilities to be productive workers. Examples of reasonable accommodations include ensuring that recruitment and selection procedures are accessible to all, adapting the working environment, modifying working times, working arrangements, providing screen-reader software and other assistive technologies (The World Report on Disability, 2011, p.74).

According to the "The World Report on Disability" (2011, p.37), "some anti-discrimination measures call for "affirmative action" in employment. In 2000, the Council of the European Union called on its member states to introduce, by 2006, policies on the employment of people with disabilities. In response, Portugal, for instance, drew up a National Action Plan that included affirmative action to raise the number of people with disabilities in employment. In Israel, affirmative action requirements for employers, set out in the Equal Rights for Persons with Disabilities Law of 1998, have been judicially upheld as legal, applying to both hiring and severance. Brazil also promotes affirmative action in employment through its constitutional anti-discrimination Clause".

For example, requirements for employers to make reasonable accommodations can be voluntary, as in Denmark, or mandatory, as in the United States. The cost of the accommodations can be borne by employers, employees, or both.

The Report on the "Implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)" covers the period from the entry into force of the CRPD for the EU in January 2011 to December 2013. This report presents the progress made by the EU institutions (especially the EC) in meeting the terms of the UNCRPD, but also in reaching the objectives of the EU Disability Strategy 2020. Summarizing, this report found that despite a heightened degree of sensitivity at policy level, people with disabilities across Europe still report that they are not included in the community and big challenges remain. Out of the severely disabled persons, 23% believe that they are not included in society (EQLS 2011-2012).

In addition, the same policy report revealed that many people with disabilities recognize that their life lacks opportunities for social engagement and other opportunities (SHARE, 2011). So, it is shown that "people with disabilities express a dissatisfaction concerning their social life: about 46% of persons with severe disabilities aged 18 or more declare a score from 1 to 5 (where 10 is the maximum satisfaction) compared to 14.6% of persons without disabilities" (EQLS 2011-12). Also, about 45.8% of persons aged 50 or more with difficulties in everyday life receive help. Among those who receive help, about 8.8 % believe consider that the help received ‘sometimes’ or ‘hardly ever’ meets their needs (SHARE 2007). The 2011 SHARE survey provided similar results concerning the percentage who received help from others (44.5%).


Moreover, it defined the principle of equal treatment as meaning that there should be no direct or indirect discrimination. The legal framework based on the Employment Equality Directive provided protection against discrimination on the grounds of disability in employment, occupation and vocation training. It covers both public and private bodies with respect to the conditions for access to employment, vocational guidance and training, employment and working conditions.
On the other hand, in the 2014-2020 programming period, at least (20%) of ESF funding will target social inclusion through the next approaches: employability measures such as individualized support, counseling, guidance, access to general and vocational education and training, as well as access to services, notably health and social services, childcare and internet services; specific actions targeting people at risk of discrimination and people with disabilities and chronic disease with a view to increasing their labor market participation, enhancing their social inclusion, and reducing inequalities in terms of educational attainment and health status; enhanced access to affordable, sustainable and high-quality social services such as employment and training services, services for the homeless, out-of-school care, childcare and long-term care services; access to e-services for promoting e-inclusion; support for the transition from institutional care to community-based care services for children, people with disabilities, including people with psycho-social disabilities, and the elderly, with a focus on integration between health and social services.

Another relevant policy document in the field of discrimination and living conditions for disabled is the "Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities", which was carried out by the Centre for Strategy and Evaluation Services (CSES) on behalf of the Unit for the Integration of People with Disabilities (Unit G3) of the Directorate-General Employment, Social Affairs and Equal Opportunities (DG EML) during the period January 2008 to June 2009.

The purpose of the mid-term evaluation was to assess progress towards objectives and to suggest corrective actions where progress was not in line with expectations. It was also used as an instrument for ensuring proper transparency and accountability.

The document presents detailed results of evaluation for each stage of implementation (2004-2005) and (2006-2007), an analysis of the use of specific instruments employed to support the implementation of the action plan, the four key evaluation issues (relevance, efficiency, effectiveness, sustainability), and the conclusions and recommendations derived from the evaluation.

This report highlights the importance of promoting web accessibility of public web sites and the embedding of 'design for all' principles in mainstream ICT. On the other hand, it discusses strengthening passenger rights and improving accessibility to transport for people with disabilities/reduced mobility through the following regulations:

- 2006, Regulation on the rights of disabled people and people with reduced mobility when travelling by air;
- 2007, Regulation on rail passengers' rights and obligations;
- 2005, Commission Staff Working Paper "Rights of passengers in international bus and coach transport"-in 2009, a proposal for regulation was prepared;
- 2005, a consultation with stakeholders concerning the rights of maritime transport passengers. In 2009, a proposal for a Regulation on the rights of international maritime passengers was drafted, which focused particularly on the rights of passengers with disabilities and reduced mobility.

Also, it should be noted the inclusion of accessibility requirements in the General Regulation on Structural Funds-2005 ("inclusion for the first time of an explicit reference to the need to take accessibility requirements for people with disabilities into account in the General

2.3.6. Romanian antidiscrimination framework for disabled persons: actions and policies


From a national perspective, the report is reviewing the national legal policies in implementing the principle of independent living for disabled people. The report approaches the types of support for independent living in community in relation with progress towards independent community in Romania and also shares the models of good practice in the involvement of disabled people. Although the concept of independent living has several dimensions, this report focuses only on personal assistance services and assistive equipment and adaptations.

This report found some negative aspects regarding the dimensions of independent living and discrimination. For example, on one hand it noted that although Romania had a legal framework regarding the protection and promotion of the rights of disabled persons, those laws have many gaps. On the other hand, even if law principles regarding disabled rights are consistent with international norms, they exist only in theory.

The same report noted that the Romanian laws have no clear statements regarding the protection of people with disabilities and even worse is the fact that often their rights are not enforced. "Unfortunately, in Romania of this moment, most persons with disabilities are not respected yet as persons with equal rights and their value and human dignity are not fully recognized. At this moment, in Romania, the person with disabilities is confronted with a series of handicaps created by the society. The fundamental rights are being violated, not by the way they are formulated and stipulated in the law, but by the impossibility of having real access to them. Usually, the people with disabilities form a disadvantaged, marginalized and seldom discriminated group, p.5". "All these principles are in line with international norms, but in reality they are still just theories (discrimination, equal chances, and the freedom of options are not understood correctly in community, in decision structures and in people’s perception and mentality, p.3". "Other laws make little reference to people with disabilities or are not applied – for instance the mental health law, where a lot of provisions are not applied, p.2".

In general, the findings of this international report indicated that, even if in theory different social institutions are working together to meet the needs of people with disabilities, in practice their problems are treated separately and seldom representatives of people with disabilities are not consulted by policy makers in decisions about their rights. "People with disabilities do not have an adequate voice at the level of designing social policies and are not given yet their rightful place, as participants and decision makers in the elaboration of the strategies for the development of the society, p.5". "In the disability field, lack of cooperation between various governmental bodies can still be noticed, p.2". "The real partnership between the state organizations and the disabled organizations is still insufficiently developed: at decision making level, at the service providing level and in providing orientation towards the necessary support forms and structures, p.5".
Authors of this report have identified a poor commitment to the implementation of social services destined to disabled people due to resources limitation (financial, human, and logistics). Also, due to the fact that no single model of distribution of services for disabled persons exists in Romania, there is a big difference between the services received by people with disabilities in rural areas compared to the wider range of services in urban area.

Because the distribution of income for social services for disabled people is not based on a coherent policy, this process is not transparent. There is a lack of collaboration between the state organizations and the organizations of disabled persons. Frequently in media, disabled people are inadequately described in the sense that their potential for independence is not acknowledged. There are no data about expenditures related to institutional living and independent living. Romania is allocating funds towards development of new non-institutional community care centers for disabled people.

Although Romania has made progress in the area of environment adaptation, there are still many disabled persons that have difficulties in accessing the public space or public services. Lack of funds for buying special equipment for disabled people is a common problem. Most of those working in social services and institutes for people with disabilities have not enough expertise and professional resources to be effective. In the last 10-15 years the entry of young professionals, trained in schools of psychology and pedagogy has begun to make changes in the system of services for people with disabilities (between 1978-1990 psychology, pedagogy and social sciences were prohibited by the communist regime), p.4. "There is no calculated cost per service on a national level, so the governmental allocations for social services assured by local authorities are not transparent, are not based on an elaborated methodology and are not stable. In this situation, when the income of local authorities does not cover the costs, the majority of these authorities have very serious fears to start new services or to subcontract them to the NGOs, p.4". "This situation is possible also because there is no established minimal level of social services which has to be assured to any citizen of the country. In this way, a citizen from a big and developed city has access to many more services than a person from a village, p.4". "They are either not consulted at all or their points of view are not accepted or integrated, or are not informed at all. The individual does not often know his/her rights and interests, an feels lonely and isolated, p.5". "The media often presents disability as being a ‘charity and philanthropic’ matter, and not as topic of observing fundamental human rights, p.5". "We were unable to identify how much money is spent on institutional care compared to community care, p.6". "There is still some investment in new institutions for reforms of the system 2007-2011 (i.e. in the ‘Social Inclusion Program financed by IBRD at €14,400,000) includes setting up 20 protected homes and 16 social assistance centers for disabled adults p.6”.

With regard to the proposed solutions, this report suggests that the key is to put into practice the policies that support the rights of people with disabilities and also to put into practice the commitments of the National Strategy for the Special Protection and Social Integration of Disabled People in Romania (2002).

Also, Romania has to achieve a better absorption of structural funds and on the other hand, Romania must develop strategies to remove the barriers and to facilitate/increase the access of disabled people to the physical, informational and communicational environment."In order to deal with all these challenges, public authorities must focus their measures to ensuring the access of various institutions/bodies/authorities/public or private natural persons to the best
and most efficient absorption possible of structural funds p.6”. "In view of ensuring the access of disabled persons to the physical, informational and communicational environment, the public authorities shall take the following specific measures: promotion and implementation of the “Access for all” concept, in order to prevent the creation of new barriers and the occurrence of new discrimination sources, p.11”. "The buildings in the patrimony and the historical buildings shall be adapted, observing the architectonic characteristics, according to the specific legal provisions, p.11”. "The local and central authorities and institutions shall ensure, for the direct relations with the persons with a hearing or deaf blind handicap, authorized interpreters of the mimic and gesture language or of the specific language of the deaf blind person, p.11”.

