
PERSONS WITH DISABILITIES – GROUP EXPOSED TO THE RISK OF SOCIAL EXCLUSION: BRIEF ANALYSIS OF THE FACTORS THAT HINDERS THEIR CONDITION IN THE SOCIETY

Ionela IONESCU¹

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Abstract: *This article focuses on a brief presentation / analysis of some factors that make it difficult to socially integrate people with disabilities. The social inclusion of people with disabilities refers to a process that seeks to provide the necessary support into realization of the potential for any person, regardless of the experience or circumstances in which they live their lives. Social exclusion of people with disabilities could cause long-term damage to living conditions, social and economic participation, sentimental life or health status for this category of people. The number of people with disabilities in Romania is steadily increasing, in order to support the active participation of people with disabilities in socio-economic, cultural and political life, opportunities for access to education, employment and decent living conditions must also be ensured. A continuous collection of statistical data specific about people with disabilities could provide: the number of people with disabilities in a particular place, the barriers they face and what policies/programs are needed to remove these barriers. In addition, disaggregating data by the type of disability is an important step in the inclusion of people with disabilities who face higher rates of death and exclusion from society.*

Keywords: *people with disabilities, social exclusion, exposed group, social needs, specific issues, education, labour market, accessibility, education, integrated data*

1. Introduction

Social inclusion is a process that seeks to ensure the support necessary into achieving the potential of every person, regardless of experience or the circumstances in which

¹ PhD Student at Research Institute for Quality of Life, Romanian Academy, E-mail: ionela.ionescu@gmail.com

they carry out their life. We refer here primarily, but not only, at a material level of inclusion and employment in the labour market. But inclusion at all levels of life is necessary, by reducing inequality and increasing social cohesion.

Disability issues are real and perceived as challenges affecting the whole of society at EU level. The problems for this group of people can be translated into permanent training and adaptation at all levels of society, for inclusion and maintenance of these people in the sphere of social life.

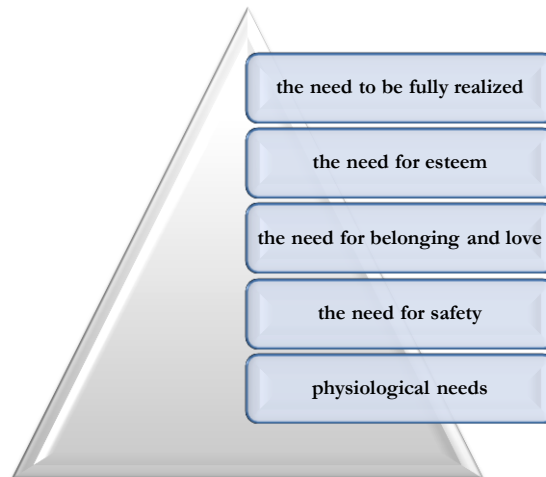
Social exclusion is a phenomenon that has impact on several life dimensions, on education, access to employment, on social networks and social interaction, etc.

From the sociological point of view, social exclusion "focuses on the difficulties, barriers that prevent the improvement of life circumstances for disadvantaged groups, leading to a perpetuation of social inequalities". (Moisă, F. 2012)

Social exclusion includes the poverty dimension, not only in terms of the economic deprivation of persons with disabilities, but also from a non-material point of view (e.g. recording the effects of education). As a result of this phenomenon, one can analyse the dynamics of social, economic, political marginalization.

According to Abraham Maslow, the author of the hierarchy of needs, in order to develop harmoniously, every human being needs -once satisfied his basics physiological needs- to fulfil the following needs: safety, social life, the respect of others and of himself and permanent adaptation¹.

Figure 1. Hierarchy of needs – Abraham Maslow



¹ Source: Vasile, C., 2003

Based on the above-mentioned, one of the definitions for social need, from a legal standpoint, the Law 292, Article 6, shows that this need represents :

*"a set of requirements indispensable to each person to ensure the necessary living conditions in order to ensure social participation or, where appropriate, social integration ..."*¹

2. Brief presentation of the statistical situation of people with disabilities

Romanian social system is aligned with the existing Community standards, but people with disabilities are still a segment that does not always enjoy the same rights as the rest of people from society.