A report drafted by Schädler, Rohrmann and Schür regarding housing and family support services shows that in many countries such as Czech Republic, Lithuania, Romania, and partly also in Spain, Italy, and Poland, there is no real system of family support available. In the UN Convention, several articles can be applied to the housing situation of families and to family support. For example, article 19 of the convention mentions the fact that every person will have the opportunity to choose his or her place of living in the community.

According to the "European Disability Forum" (2010) trade unions in some countries (Greece, Luxembourg, Romania, Spain, and Sweden) are often involved in providing advice, support or legal representation to persons, but they seem not to always have expertise in disability. In Romania, an independent trade union of workers in the disability field was created in 2005. Their members are the employees of centers for persons with disabilities, teachers, doctors, social workers, psychologists, non-governmental organizations employees and work inspectors. This organization also has good contacts with other trade unions and the Romanian Council of the national organizations of people with disabilities.

The ANED policy report named "The Implementation of Policies Supporting Independent Living for Disabled People in Europe: Synthesis Report" (2010) focuses on reviewing the policies regarding the implementation of strategies that support independent living for disabled people in 25 European countries. Also, this report reviews if the member states have adopted or not policies which encourage the independent living. It is noted the difference between the "independent living" and "personal assistance" terms.

In this report, the term independent living refers to the fact that disabled people should be able to decide where and how they live, with access to a range of services (including personal assistance) to support their life in the community.

This ANED report reported the fact that the majority of EU member states have policies regarding supporting the independent living of disabled people. Some states (Malta, Greece, Romania, Bulgaria, Latvia, and Lithuania) do not recognize the capacity of disabled people to become independent and continue, favor and prioritize institutional care or family care instead independent life.”In some countries (Malta, Greece, Romania, Bulgaria, Latvia, and Lithuania) a continued reliance on institutional care, and/or relatives and extended family members as "caregivers" of disabled people is not consistent with a commitment towards self-directed support and independent living. Effectively this means that disabled people are not perceived as independent actors, who have the capacity for choice and control over their own affairs, p.14”. "Independent living was identified as being of significant importance to disabled people in many of the country reports reviewed by ANED rapporteurs, p.6". "People with intellectual disabilities (and in some countries, also people with mental health support needs) appear to be over
represented in figures relating to institutional care and there is some evidence to suggest that people are being placed in institutions against their will (Slovakia, Finland, Estonia, Germany, Netherlands, Ireland, Italy, and Romania), p.24. "Countries have taken a number of policy measures towards improving independent living of people with disabilities, p.7".

In sum, this report suggests that current public policies on independent living should be based on the following principles: solidarity, peer support, deinstitutionalization, democracy, and self-determination.

Another negative aspect reveals that policies and national legislation clearly recognize the need for independence of disabled people although some groups of disabled people are excluded from support to live independently (more often people with intellectual disabilities). "However, even in countries where there is strong policy support for independence, choice and control (Germany, Netherlands and Denmark, Ireland, France, Belgium, Italy, and Spain). Some groups of disabled people (notably people with intellectual disabilities) are often subject to measures of legal/mental capacity which have the potential to exclude them from benefiting from support to live independently, p.13".

In improving the development of independent living policy, member states have different strategies. Overall, the role of academics, NGOs, leader organizations, policy makers, professionals and lobbying activities by disabled people stands out. At European level, one of the most important limitations in the implementation support for independent living for disabled people is represented by the limited local resources and bad interpretation of national policy.

Only a few countries have created, piloted and transferred well-established policy commitments to independent living into practice. "Some countries have developed individual pieces of legislation which articulate specific aspects of support for independent living, such as the right to personal assistance (Finland, Sweden, Denmark, Poland, Italy, and Spain) and to personal budgets (Germany, Netherlands, and United Kingdom), p.12". "France and Portugal recognize the importance of increasing accessibility to the built environment and community facilities as a mechanism to improve the quality of life of disabled people and facilitate independent living, p.12". "Most states have, to some extent, acknowledged that disabled people have the potential for self-determination, as evidenced by policy statements and guidance materials. For about half of these (Sweden, Slovakia, Norway, United Kingdom, and Iceland), it appears that access to services and support for independent living is not restricted (at least in theory) to any particular impairment groups, p.13")

In most states, disabled people themselves do not manage personal assistance services. Personal assistance is allocated as a service. This service is given by the state and the disabled people cannot decide. "For seven countries, disabled people receive personal assistance as a service, in terms of an allocation of hours, rather than as a budget, or a cash payment (Portugal, Italy, Norway, Estonia, Romania, Ireland, and Bulgaria, p.33". Overall, these findings indicate there are important differences among member states regarding the implementation of principle of independent living ("There is no unique model of development when it comes to ideas relating to independent living. For some countries, the development of policy initiatives has largely been led by policy makers, professionals, academics and NGOs (for disabled people, as opposed to user led organizations (ULO's). For others, this process has been informed by effective consultation with disabled people and the involvement of ULO's in the development of strategy, particularly in terms of personal assistance, p.14").
Regarding the situation in Romania, the report points out that although in the Romanian legislation the independent living principle can be found, any support for independent living is not provided. The authors of Czech Republic, Malta, Greece, Romania, Portugal, and Iceland country reports mentioned that a lot of work is still needed to make progress in improving ideas relating to independent living. "In Romania, for example, the legislation that is possibly relevant to independent living does not provide any support for independent living p.13". "For four countries (Czech Republic, Malta, Greece, Romania, Portugal and Iceland), the development of ideas relating to independent living is considered by authors of those country reports to not be well developed and it is acknowledged that more work needs to be done to resolve this, p.15".

Overall, these findings suggest that Romania has to promote decent living conditions for people with disabilities by providing quality community-based services. In Romania, the first alternative for disabled is putting them in institutions. The second alternative is family care.

One of the report hypothesis is that the lack of collection and monitoring of relevant updated databases regarding disabled people contribute to the perpetuation of ineffective interventions and block the exchange of good practice models. "First of all, it is important to highlight that many country report authors found it very difficult to collect and present meaningful evidence relating to this topic. For some, data were simply not available in any form. For others, the available data were incomplete, p.18".

The importance of databases regarding disability is that the statistics help us know the size of a phenomenon and also help us build strategies and allow review of progress. This need is underlined by article 31 of the UN Convention on the Rights of Persons with Disabilities, who requires States to collect data ‘to enable them to formulate and implement policies to give effect to the present Convention’.

From our point of view, in Romania, the indicators associated with disabled people inclusion does not appear in refined statistics, probably because statistics predominantly give attention to the type and degree of impairments and less to the factors related to educational participation, type of education (mainstream/special education) and employment.

Insufficient disability specific statistics and data is also one of the conclusions of the "Study on Challenges and Good Practices in the Implementation the UN Convention on the Rights of Persons with Disabilities" carried out by the European Foundation Centre (2008). So, this report could not identify adequate information within the Member States of the EU regarding practices related to the collection of statistics and data based on a social model of disability and being disaggregated, as appropriate, to support policy development and the monitoring of policy implementation.

At the EU level maximizing the involvement of disabled people’s organizations in the planning, delivery and monitoring of policies and practice is recommended for supporting independent living. "Even in the minority of countries identified as having direct payments schemes in place (i.e. cash payments paid directly to disabled people to allow them to choose and manage their own care) ‘the goal of enabling people with disabilities to choose the care arrangement that best suits their needs’ remained ‘far from accomplished p.7”.

Another negative aspect refers to the fact that there are major obstacles to find significant conclusions about expenditures related to institutional living and independent living among EU member states. Summarizing, the overall recommendation for member states is to put into practice the existing policies/strategies regarding the independent living for disabled.
Another ANED report bearing the title "Inclusive Education for Young Disabled People in Europe: Trends, Issues and Challenges" (2011) disseminates the current problems that contribute to low participation in the labor market in relation to the education level of disabled students and aims to identify and disseminate policies regarding the good practice models in inclusive education.

This report covers the following sections: a brief overview of the education system followed by chapters describing the legal policies and policies in education, focusing on disabled students, statistics and indicators of school participation, pedagogical issues, and assistive equipment for educational purposes, curriculum, organization of education systems and policies that pay little attention to the transition between different education levels.

The concepts of integration and inclusion are central ideas in this study and special attention is paid to barriers and inclusion and equity issues in education. This report also describes the new strategy and policy development for children with disabilities.

Related to the principle of independent living, the findings of this international study suggest that although efforts have been made in ensuring access for disabled students, many of them drop out of school because both the physical environment and educational process is not suited to their special needs. "The shift from educational support needs, towards disability access means that upper secondary schools, training centers or universities have to make adaptations that are necessary for the student to overcome identified barriers (for example, adapted examinations". "This shift begins to challenge inequality in education, as for instance when the student’s career choice is diminished because of inaccessible buildings, lack of adapted transportation systems or other barriers created by the built environment as reported from several countries, p.34". In conclusion, this study underscores the importance of improving and ensuring both environmental and communicative accessibility for disabled students.

ANED international policy report "European Comparative Data on the Situation of Disabled People: An Annotated Review" focuses on exploring the congruence of surveys and databases regarding the disability field in EU. The authors based their selections of data on the indicators mentioned in the following policies/strategies documents: UN Convention on the Rights of People with Disabilities, EU Action Plan to Promote the rights and full participation of people with disabilities in society; improving the quality of life of people with disabilities in Europe 2006-2015, and WHO International Classification of Functioning, Disability and Health.

Regarding the issues of independent living for disabled persons, the conclusion of this study is there is a lack of data in the field of information, communication, cultural and political participation for disabled people. "There is hardly any EU-comparative statistical data readily available in the fields of mobility, information and communication, political participation and cultural participation, p.37".

2.3.7. External critical evaluations of the Romanian situation – disabled persons living conditions

Another relevant study on the topic of independent living is the policy report "European Comparative Data on Europa 2020 & Housing Conditions" (2013). This document focuses on quantitative data, comparative statistics and indicators in UE regarding Europa 2020 strategy such as employment, unemployment, activity rate, early leavers from education/training, participation in education, and indicators concerning the housing conditions.
An important theme of this report focuses on disabled people’s satisfaction with dwelling and also draws attention to the barriers that make health services, schooling, public transport and in general, accessibility less or more inaccessible for this group of people. Therefore, this report warns the EU members state about the need and the importance of adapting the social infrastructure, promoting working conditions and educational opportunities for disabled people.

The mainly negative findings at the level of EU member states are

- The high level of dropout may be the consequence of the fact that poor accessibility to public life, services and assistive devices exists for disabled children/youth. “These high rates of early school leavers among young disabled might indicate problems related to accessibility and absence of adapted problems. Physical and architectural barriers might be important obstacles but also methods and instruments which do not meet the abilities of young disabled, p.67”.

- At the European level, although there are differences between countries as regards the disabled people’s satisfaction with dwelling (overall household conditions). The disabled people’s satisfaction is lower compared to the satisfaction rate for non-disabled people. The degree of impairment increases the overall household dissatisfaction (“At the EU level, 79% of persons with severe disabilities declare to be satisfied with dwelling, compared to 82% for persons with moderate disabilities and 85% of persons without disabilities.”It reveals a structural disadvantage, which cannot be eradicated by the existing policies. There are important differences across countries, p.149”.

- A high percentage of severe disabled people are facing difficulties to access grocery, postal services, public transport, banking services, and health services. “Disability increases significantly difficulty to access grocery services. About 20% of persons with severe disabilities declare to face difficulties to access grocery services. This percentage is only 8% for persons without disabilities. It is important to note that this is an average rate for all persons with severe disabilities and that some persons with severe disabilities might not have mobility problems, p.166”.

- In the majority of countries, disabled women face more household (grocery, banking services, postal services, and public transport, and health services) difficulties compared to disabled men: “Women with severe disabilities face more difficulties compared to men with severe disabilities in the majority of Member States. At the EU level, 29% of women with severe disabilities declare difficulties in accessing public transport compared to 26% of men with severe disabilities, p.221”.

- In the majority of countries disabled elderly face more household (grocery, banking services, postal services, public transport, and health services) difficulties compared to young disabled persons.”Our estimation indicates that 44% of the persons aged 65 and over with severe mobility problems experience difficulties in accessing grocery services. This rate is 34% for all persons aged 16 and over, p.172”.

- The severe impairments increase the household (grocery, banking services, postal services, and public transport, or health services) difficulties among disabled people. “About 28% of persons with severe disabilities face difficulties compared to 17% of persons without disabilities. The average rate of persons with disabilities does not take into account the type of disability. Certain types might present a much higher rate. The degree of disability increases the difference between disabled and non-disabled, p.185”.

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The particularity of the impairment increases disabled people’s difficulties regarding the public transport. There are also important gaps between countries as regards housing conditions. "Difficulties in accessing public transport increase with age. There is an important difference between young persons with a severe disability 24% and elderly persons with a severe disability 36%. This might be due primarily to mobility barriers, p.205". "About 28% of persons with severe disabilities face difficulties to access public transport compared to 18% of persons without disabilities, p. 219". "Difficulties in accessing public transport increase with age. About 31% of elderly people with severe disabilities face difficulties compared to 24% of younger persons with severe disabilities, p. 222". "Persons with specific types of disability experience a much higher number of difficulties to access public transport and this rate is much higher than the average for all persons with disabilities. The degree of disability increases the difference between disabled and non-disabled persons, p.225".

- In the European Union, the prevalence of disabled people living in households with low work intensity is higher compared to the rate of nondisabled people. One can observe significant differences across the member states and contrary to the expectations, highest rates are recorded not only in the poor countries. "At the EU level, 24.5% of persons with disabilities live in households with a low work intensity (<20) compared to 7.8% of persons without disabilities. This represents a difference of about 17 percentage points, p.94". "The percentage of persons with disabilities living in households with low work intensity (<20) varies from 15% to 35% in the Member States. The highest rates are not found in the poorest Member States but also in countries like UK, Belgium and Denmark, p.94".

- The higher rates of households with low work intensity are among severe disabled people. "At the EU level, the percentage of severely disabled people in households with low work intensity (WI<20) amounts to 39.5% compared to 7.8% of people without disabilities. When one considers the recipients of disability benefits, this percentage is 43.5%, p.97";

- Disabled people register higher risk of poverty compared to general population. "The data reveal that people with a disability face higher risk of poverty compared to people without disabilities. In numbers, at the EU level, this was in 2010, 19.1% (19.9% in 2009) of persons with disabilities and 14.7% (14.3% in 2009) of persons without disabilities, p.107".

- A high number of disabled women are at risk of poverty compare to women without disabilities. "The situation of women is slightly worse compared to men for both disabled and non-disabled women. But there are significant differences across countries. About 20% of women with disabilities live in households at risk of financial poverty compared to 16% of women without disabilities. The respective percentages for men are 19% and 14%, p.109".

- The severe disabled people register the highest risk of poverty (At the EU level, in the age group 16 to 64, about 27% of persons with severe disabilities are at risk of financial poverty compared to 19% of persons with moderate disabilities and 15% of persons without disabilities. The respective percentages for elderly people aged 65 and over are 18% (severe), 17% (moderate) and 15% (no disability), p.112";

- Disabled people register a higher rate of severe poverty compare to non-disabled people. There are clearly many differences across countries regarding the rate of severe poverty among disable.
On one hand, the main negative aspect regarding Romania is that the data about living conditions indicators are almost non-existent, so it is impossible to have a clear view and to compare Romanian data to data from other countries. On the other hand, it highlights the lack of conditions for independent living "As regards housing conditions, the Romanian data are not comparable to data from other countries, p.209".

In this respect, first, Romania has to make progress toward development of databases about various indicators regarding disable people. Second, the improvement/development of right accessibility and assistive devices for disabled people will increase their social/economic/cultural participation in community and also the dropout phenomenon can be overcome by ensuring accessibility and reducing environmental and communicational barriers.

With regard to independent living principle, the ANED report named "European Comparative Data on Europa 2020 & People with Disabilities (2013)" presents statistics based on EU-SILC 2011 concerning indicators like education, employment, unemployment, activity rate, poverty and social protection among disabled people for a better monitoring of their updating. The importance of collecting data is highlighted in the Europa 2020 strategy and also in the Convention on the Rights of Persons with Disabilities.

One of the report hypothesis is there are important differences among EU member states regarding the rate of disabled people living in institutions. Another negative aspect reveals that poverty is a field where disabled people record higher levels compared to the general population. At the EU level, the disabled women record a higher risk rate of poverty compared to women without disabilities and all over Europe, the severe disabled people are more exposed to poverty than the rest of the population.

Also, it should be noted that in the European Union, in 2010-2011 the risk of poverty increased among disabled people. About 12% of disabled people are severely materially deprived compared to 7% of nondisabled population. There are two important variables regarding the prevalence of severe poverty among disabled persons: the first is gender variable (the poverty is almost double among disabled women compare to women without disabilities, second, the severity of the impairment increases the incidence of severe poverty among disabled people. "About 6% to 7% of all persons aged 65 and over live in institutions. This rate varies sharply between countries. It is low in Austria, Spain and France but very high in the Netherlands, Finland and Sweden, p.20"; "The data reveal that people with a disability face a higher risk of poverty compared to people without disabilities. In numbers, at the EU level, this was in 2011, 19% of persons with disabilities compared to 15% of persons without disabilities, p.142". "At the EU level, about 20% of women with disabilities live in households at risk of financial poverty compared to 16% of women without disabilities, p.145". "At the EU level, 22% of persons with severe disabilities live in households at risk of financial poverty, compared to 18% of persons with moderate disabilities and 15% among persons without disabilities, p.149". "Comparing the situation between 2010 and 2011, one can observe a deterioration of the situation of people with disabilities at the EU level of 0.5% (showing the increase of poverty), p.150". "In 2011, about 12% of people with disabilities were living in households which were severely materially deprived compared to 7% of people without disabilities, p.165". "In the EU, 13% of women with disabilities live in households that are severely materially deprived compared to 7% of women without disabilities. The respective percentages for men are 11% and 7%, p.166". "The degree of disability increases significantly the percentage of persons living in households, who are in severe material
deprivation. About 15% of persons with a severe disability face severe material deprivation. This percentage is 11% for persons with a moderate disability and 7% for persons without disabilities, p.169”.

"The National Strategy for the Protection, Integration and Social Inclusion of Disabled People 2006-2013" (2005) has included an implicit inclusive approach: “the choice”. Therefore, according to this principle, the disabled person has the ability to make decisions regarding his life, to manage personal finances and to choose the services he needs.

According to the statistics of the National Authority for Disabled Persons, in Romania, up to the 20% of all public buildings are adapted to the needs of people with disability, which causes a very poor participation in society. Currently, except for a very small number of sign language interpreters, Braille printing technology and audio recording techniques, there are no services and technologies to ensure the access to information and communication for people with sensory disabilities (hearing and visual).

Also, the "National Strategy for the Protection, Integration and Social Inclusion of Disabled People 2006-2013" (2005), set some priorities for future developments in the field of accessibility and discrimination:

a) promoting full participation of disabled people in the community leads to improvement of their individual autonomy so that they can take control over their lives;

b) eliminating the forms of discrimination against persons with disabilities is imperative, paying special attention to groups such as women with disabilities, people with a high degree of dependency, disabled minority ethnic groups, but not only to them;

c) improving the quality of life of people with disabilities is a consequence of measures based on a multidisciplinary assessment, conducted according to the individual needs of persons with disabilities, taking into account their preferences and specific circumstances;

d) facilitating access for people with disabilities to new information technologies and improve communication created prerequisites for participation, better access to work, in educational institutions, culture and entertainment and public transport and it is particularly important for asserting disabled persons in community’s life.