Regarding the legal framework that is governing the situation of persons with disabilities in Romania, National Strategy "A barrier-free society for people with disabilities 2016-2020"² comes to ratify the Convention regarding the Rights of Persons with Disabilities³. So, according to this strategy:

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

In the following section, we will briefly present the statistical situation of people with disabilities from Romania.

According to the last statistical bulletin of the National Authority for Disabled Persons (we will refer to them, in this article, as ANPD), 812.594 persons with disabilities were registered in Romania on 30.09.2018.

The number of people with disabilities in Romania is steadily increasing, compared to 2016 the total number of people with disabilities⁴ was about 780 thousand people (97.6% of them were non-institutionalized and 2.4% institutionalized – they were in residential social care institutions for adults with disabilities). The following figure

¹ Source: Law 292, Article 6, the definition of social need also aims at ensuring living conditions that contribute to social inclusion of subjects <http://www.drmuncii.ro/dictionar.php?id=192>

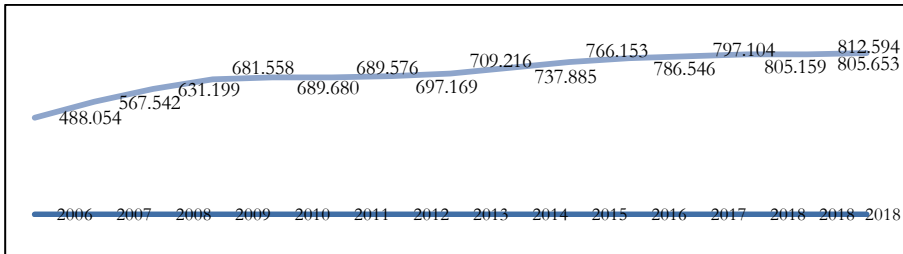
² Available online at: <http://anpd.gov.ro/web/wp-content/uploads/2016/09/MO-nr-737Bis-din-22-septembrie-2016.pdf>

³ Convention adopted in New York by the General Assembly of O.N.U. on 13 December 2006, opened for signature on 30 March 2007, signed by Romania on 26 September 2007 and entered into force on 3 May 2008.

⁴ The figures were communicated to the Directorate for the Protection of Persons with Disabilities from the Ministry of Labour, Family, Social Protection and the Elderly, through the general directorates of social assistance and child protection, respectively, of the local sections of the municipality of Bucharest.

(Figure 2) shows the evolution number of persons with disabilities in Romania, from December 2006 to September 2018 (source: INS, TEMPO).

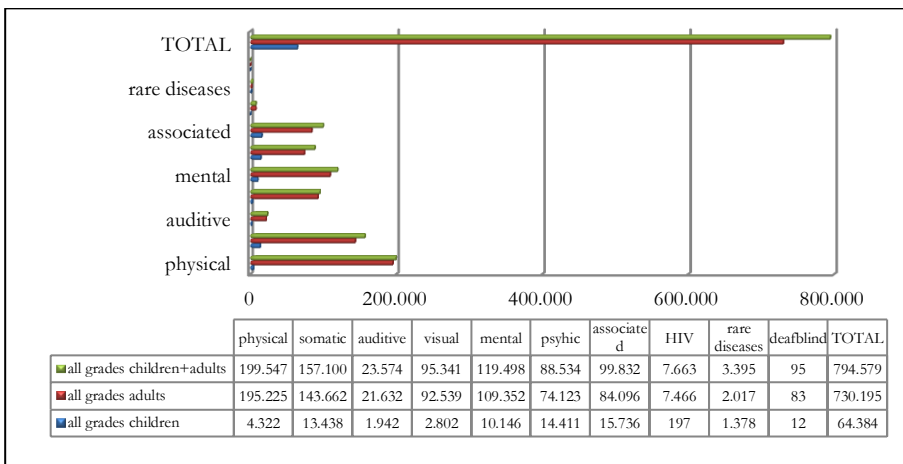
Figure 2. Evolution of the number of people with disabilities, December 2006 – September 2018