In conclusion, to all the previous surveys concerning the EU accessibility presented before, the research report named "Study on Challenges and Good Practices in the Implementation the UN Convention on the Rights of Persons with Disabilities" (2008) argues that "even if the Member States have included in their national laws the principle of accessibility, this is not enough to guarantee enforcement of these laws and effective implementation of the UN CRPD accessibility requirements”.

All over Europe, people with disabilities are a group particularly vulnerable to social exclusion processes. Results from this preliminary policy study provide further evidence of the negative effect of discrimination on social inclusion of disabled people.

These findings also suggest that accommodation and accessibility are important variables regarding the disabled persons’ capacity for adaptation that appears particularly relevant to chances for employment, educational participation and community inclusion. Results show significant differences across countries in anti-discrimination and accessibility policy measures and also the impact of these measures over their community and labor market participation is highlighted.
Overall, in most EU member states, including Romania, the lack of funds and human resources are the major obstacles to the full inclusion in community of disabled people. With all reform measures adopted at national level, Romania still has much to do in implementing the ministerial strategies regarding the inclusion of disabled persons.

On one hand, these findings suggest that the overall living conditions of the built environment are relevant to social inclusion (employment, education, community participation, access to services) for persons with disabilities. On the other hand, social inclusion and independence remain closely associated first with education and later in life with paid employment.

2.4. Employment of people with disabilities – a major challenge in a time of crisis

As several contemporary studies show (Scott, Mete, 2008), both in developed and developing countries, working age persons with disabilities experience significantly lower employment rates and much higher unemployment rates than persons without disabilities. Lower rates of labor market participation are one of the important pathways through which disability may lead to poverty.

In Article 27 the United Nations Convention on the Rights of Persons with Disabilities (CRPD) “recognizes the right of persons with disabilities to work, on an equal basis with others; this includes the opportunity to gain a living by work freely chosen or accepted in a labor market and work environment that is open, inclusive and accessible to persons with disabilities” (United Nations, 2006).

Furthermore, the CRPD prohibits all forms of employment discrimination, promotes access to vocational training, promotes opportunities for self-employment, and calls for reasonable accommodation in the workplace, among other provisions. A number of factors impact the labor market outcomes for persons with disabilities, including productivity differentials, labor market imperfections related to discrimination and prejudice, and disincentives created by disability benefit systems. To address labor market imperfections and encourage the employment of people with disabilities, many countries have laws prohibiting discrimination on the basis of disability. Enforcing antidiscrimination laws is expected to improve access to the formal economy and have wider social benefits. Many countries also have specific measures, for example quotas, aiming to increase employment opportunities for people with disabilities (Quinn, Degener, 2002). Vocational rehabilitation and employment services – job training, counseling, job search assistance, and placement – can develop or restore the capabilities of people with disabilities to compete in the labor market and facilitate their inclusion in the labor market.

Labor market theory suggests, for reasons of both supply and demand, that the employment rate of people with disabilities will be lower than that of people without disabilities. On the supply side, people with disabilities will experience a higher cost of working, because more effort may be required to reach the workplace and to perform the work, and in countries with more generous disability allowances, employment may result in a loss of benefits and health care coverage, their value being greater than the wages that could be earned (Stapleton, Livermore, Scrivner, Tucker, 1997). Thus, the “reservation wage” of a person with disability – the lowest wage a person is willing to work for – is likely to be higher than that of a person without a disability. The resulting “benefit trap” is a source of concern in many high-income countries (Kemp, Sundén, Bakker, Taunitz, 2006).

On the demand side, a health condition may make a person less productive, especially if the workplace environment does not accommodate people with disabilities. In such circumstances, the person would be expected to be offered a lower market wage. The effects of a disability on productivity are hard to calculate, because they depend on the nature of impairment, the working environment, and the tasks required in the job.
People with disabilities are disadvantaged in the labor market. For example, their lack of access to education and training or to financial resources may be responsible for their exclusion from the labor market – but it could also be the nature of the workplace or employers’ perceptions of disability and disabled people. Social protection systems may create incentives for people with disabilities to exit employment onto disability benefits (Organization for Economic Co-operation and Development, 2010).

People with disabilities experience environmental obstacles that make physical access to employment difficult. Some may not be able to afford the daily travel costs to and from work. There may also be physical barriers to job interviews, to the actual work setting, and to attending social events with fellow employees. Access to information can be a further barrier for people with visual impairments (Policy recommendations, Measuring Health and Disability in Europe, 2008). Misconceptions about the ability of people with disabilities to perform jobs are an important reason both for their continued unemployment and – if employed – for their exclusion from opportunities for promotion in their careers. Such attitudes may stem from prejudice or from the belief that people with disabilities are less productive than their non-disabled counterparts. In particular, there may be ignorance or prejudice about mental health difficulties and about adjustments to work arrangements that can facilitate employment. Misconceptions are often prevalent not only among non-disabled employers but also among family members and disabled people themselves (World Bank, 2009). Some people with disabilities have low self-expectations about their ability to be employed and may not even try to find employment. The social isolation of people with disabilities restricts their access to social networks, especially of friends and family members, which could help in finding employment.

Also, long-term disability benefits can provide disincentives for people to seek employment and return to work (Organization for Economic Co-operation and Development, 2010). This is especially the case for those who are less skilled or whose jobs, if they were seeking them, would be lower paying. One reason is that the benefit provides a regular income – even though small – that the person can rely on. Loss of this regular payment and reliance on menial, low-paid work may result in no regular income and little sense of security.

However, social assistance benefits can also have positive effects on employment for people with disabilities. Returning to work after disability may involve a period of unemployment and income insecurity. Social assistance programs therefore need to consider this when planning the transitional phases away from and back onto benefits. Such transitions should be factored into the benefit programs so that people feel an incentive to work, while at the same time being secure in the knowledge that a benefit is still available should they not succeed (Mont, 2004).

The growth in disability benefit costs and the low employment rates for people with disabilities are concerns for policy-makers in developing countries. In OECD countries there has been substantial growth in disability beneficiary rates over the past decade, which now represents around 6% of working age population (Jütting, Laiglesia, 2009). Disability benefits have become a benefit of last resort because unemployment benefits are harder to access, early retirement schemes have been phased out, and low-skilled workers face labor market disadvantages. Spending on disability benefits is an increasing burden on public finances, rising to as much as 4–5% of GDP in countries such as the Netherlands, Norway, and Sweden. People with mental health difficulties make up the majority of claims in most countries. People almost never leave disability benefits for a job (Organization for Economic Co-operation and Development, 2010).

System reform to replace passive benefits with active labor market programs can make a difference. Evidence from Hungary, Italy, the Netherlands, and Poland suggests that tighter obligations for employers to provide occupational health services and to support reintegration, together with stronger work incentives for workers and better employment supports can help disability beneficiaries into work (Organization for Economic Co-operation and Development, 2010).
The work disincentives of benefit programs, together with the common perception that disability is necessarily an obstacle to work, can be significant social problems (Organization for Economic Co-Operation and Development, 2003). Therefore, the status of disability should be independent of the work and income situation. Disability should be recognized as a health condition, interacting with contextual factors, and should be distinct from eligibility for and receipt of benefits, just as it should not automatically be treated as an obstacle to work. Assessment should focus on the capacity for work, not disability. Guidance for doctors should emphasize the value and possibility of work and keep sickness absence as short as possible (Organization for Economic Co-operation and Development, 2010). To ensure that social protection for people with disabilities does not operate as a disincentive to seeking employment, one policy option is to separate the income support element from the element to compensate for the extra costs incurred by people with disabilities. Other preferred options could be temporary entitlements plus cost of disability components irrespective of work status, more flexible in-work payments, and options for putting benefits on hold while trying work. Time-limited disability benefits may be another way to increase employment for disabled people, with particular importance for younger people. Germany, the Netherlands, and Norway recently adopted such programs to encourage the return to work (Mitra, 2009). These schemes accept the fact that some people have severe disabilities that will last for a longer period, but recognize that, with intervention, returning to work is possible. The limited duration of the benefit is in itself an incentive for people to return to work by the time benefits end. Another priority is making sure it pays to be in work. The United Kingdom has recently been experimenting with ways outside the traditional disability benefit system to encourage people with disabilities to work (Corden, 2005). A Working Tax Credit is paid to a range of lower income employed and self-employed people, administered by the taxation authorities. A person qualifies for the disability element of the Working Tax Credit if he or she works at least 16 hours a week, has a disability that puts them at a disadvantage of finding a job, or receives a qualifying benefit such as the long-term disability pension. The credit, introduced in April 2003, has proved complex to administer. However, an early evaluation suggests that it encourages people to enter work and reduces previous disincentives for young people to seek work (Mulheirn, Pisani, 2006).

2.4.1. European concerns and policies focused on increasing employment of disabled persons

In terms of European policy, one of the most important strategic document in force is European Disability Strategy 2010-2020 (European Commission, 2010). It states that “One in six people in the European Union (EU) has a disability that ranges from mild to severe making around 80 million who are often prevented from taking part fully in society and the economy because of environmental and attitudinal barriers, (p.3)”. The EU and its Member States have a strong mandate to improve the social and economic situation of people with disabilities. This Strategy identifies actions at EU level to supplement national ones, and it determines the mechanisms needed to implement the UN Convention at EU level, including inside the EU institutions.

Full economic and social participation of people with disabilities is essential if the EU's Europa 2020 strategy is to succeed in creating smart, sustainable and inclusive growth. The overall aim of this Strategy is to empower people with disabilities so that they can enjoy their full rights, and benefit fully from participating in society and in the European economy, notably through the Single market. The rate of employment for people with disabilities is only around 50%. To achieve the EU’s growth targets, more people with disabilities need to be in paid employment on the open labor market.

EU action will support and supplement national efforts to:
• analyze the labor market situation of people with disabilities;
• fight those disability benefit cultures and traps that discourage them from entering the labor market;
• help their integration in the labor market making use of the European Social Fund (ESF);
• develop active labor market policies; make work places more accessible;
• develop services for job placement, support structures and on-the-job training;
• promote the use of the General Block Exemption Regulation which allows the granting of state aid without prior notification to the Commission.

The EU market for assistive devices (with an estimated annual value of over € 30 billion) is still fragmented, and the devices are expensive. Policy and regulatory frameworks do not reflect the needs of people with disabilities adequately, neither do product nor service development. Many goods and services, as well as much of the built environment, are still not accessible enough.

There are still major barriers in all areas. For example, on average in the EU-27, only 5% of public websites comply fully with web accessibility standards, though more are partially accessible. Many television broadcasters still provide few subtitled and audio-described programs.

The Commission proposes to use legislative and other instruments, such as standardization, to optimize the accessibility of the built environment, transport and ICT in line with the Digital Agenda and Innovation Union flagships (p.5). EU action will support and supplement national activities for implementing accessibility and removing existing barriers, and improving the availability and choice of assistive technologies.

The Strategy wants to
• Promote the transition from institutional to community-based care by using Structural Funds and the Rural Development Fund to support the development of community-based services and raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people (p.6).
• Improve the accessibility of sports, leisure, cultural and recreational organizations, activities, events, venues, goods and services including audiovisual ones; promote participation in sports events and the organization of disability-specific ones; explore ways of facilitating the use of sign language and Braille in dealing with the EU institutions; address accessibility to voting in order to facilitate the exercise of EU citizens’ electoral, (p.6)

Over half of all Europeans consider discrimination on grounds of disability or age to be widespread in the EU. That is why EU action will support and supplement national policies and programs to promote equality, for instance by promoting the conformity of Member State legislations on legal capacity with the UN Convention, (p.7).

The Commission will support and supplement national public awareness campaigns on the capabilities and contributions of people with disabilities and promote exchange of good practices, (p.9). It will also optimize the use of EU funding instruments for accessibility and non-discrimination and increase visibility of disability-relevant funding possibilities in post-2013 programs, (p.10).

How things are going in fact in Europe, mainly about the real situation of people with disabilities in connection with their limited access on the open labor market was found in a Report from 2013 of Academic Network of European Disability Experts (ANED) (Grammenos, 2013).

They are reporting that, at the European level, about 47% of persons with disabilities are employed compared to 72% of persons without disabilities (p.28). Also 13% of persons with disabilities work part-time and 34% work full-time. The respective rates for persons without disabilities are 13% and 58%.
Furthermore, the importance of part-time work increases with the degree of disability. Among all employed persons with a severe limitation, about 32% hold a part-time job. This share is 27% among employed disabled persons with a moderate disability and 19% among employed persons without disability (p.35). An important factor affecting the employment rate is the degree of disability. At the EU level, the employment rate of severely disabled people is 28%, for persons with a moderate disability it is 55% and for non-disabled, it is 72% (p.32).

Accommodations provided by employers, concerning working hours, might be a strong incentive to push persons with severe disabilities to enter the labor force and search for part-time jobs. A policy of flexible working hours coupled with a social security system ensuring persons with disabilities that they will not lose their rights, if they are not successful, might make part-time jobs accessible and attractive. This might avoid a process of long-term economic inactivity with the ensuing risks of marginalization. This policy might be completed with the provision of technical aids and work adaptations (p.37).

In a certain number of countries, the difference between people with and without disabilities concerning the unemployment is relatively small (notably in Romania, Cyprus, and the Netherlands) while in others it is very important (notably in Belgium and Croatia), (p.50). At the EU level, 57% of persons with disabilities participate on the labor market compared to 80% of persons without disabilities.

The activity rate is particularly low in Malta (36.5%), Croatia (38.6%) and Romania (40.3%). On the contrary, it is relatively high in Luxembourg (62.6%), Sweden (68.4%) and Germany (69.7%) (p.68).

"At the EU level, the activity rate of women with disabilities is 52.4% and of women without disabilities is 72.7%. The respective rates for men are 61.8% and 87.7%. The lowest activity rate of women with disabilities can be found in Malta (18.9%), Romania (33.7%) and Croatia (35.8%) (p.68)".

Persons with a severe disability and persons without disabilities do not share similar behaviors concerning participation in the labor force. They react differently to the same (national) environment and policies. This means that general policies might not reach persons with severe disabilities even after some kind of adaptation.

About 6% to 7% of all persons aged 65 and over live in institutions. This rate varies sharply between countries. It is low in Austria, Spain and France but very high in the Netherlands, Finland and Sweden (p.20). The data reveal that people with a disability face a higher risk of poverty compared to people without disabilities. At the EU level, about 20% of women with disabilities live in households at risk of financial poverty compared to 16% of women without disabilities (p.145). Also, 22% of persons with severe disabilities live in households at risk of financial poverty, compared to 18% of persons with moderate disabilities and 15% among persons without disabilities (p.149). Comparing the situation between 2010 and 2011, one can observe a deterioration of the situation of people with disabilities at the EU level of 0.5% (showing an increase of poverty). In 2011, about 12% of people with disabilities were living in households, which were severely materially deprived compared to 7% of people without disabilities (p.165). Thirteen percent of women with disabilities live in households, which are severely materially deprived compared to 7% of women without disabilities. The respective percentages for men are 11% and 7% (p.166).

The degree of disability increases significantly the percentage of persons living in households, which are in severe material deprivation. About 15% of persons with a severe disability face severe material deprivation. This percentage is 11% for persons with a moderate disability and 7% for persons without disabilities (p.169).

In fact, poverty is not only about lack of economic means but also about social exclusion and lack of political power. Exclusion leads to lack of resources, low expectations, predisposition to
- Disability population is 2 up to 3 times less employed and has less than 50% chances to reach third level education than the general population;
- The more severe is the disability the lower is the participation on the labor market and the revenues of the employed disabled are lower than those of the other persons; only 38% of deficient persons aged 16-34 years have labor revenues compared to 68% of the other persons (253).

2.4.2. Romanian strategy and policies in the European labor integration of the disabled framework

There are also strategic documents on the European model. In 2008, he National Strategic Report on Social Protection and Social Inclusion (Romanian Ministry of Labor, Family and Social Protection, 2008) stated that in 2007, following the National Employment Program, 506,804 persons were employed from 1,083,491 unemployed persons (from the register of ANOFM – National Agency for Employment of Labor Force). From those 506,804 people, 44,481 belonged to groups with harder access on the labor market:
- 27,127 Long time unemployed;
- 15,987 Roma people;
- 1,072 People with handicap;
- 198 Youngsters that left child protection system;
- 33 Persons who were released from prisons;
- 57 Foreign citizens;
- 3 People coming back from abroad, 4 Refugees (p.12).

Also, through national programs of 12,654,000 RON, 2 old type residential institutions were restructured, 31 new centers for neuromotor recuperation were created, 300 adults with disabilities were trained for being professionally integrated, and new services for home care were developed.

Between 2005 and 2007, the project PHARE 2003/2005 551.01.04 took place. It supported the reform of the system of protection for people with disabilities. The total value of the financing scheme was over 21 million Euro (21,355,195.74) and Romanian co-financing of over 4 million Euro (4 079 093). Through this, at the end of 2005 36 financing contracts having as beneficiaries 20 county councils and local council of 3rd district of Bucharest were signed. There were created 78 new services (protected living – 45, centers for integration and labor therapy – 5, centers for nursing and assistance – 13, centers for recovery and neuropsychic rehabilitation – 10, day-centers – 4, respite centers – 1).

By adopting The National Strategy for protection, integration and social inclusion for disabled persons 2006-2013 “Equal chances for disabled persons – toward a non-discriminatory society” the government stated as objective to promote the social integration of disabled persons as active citizens able to control their life. The specific objectives were the next: giving support for the families with disabled members and raising the employment rate of disabled persons on the labor market. By implementing the new legislation for special protection of disabled persons, which encourages the employment of this category, in 2007 were created many authorized protected units (a raise from 48 units in 2006 to 150 units at the end of 2007). The number of employed people rose from 16225 in 2006 to 21906 in 2007 even for those with major or medium disability. Developing social economy will lead to the raise of the integration/reintegration level on the labor market of the disadvantaged people (pp. 17-18).

For the next period, Romania will concentrate its efforts mainly on active inclusion on the labor market for people with disabilities through developing the instruments needed for evaluating
vocational abilities of disabled persons and developing the social services able for facilitating the insertion on the labor market of those who didn’t lose the whole labor capacity and who wish to work. The accent will fall on the change from a medical perspective to a social perspective based on principles generally accepted like participation, dignity, accessibility, and quality. Therefore, new practical approaches are needed in the field of training and professional rehabilitation of disabled persons. The creation of assisted labor workshops will contribute directly to the employment of disabled persons seeking a job and also to increasing the competences of professionals working in the field. Also, it should be mentioned that the labor workshops will follow the “employment with salaries” model instead of the “therapeutic model” and they will give real opportunities for transition for helping people to prepare and to enter the real labor market. Thus, new social services integrated with occupational services, which are very now few or even inexistent in Romania, will be developed.

As about the responsibility of developing the system of social services for disabled persons, this task belongs to the National Authority for Disabled Persons. The rate of the people with disabilities (adults and children) in 2006 was 2.25% of the population of Romania (488,054 people from which 261,449 women), having a small raise in 2007 – 2.63% (567,542 people from which 308,812 women).

The National Authority for Disabled Persons created an evaluation instrument called ROM-CAT, used to identify and analyze the needs of social services adapted to the needs of the clients. Also it represents a starting point for making the Individual Plan for Rehabilitation. The instrument also contains a module for evaluation of the professional potential and that of the potential of reintegration services, which will lead to offering the ensemble of training and integration services. The section for vocational evaluation of the ROM-CAT instruments offers a basic orientation regarding the professional potential and the capacity of carrying an activity. ROM-CAT is also a complex instrument, which covers different aspects of the personal profile. This is necessary because the majority of beneficiaries have complex needs, which require different service types. Based on this complex evaluation of needs, the service providers can offer to the client access to a continuum of complete community services, which starts with early intervention up to supporting and solving the case through a multi-disciplinary approach which needs a real partnership between different providers.