Source: INS¹, TEMPO bases

From the total number of persons with disabilities in Romania, about 795 thousand persons with disabilities (as can be seen in Figure 3) were non-institutionalized and 18 thousand persons are in public centers for the adults with disabilities. ²

Figure 3. Number of non-institutionalized persons with disabilities -on 30.09.2018



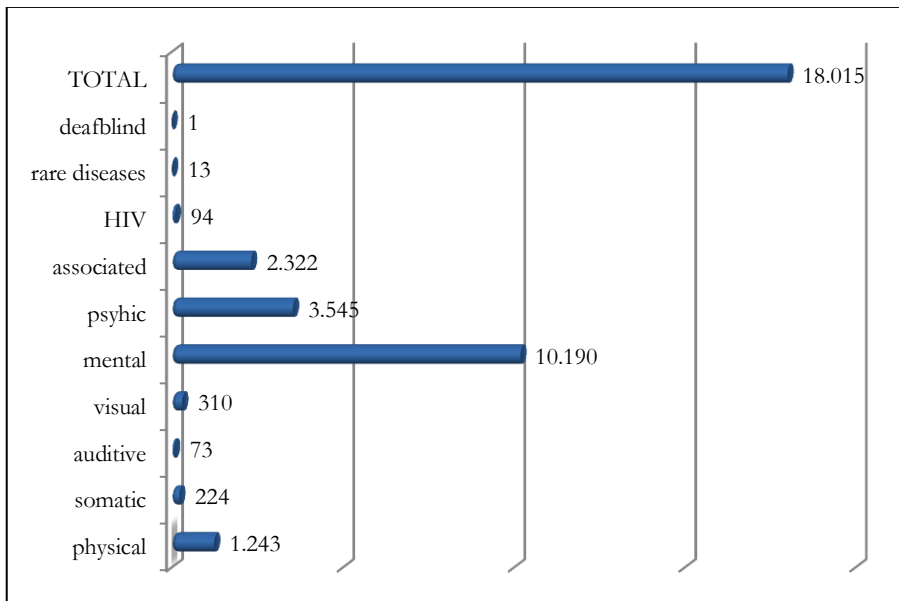
Source: The last statistical bulletin from National Authority for Disabled Persons, 30.09.2018

¹ National Institute of Statistics, available on <http://www.insse.ro/cms/>

² The total number communicated to the National Authority for Disabled Persons within the Ministry of Labour and Social Justice, through the general directorates for social assistance and child and county protection of the Bucharest municipalities, was 812,594 persons.

There are no significant changes in the percentages of non-institutionalized persons versus institutionalized persons, the proportions remain the same in 2018 (as can be seen in Figure 3). Among people with disabilities, those with mental disabilities find themselves institutionalized in public centers for adults with disabilities in higher percentage compared to other types of disabilities (a significant number of beneficiaries are in the 74 centers neuropsychiatric recovery and rehabilitation, respectively 6,327 persons -35.12%).

Figure 4. Number of adults institutionalized in public centers for the disabled adult on 30.09.2018 (on all grades, in number of persons)



According to INS, on September 30 2018, the rate of people with disabilities reported to the total population of Romania was 3.66% and the regions South-West Oltenia, South-Muntenia and North-West were the regions that recorded rates over 4% of people with disabilities by regions (see Table 1).