The importance of the individualized service plan is very clearly ruled by the legislation and the ROM-CAT instrument supports this plan by furnishing the exact information regarding the social needs of disabled persons so that to insure the most adequate services. Based on the socio-psycho-medical evaluations, the disabled person has the right to a personal assistant who has to observe the implementation of the individualized service plan recommended to the disabled person. In the case when an adult with major or medium disability has no place to live and doesn’t have revenues at the level of average salaries in the economy, he could benefit of care and protection from a professional personal assistant. The services offered by a professional social assistant should correspond to the minimally required quality standards (pp. 62-63).

2.4.3. Critical situation and field practices in Romania – as shown by the research data

How things are really going on in Romania, one could find out from a Report of Romania Academic Society, which drafted an interesting research published in 2009. The quantitative part of the research on which the report was based consisted of a questionnaire survey done in 2009 with a sample of disabled persons, representative at national level on all types and grades of disability, with an error rate of +/- 3%. The national sample was made of 1555 subjects not in institutions, 18-55 years old, almost equally distributed between rural/small urban/urban. The qualitative research consisted of in depth interviews and focus groups with stakeholders. There were 40 semi-structured interviews with representatives of County Directions of social Assistance and Child Protection, County Agencies for Employment and local NGOs that implemented
projects for integration of people with disabilities, employers and different experts. The focus groups were intended to identify the common problems and barriers for work integrations of people with disabilities. There were focus groups with local authorities and disabled persons employed or seeking a job, protected work unit representatives, and NGOs delivering services for people with disabilities. (pp. 18-19).

Official data from Romanian National Agency for Disabled Persons (ANPH, 2009) for 2008 show that the number of employed disabled persons was 12% from the total number of disabled adults 18-60 years old in family care, invalidity pensioners being excluded. Also, the same agency shows a significant raise in latest years of the employed people with disabilities (2003 – 9600 employed while in 2009 the number raised to 27200). As about the education of people with disabilities that have a job, according to the same agency, one may observe a high proportion of those who have high school education (31%) and university education (21%). Third and fourth places are for those with secondary education (23%) and vocational education (16%). The most frequent occupations are unskilled worker (8.79%) and skilled worker (8.32%), nurse (4.57%), and teacher (4.26%). (pp. 22).

On the national sample included in the study, the unemployment rate for disabled persons is in Romania 12.7%, those being the persons looking for a job. Only 2% of the respondents are registered in the databases of AJOFM (County Agency for Labor Force Employment). From the general population, the unemployment rate (International Bureau of Work) was 6.9% (2009), and the inactivity rate for disability people was 85% from the unemployed group (INSSE, Statistic Research on Labor Force in Households - AMIGO – TEMPO). The principal reason for inactivity is linked to the health conditions, but there are some factors mentioned by respondents that stop them being active on the labor market. Therefore, 8% of the respondents are inactive because some other factors (transport difficulties because of access barriers – 5%, or because negative feelings about opportunities on the labor market – 3%; they are discouraged because of previous experiences, or they believe that there are no vacant positions for them, or they don’t know where to seek, or the salary is not satisfactory). (pp. 23)

The collected data show a percentage of 87.3% of the Romanian disabled people that is unemployed. The most part of them live with their parents, in rural or small urban communities, and have as main revenue source the disability allowance or invalidity pension. From them, 85% are not seeking a work place, and 56.2% didn’t ever had a job. From those who had had a job, 38.8% state that they lost it because of the disability acquisition and that their health don’t allow them to go back to work, while 20% are retired because of invalidity, being permanently out of the labor market. Only 30% from the respondents state that they have been discriminated and from them, 30% state that they were discriminated on the labor market. (pp. 24)

The main reason indicated for job seeking is supplementing the revenue (45%). Those who work (12.7%) are generally employed full time with a contract for an undetermined period. Just more than 30% of those currently employed are university graduates and 31% graduated vocational training courses. More than half (56%) had a previous work place which the majority of them (30%) changed because they received a better offer from the current employer. The majority declares the disability to the employer but those who don’t do it (10%) claim discrimination in salary level as main reason. (pp. 24)

The most powerful prediction factors for labor market integration seem to be
- High school or university graduation;
- Vocational training and experience in the field;
- Self-conscience about work capabilities;
- Main revenue source of the respondent. (pp. 26)

The data of this research confirm only partially the results of previous international studies. First, the differences compared with the general population are very important. The percentage of disabled people uneducated at all is 7 times higher than the national average. Also, school
abandonment after 4 first grades is twice more frequent among disabled people. The educational disadvantage of disabled persons is also reflected at high school level. Only 17.5% of the disabled persons complete their high school education compared to the national average, which is around 31%. At university level, the differences are narrowed: 8.3% of the disabled people that have a job have university education, while the percentage is 9% for the general population. (pp. 26)

The lower is the educational level the lower is the probability to have a job. Although there is a connection between the disability level, the education level and employment, the study data showed that education is a more important employment factor than the disability level. In fact, education is the most important predictor for employment. Disabled people that graduated university education have up to 10% more chances to get a job than the others. Although vocational school is the most used educational model for disabled people from the research sample, this doesn’t seem to have a major impact on the employment probability. A possible explanation, which came out of the qualitative analysis, is that vocational education is not sufficiently adapted to the market requirements and the abilities formed could not be used in specific jobs. (pp. 29)

The percentage of people with disabilities that attended vocational training courses is almost 15%, much higher than the European or national average. More than this, from those who are seeking for a job, almost 70% believe that following a requalification course is mandatory for labor market integration. (pp. 30)

So that the barriers formally identified are not fully corresponding to the real working capacity, and the result is that an important number of disability people don’t even try to reenter the labor market because of the limitations imposed by the status of invalidity pensioner of 1st or 2nd degree. Practically they refuse the job benefits more probably because of its instability and not because of their lack of work capacity. A work place could be lost anytime, and the perspective of passing again through all the bureaucratic procedures for getting the pension is uncertain regarding the result (the public authorities’ decision is considered unpredictable) and therefore discouraging. (pp. 31)

The moment of disability acquisition doesn’t seem to have a significant impact on employment. Thus, from the working people group, 47% are people who have a birth disability or one they got before turning 16 years, only the rest got it later. The data from ANPH (National Agency for Disabled Persons) differs from these: according to them, the majority of people have lost their job immediately after the deficiency came. Getting out of the labor market simultaneously with getting the deficiency signifies practically ending the active life because 81.2% of them are no more seeking for a job. (pp. 33)

In Romania, from the study data, the conclusion reached was that the average family revenue for employed disabled people (1718 RON) is higher than the subjects who live exclusively from pension or social benefits (1298 RON). The average family revenue for the entire group of disabled people is 1369 RON, which represents 60% of the family revenue of the general population 2300 RON. Also the disabled person’s contribution is in average 30% of the total family revenue. (pp. 33)

In fact, the revenue factor is the main motivation for reentering the labor market. Therefore, 45% of the subjects said that they wished to find a working place mainly for supplementing their revenue, and 42% because they wanted to be independent. From those who are now seeking a job, 66% hope that after being employed their standard of living will improve. At the same time, the average of salary for which they would accept a job is a little higher than the minimum revenue (648 RON).

It appeared that for people who have a primary revenue source the invalidity pension or the disability allowance, the probability of having a work place is significantly lower. The beneficiaries who attended the focus groups signaled also that sometimes even if a work place may bring higher revenue, this could also bring larger expenses (mainly because of transport
expenses). Practically the remaining revenues could be lower than the invalidity pension or previous revenues.

A simple calculation made some beneficiaries conclude that they should supplement the revenue from alternative sources for affording to go to work. Home working seems to solve part of these problems, but, as focus group participants said, the salary for the same work is lower.

A recent World Bank study (Mete, 2008) showed that, generally, the employment protects the people with disabilities from poverty, but not in Romania. In other words, getting a job doesn’t mean the exclusion of the poverty risk, because of the great number of poor workers from people with disabilities group. This study confirms this because a quarter of the working disabled people have revenues in the zone of minimum revenue (with variations up to 25% of this). Also, salaries for disabled people are lower than the national average of revenues. Thus, on average, people with disabilities have a net income of 916 lei, 34% lower than the national average. A very large percentage (91.8%) of people that are living with their parents doesn’t have a work place. More than that, only 20% of them are seeking for a job. There are several possible explanations for this result. One is that the protective attitude of the family is a barrier for seeking a job. A second could be the lack of financial motivation. But the second hypothesis could be rejected because there is no substantial difference between the average family revenue for the whole study sample (1369 RON) and the average family revenue for those living with their parents (1400 RON). (pp. 34)

Data from the qualitative research seem to confirm the negative effects of excessive care from family for the person with disabilities. One of the most frequently identified barrier by those who work as labor market integration counselors in public institutions or NGOs was that, even if they could fulfill the requirements of the person seeking a job, they could not always be in consensus with his/her family. Some employers are telling about how they were forced to discuss with the families before and during the trial period for keeping employed the people with disabilities who wanted to remain employed. Some of them identified the family interference as being the real motivation for losing the job. (pp. 38)

From the results, one could observe that people with mental and neuropsychiatric disability have a higher proportion in the unemployed group. At the same time, the people with hearing impairment seem to have the highest employment level. Analyzing these data from a discriminative perspective, one could see that the first group has the higher level of discrimination, while those with hearing impairments (but also those with less visible deficiencies, somatic disabilities of infrequent diseases) are less exposed to discrimination. It follows that it is not the nature of deficiency that affects the employment chances but rather the employers’ prejudices toward different disability types. (pp. 39)

In Romania, the study data showed that the great majority (95%) of people with disabilities having a job is employed on the open labor market. Only approximately 1% of the subjects having a job are employed in one of the 400 accredited protected units. The main employer is the private sector, followed by public institutions, and state companies.

Employment as freelancer, more frequent in Western Europe among disabled people is not common in Romania (only one person in the study sample had this status).

Finding the actual job was based on the initiative of the disabled person (about 49% of the employed subjects found themselves the work place) or on social networks (36% from subjects were helped by friends or relatives to find the actual work place). The help from public institutions was limited (only 7.2% found the job by the help from local authorities or County Agencies for Labor Force Employment). (pp. 42)

The same Romanian Academic Society issued in 2010 a new study called “Reduced Access on the Labor Market for People with Disabilities”, this time a policy analysis about the subject. The report compares the main European policy measures to the Romanian facts. For instance, the quote-system represents the employers’ obligation that a certain percentage from staff to be people with disabilities, both from public and private sector, especially for those who have more than a certain number of employees. More often, neglecting these obligations brings
financial sanctions, and the funds collected are used for recovery or professional reintegration services for people with disabilities. The quota-system was developed after First World War, Germany being among first countries that introduced these requirements, and many of the European countries followed it. The model is based on the presumptions that without these legal obligations, the employers would not employ disabled people because of their low productivity and also because the people with disabilities could not freely compete on the labor market. The activist movement of people with disabilities criticized these presumptions and the quota-system was considered stigmatizing because it focuses on the ideas of incapacity and dependence. This approach considered that people with disabilities can freely compete on the labor market with the condition that the social environment is not disabling (doesn’t create barriers) and simultaneously rejected the positive discrimination of the quota programs. OECD observed that the choice between the anti-discrimination model and the quota model is rather based on cultural and attitudinal differences. In the Nordic and Anglo-Saxon countries, the quota system is not considered suitable or efficient, while in continental Europe these policies have their clear place. In Romania, the quota system was introduced by the law 57/1992, which stated that employer with more than 250 employees must have at least 3% of personnel people with disabilities. If they didn’t fulfill this condition, the fine would be the national minimum salary for all those vacant positions. Further modifications of the law enlarged the application area, including also the companies with over 100 employees and after that, with over 50 employees. Also, the obligatory percentage of disabled people rose up to 4% but the fines diminished: now, they are 50% of the national minimum salary for all the vacant positions. Also it was introduced the possibility that these companies buy goods or services for the given quantum from authorized protected units. If initially the penalties paid by employers were directed to a special fund used for financing different assistance programs for people with disabilities, now the money goes to the general state budget. In Romania, there are over 17,000 employers with over 50 employees who offer jobs for 3.5 million people. The quota system brings 140,000 jobs for disabled people. But now, the number of employed people with disabilities is about 29,000 including people working in small firms with less than 50 employees and protected workshops. If we would consider all these people as being employed in the quota system, which is not real, it would result an occupational rate for the reserved places of 15%, much under the level of the other countries with quota system. One can observe that the employers don’t meet the expectations of public policies and avoid the employment of people with disabilities. Many of them prefer to pay the penalties instead of employing people with disabilities, or to buy goods and services from protected units for the given quantum. For about 75,000 of the dedicated jobs, the penalties are collected and about the bought goods or services, there are no available data.

As a conclusion, the quota system is weakly implemented in Romania. It didn’t bring a reasonable occupational rate for people with disabilities but only introduced a new tax that brings revenues to the state budget. Because these revenues enter the general budget it is not at all clear the measure to which that e money come back to people with disabilities under the labor market integration services, as for the majority of countries with quota system. Because the special funds existence inside the state budget is not a good practice, being discouraged by the foreign partners that assisted Romania, it could be assumed the public policy to give the amount collected for occupational policies, even if there is no separate fund.

The protected units and workshops (sheltered employment) are specially created for employing people with disabilities, even as individual companies or departments of general companies. They usually offer also services of socio-professional training or recovery as intermediary (transition) stage to a normal work place. Sheltered units could benefit of fiscal or other facilities like advantages for public acquisitions. These units are regulated in almost all EU countries but in recent years, the public policies concentrated rather on integration of disable people on the open labor market, the segregated form of occupation being used only when the nature or severity of disability blocked the first alternative.
In 2000, in the sheltered units of EU about 500,000 people with disabilities worked. In Sweden and France, there are subventions for employing people with disabilities, but the Netherlands and Poland developed mainly segregated occupational units, with 1% of the active population in sheltered units. In Poland, the employment of disabled people on the free market diminished by about 25% in 2000-2005 (Shima, Zólyomi, Zaidiet, 2008).

Sheltered units are regarded as an occupational solution for people with more severe disabilities, but also as an intermediate stage to a working place on the free labor market (but the transition rate is generally very low). Norway is the only country where transition rate is significant – over 30%. In Ireland, where sheltered units are an important occupational alternative in number of beneficiaries and allotted public money, efforts have been made to increase the transition rate by imposing a maximal time period a person could work in a sheltered unit and training component was developed. Similarly, in the Netherlands, the creation of sheltered working places inside ordinary companies was encouraged. Even so, the transition rate to the free labor market remained under 10% in Ireland and under 4% in the Netherlands.

In Romania, the protected units have to have at least 30% of the employed personnel disabled persons and they follow a specific authorization procedure. They benefit of some facilities as tax exemption for opening or reauthorization and also tax for profit if at least 75% of the money obtained is reinvested for restructuring or buying equipment and/or creation of new work places.

In 2010 in Romania, there were about 400 protected units, but the number of people with disabilities working in those units is very small. Thus, only 1% of the total employees with disabilities works in protected units, the rest being employed on the open labor market. The protected units system in Romania is underdeveloped, the financial facilities to compensate an eventual competition loss being absent. The protection units’ obligation to develop services for training or recovery is not regulated; they are offered only by the protected units that voluntarily assumed this objective (mainly those affiliated to disability organizations).

Assisted occupation was first developed in USA where it became the main occupation form for people with disabilities. Then, the concept was used in other countries with different variations: individual placement on the open labor market with initial or continuous help, training/apprenticeship services, subventions, and many others (O’Reilly, 2007). In UK, there are assisted individual placement programs and financial subventions for employers intended to workers with low productivity. In Norway, the assistance at the work place is assured for 3 years. In the Netherlands, an employee with disabilities receives a supplementary social benefit together with the salary and the costs of working place assistance are supported by subvention. Comparing the money allocated for active occupational measures for general population to that allocated for people with disabilities there are important differences between states. The Netherlands and Denmark allocate big sums as percentage of GDP for general active measures, and out of these 40% (the Netherlands), respective 30% (Denmark) are for people with disabilities. In other countries like Ireland, which allots from the beginning lower sums for active measures, only 12% of the budget is allocated for people with disabilities. Among the active measures for people with disabilities one can see that in Denmark they support the reintegration on the open labor market with a greater percentage of the vocational recovery and subventions, while in other states, like Ireland, the percentage of the participants in the protected units is more significant. In UK, predominant are the services that lead to the integration on the open labor market. In Luxemburg, an employer receives an average subvention of 40% (but it could increase to 100%) of the salary of the employee with disabilities, who has a low demonstrated productivity, plus a reduction of social contributions of 10%. The subventions are temporary (3 years) but could be extended if one can demonstrate a longer low productivity. The employer could obtain a grant for adapting the equipment or the working place. In Spain, the employer could benefit of a reduction of social contributions, deductions for the company taxes (6,000 Euro per year for every employee) and subventions for adapting the work place.
Temporary schemes for salary subvention are operating in Finland or the Netherlands for 1-2 years. In the Netherlands, the social benefit for disability becomes a sort of salary supplement for compensating the productivity losses and a diminished salary. In Denmark, the scheme for salary subvention has a big number of beneficiaries. For qualifying as such, a person has to have a permanently diminished work capacity and all the others measures of recovery and activation must have been used (OECD, 2008).

In many European countries, the work mediation services are integrated in the general occupational services. In the Netherlands and Ireland people with disabilities, follow the same procedures as the rest of unemployed, but have access to specialized services. Similarly, in UK, an initial evaluation guides the person with disabilities toward the ordinary procedure or toward special programs for disability people.

A way of raise the services quality is to follow the public services as regards what they do or produce (more difficult for decentralized services). Spain, for instance, decentralized the occupational services in 2002 and since then, the monitoring is more difficult and there appeared significant differences between regions. On the other hand, decentralization could have also positive consequences because of local initiatives and an increased creativity could bring more efficient and adapted solutions.

Another way of increasing the services quality is modifying the financing logic such as changing the block financing (paying the costs) with the financing based on the results. Australia and UK (for some programs) decided for this alternative. In fact, the authorities buy recovery and occupational services from the private sector and the payments are made according to the results obtained. Therefore, a significant percentage of the money is paid only if the disabled person is successfully integrated on the labor market. The disadvantage of this system is that the service providers tend to select the people with small disabilities for work placement. This problem could be limited if the financing would take into account the gravity of the disability and the work capacity (Australian model).

In Romania, according to the law, employed people with disabilities are exempted from paying revenue taxes. The employers could deduce from the due taxes the money spent for adapting the work place and that paid for the transport of the persons with disabilities. Training expenses for people with disabilities can be all deducted from the unemployment insurance budget (for the other employees it is possible only 50%).

Also, the employers receive a monthly sum of about 115 Euro for each employed person with disabilities not depending on the level of degree of disability (employers with over 50 employees receive the money only for those beyond the mandatory quota of 4%). In the case of employment of young graduates with disabilities, the employer could receive the general subvention for young graduates’ employment for a longer period (18 months and not only 12 months as for non-disabled persons). However, some employers are reluctant to access these subventions, because the law forces them to keep the employee for the double of the time the subvention is given and meanwhile the employer cannot take the initiative to terminate the employment contract.
III. General conclusions of the report

Young severely disabled persons are still excluded from the education system. Support services for education and employment are relatively new in Romania. In addition, the provision of assistive devices is limited in Romania, and they are not always affordable. Moreover, the profession of occupational therapist does not exist in Romania; and therefore there is little knowledge about ergonomic arrangements, adaptation of work places, of homes and of schools. Because of the financial incentives they receive from the state are very low, employers are reluctant to invest in training the disabled employees. Lack of financial resources is the main cause of the barriers that stand in the way of community integration of disabled people in Romania (human resources, medical equipment, and infrastructure).

It should be noted that in Romania, there are big differences between regions in terms of availability of support services for disabled people and also, those services are not the same in the entire country. The provision of support services depends on where people live in Romania. It is difficult to transfer those services from one county to another.

One could notice that inclusion and integration remain a controversial concept in education and overall. Both in Romania and across EU member states only a small proportion of disabled children/youth have the opportunity to attend a regular community school. On the other hand, the concept of inclusion is ubiquitous in education today, and its importance is not matched by a total clarity of meaning or understanding.

All over Europe, people with disabilities are a group particularly vulnerable to social exclusion processes. Results from this preliminary policy study provide further evidence of the negative effect of discrimination on social inclusion of disabled people. These findings also suggest that accommodation and accessibility are important variables regarding disabled people’s capacity for adaptation that appears particularly relevant to chances for employment, educational participation, and community inclusion. Results show significant differences across countries in anti-discrimination and accessibility policy measures and also the impact of these measures over their community and labor market participation is highlighted.

Overall, in most EU member states, including Romania, the lack of funds and human resources are the major obstacles to the full inclusion of disabled people in the community. With all reform measures adopted at national level, Romania still has much to do in implementing the ministerial strategies concerning the inclusion of disabled persons. On one hand, these findings suggest that the overall living conditions of the built environment are relevant to social inclusion (employment, education, community participation, and access to services) for persons with disabilities. On the other hand, social inclusion and independence remain closely associated first with education and later in life with paid employment.

Employment for disabled people is much lower than general population. However, due to the European funds and policies, in recent years one could notice a slow change in the direction of increasing of employment rate for disabled persons. People with disabilities are not looking for work in a big proportion because they lose the social benefits (see invalidity pension).
3.1. The compatibility between European and National policies on employment of people with disabilities

As our report has showed, the EU 2020 strategy is aiming toward more than 50% of people with disabilities to be employed on the open labor market. For this, EU action will support and supplement national efforts to

- analyze the labor market situation of people with disabilities;
- fight those disability benefit cultures and traps that discourage them from entering the labor market;
- help their integration in the labor market making use of the European Social Fund (ESF);
- develop active labor market policies; make work places more accessible;
- develop services for job placement, support structures and on-the-job training;

The EU 2020 Strategy wants to promote the transition from institutional to community-based care by using Structural Funds and the Rural Development Fund to support the development of community-based services and raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people.

The Romanian "National Strategy for the Protection, Integration and Social Inclusion of Disabled People 2006-2013" (2005) is aiming the same objectives with slight different but specific methods.

By adopting the National Strategy called “Equal chances for disabled persons – toward a non-discriminatory society” the Romanian government stated as specific objectives: giving support for the families with disabled members and raising the employment rate of disabled persons on the labor market. For the next period, says the strategy, Romania will concentrate its efforts mainly on active inclusion on the labor market for people with disabilities through developing the instruments needed for evaluating vocational abilities of disabled persons and developing the social services able for facilitating the insertion on the labor market of those who didn’t lose the whole labor capacity and who wish to work. The accent will fall on the change from a medical perspective to a social perspective based on principles generally accepted like participation, dignity, accessibility, and quality. Therefore, new practical approaches are needed in the field of training and professional rehabilitation of disabled persons. The creation of assisted labor workshops will contribute directly to the employment of disabled persons seeking a job and also to increasing the competences of professionals working in the field. Also, it should be mentioned that the labor workshops will follow the “employment with salaries” model instead of the “therapeutic model” and they will give real opportunities for transition for helping people to prepare and to enter the real labor market. Thus, new social services integrated with occupational services, which are very now few or even inexistent in Romania, will be developed.

So one could observe a relative compatibility between the EU and Romanian objectives and policies intending the employment social insertion of people with disabilities. And, without any doubt, the compatibility between the two strategies will increase up to a maximum match, when the new National Strategy: “A society without barriers for people with disabilities, 2015-2020” will come into action. For the moment the document is posted on the site of the Ministry of Labor, Family, Social Protection and Older People for public debate. (http://www.mmuncii.ro/j33/index.php/ro/comunicare/comunicate-de-presa/3667-2015-01-15-ap-
Always the Romanian authorities have responded with promptitude to the strategic requirements of EU officials since 2007 when Romania entered the union and even before in the pre-accession period.

About the legislative measures and administrative real activities in implementing these objectives, things are not so evident probably due to the financing issues and the scarce resources of the national budget. It is true that European Social Fund gave many opportunities for effective measures for employment integration of people with disabilities, but the actions even if with beneficial consequences, didn’t solve the problem. In fact it is not enough to decide from a central authority level the good functioning of the new social model instead of the old therapeutic model in the field of people with disabilities, while the social representations of our traditional society are not accepting the equality in diversity. In fact our society still accept the settled order of “normal” people with Christian philanthropic attitude toward poor handicapped people who have evident health problems and need help. And our employers even if they changed their discourse, they still refuse to consider disabled people as useful in their enterprises. What we are saying is that it is difficult to change the functioning of the society only through legislative measures. Social representations have to change before; otherwise the policy and legislative actions risk to remain simply statements without any practical consequences.

By implementing the new legislation for special protection of disabled persons, which encourages the employment of this category, in 2007 were created many authorized protected units (a raise from 48 units in 2006 to 150 units at the end of 2007). The number of employed people rose from 16225 in 2006 to 21906 in 2007 even for those with major or medium disability. But official data from Romanian National Agency for Disabled Persons (ANPH, 2009) show that the number of employed disabled persons was 12% from the total number of disabled adults 18-60 years old in family care. The number is totally unsatisfactory, compared with European average which is about 50%.

Another legislative solution was the quote-system representing the employers’ obligation that a certain percentage from staff to be people with disabilities, both from public and private sector, especially for those who have more than a certain number of employees. In Romania, the quota system was introduced by the law 57/1992, which stated that employer with more than 250 employees must have at least 3% of personnel people with disabilities. If they didn’t fulfill this condition, the fine would be the national minimum salary for all those vacant positions. Further modifications of the law enlarged the application area, including also the companies with over 100 employees and after that, with over 50 employees. In Romania, there are over 17,000 employers with over 50 employees who offer jobs for 3.5 million people. The quota system brings 140,000 jobs for disabled people. But now, the number of employed people with disabilities is about 29,000 including people working in small firms with less than 50 employees and protected workshops. If we would consider all these people as being employed in the quota system, which is not real, it would result an occupational rate for the reserved places of 15%, much under the level of the other countries with quota system. So the quota system didn’t bring a reasonable occupational rate for people with disabilities but only introduced a new tax that brings revenues to the state budget. Because these revenues enter the general budget it is not at all clear the measure to which that e money come back to people with disabilities under the labor market integration services, as for the majority of countries with quota system.
The protected units and workshops (sheltered employment) are specially created for employing people with disabilities, even as individual companies or departments of general companies. They usually offer also services of socio-professional training or recovery as intermediary (transition) stage to a normal work place. Sheltered units could benefit of fiscal or other facilities like advantages for public acquisitions. These units are regulated in almost all EU countries but in recent years, the public policies concentrated rather on integration of disable people on the open labor market, the segregated form of occupation being used only when the nature or severity of disability blocked the first alternative. In Romania, the protected units have to have at least 30% of the employed personnel disabled persons and they follow a specific authorization procedure. They benefit of some facilities as tax exemption for opening or reauthorization and also tax for profit if at least 75% of the money obtained is reinvested for restructuring or buying equipment and/or creation of new work places.

In 2010 in Romania, there were about 400 protected units, but the number of people with disabilities working in those units is very small. Thus, only 1% of the total employees with disabilities works in protected units, the rest being employed on the open labor market. The protected units system in Romania is underdeveloped, the financial facilities to compensate an eventual competition loss being absent. The protection units’ obligation to develop services for training or recovery is not regulated; they are offered only by the protected units that voluntarily assumed this objective (mainly those affiliated to disability organizations).

Assisted occupation was first developed in USA where it became the main occupation form for people with disabilities. Then, the concept was used in other countries with different variations: individual placement on the open labor market with initial or continuous help, training/apprenticeship services, subventions, and many others. In UK, there are assisted individual placement programs and financial subventions for employers intended to workers with low productivity. In Norway, the assistance at the work place is assured for 3 years. In the Netherlands, an employee with disabilities receives a supplementary social benefit together with the salary and the costs of working place assistance are supported by subvention.

In Romania, according to the law, employed people with disabilities are exempted from paying revenue taxes. The employers could deduce from the due taxes the money spent for adapting the work place and that paid for the transport of the persons with disabilities. Training expenses for people with disabilities can be all deduced from the unemployment insurance budget (for the other employees it is possible only 50%).

Also, the employers receive a monthly sum of about 115 Euro for each employed person with disabilities not depending on the level of degree of disability (employers with over 50 employees receive the money only for those beyond the mandatory quota of 4%). In the case of employment of young graduates with disabilities, the employer could receive the general subvention for young graduates’ employment for a longer period (18 months and not only 12 months as for non-disabled persons). However, some employers are reluctant to access these subventions, because the law forces them to keep the employee for the double of the time the subvention is given and meanwhile the employer cannot take the initiative to terminate the employment contract.

What we could say as a conclusion in that Romania has its specificity, and even when applying working European strategies and legislative actions, the results are not the same as in most European countries. A typical example could be a recent World Bank study showing that,
generally, the employment protects the people with disabilities from poverty, but not in Romania. In other words, getting a job doesn’t mean the exclusion of the poverty risk, because of the great number of poor workers from people with disabilities group. So that it is difficult to convince a person with disabilities or its protective family that employment is a good way of social integration and a method of gain for dignity and self-respect when disability benefits are coming constantly and you can count on them while jobs are so effort demanding to get and so difficult to keep.

So, what we think now that would be important for Romania is the creation of the specific national and local solutions for having different people with disabilities (the type of disability matter) included in the real life and labor of their communities. As a paradox European strategy is demanding more community based services and actions for disabled people. EU strategy is rich and generous in setting goals and objectives and also ESF funds are generous in financing innovative ideas. But probably the “good practices” tactics generally considered beneficial could be replaced with the innovative experience of each local community enjoying diversity of solutions and methods for reaching the general EU strategic expectations.
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