Table 1. Persons with disabilities by development regions, children and non-institutionalized and institutionalized adults at 30.09.2018

Geographic area	Total non-institutionalized			Total institutionalized			Total general Romania	The percentage of people with disabilities in the region in total persons with disabilities Romania	The percentage of persons with disabilities in the county total population per region
	CHILDREN	ADULTS	TOTAL	CHILDREN	ADULTS	TOTAL			
North-East	13,198	104,508	117,706	0	3,822	3,822	121,528	14.96%	3.09%
South-East	7,520	86,859	94,379	0	2,326	2,326	96,705	11.90%	3.38%
South-Muntenia	9,583	121,860	131,443	0	2,660	2,660	134,103	16.50%	4.14%
South-West Oltenia	6,998	90,489	97,487	0	1,723	1,723	99,210	12.21%	4.52%
West	5,949	69,112	75,061	0	1,449	1,449	76,510	9.42%	3.80%
Noth-West	7,859	104,503	112,362	0	2,394	2,394	114,756	14.12%	4.05%
Center	6,810	82,078	88,888	0	2,778	2,778	91,666	11.28%	3.48%
Bucharest-Ilfov	6,467	70,786	77,253	0	863	863	78,116	9.61%	3.11%

Source: INS, TEMPO ONLINE, Databases "Population by residence on 1 January 2017"

As far as it goes for the organizations dealing with the issues of persons with disabilities in Romania, there are a total of 489 functional, residential and non-residential, public centers subordinated to DGASPC (Directorates for Social Assistance and Child and County Protection) (of which: 427 residential and 62 non-residential ones – day ones). There is an increase of these centers, which implicitly provides a greater capacity for inclusion of persons with disabilities in the social protection system compared to 2016 when the number of public social assistance institutions for adults with disabilities was 420 (of which: 364 residential and 56 non-residential – day ones).

From the total functional, residential and non-residential centers, public ones, subordinated to DGASPC, we have the following distribution ¹:

- 427 functional, residential, public out of which:
 - crisis center (ccc): 2 functional with 24 adult beneficiaries;
 - care and assistance center (CIA): 118 functional with 6543 adult beneficiaries;
 - occupational therapy integration centers (CITO): 19 functional with 93 adult beneficiaries;
 - pilot recovery rehabilitation centers for persons with disabilities (CPRRPH) 2 functionals with 93 adult beneficiaries;

¹ According to statistics data giving by ANPD on 30.09.2018.

- independent living training center (CPVI): 3 functionals with 34 adult beneficiaries;
- recurrent neuropsychiatric rehabilitation centers (CRRN): 74 functional with 6327 adult beneficiaries;
- disability rehabilitation centers (CRRPH): 70 functional with 2916 adult beneficiaries;
- respiro centers (CRSP): 4 functional with 4 adult beneficiaries;
- protected homes (LP): 135 functional with 929 adult beneficiaries;
- 62 functional, residential, public centers of which:
 - Psychosocial counseling center / vocational guidance / prevention against poverty and marginalization of persons with disabilities (CCPS) / (CCAPS) 5 functional with 116 adult beneficiaries;
 - occupational centers (day center type) (cp): 2 functional with 65 adult beneficiaries;
 - ambulatory neuromotor recovery services centers (CSRNTA): 29 functional with 1278 adult beneficiaries;
 - day centers (CZ): 23 functional with 5 children beneficiaries and 488 adults;
 - mobile team (Home Assistance) (EM): 1 working with 23 adult beneficiaries;
 - Home Services (SD): 2 functional with 72 adult beneficiaries.

In order to provide a real support for people with disabilities in Romania, authorities should be involved in identifying and solving problems that this category of persons encounter in society, rather than making some of them dependents on social benefits.

3. Specific problems of people with disabilities

In the Law on Social Assistance 292/2011 as amended and supplemented, Chapter 1, Article 6, we find that **people with disabilities are defined as** *"those persons which are facing different barriers arising from the state, in which they are in a moment, and who can not enjoy full participation in all spheres of life and on an equal basis with others because of the different types of disabilities: physical, mental, intellectual or sensory shortcomings."*

The literature in the field highlights these issues, so in the World Report on Disability (2012) it is stated that *"many people with disabilities do not have equal access to healthcare, education and employment opportunities, do not receive specific services that they need, thus are excluded from everyday activities."*¹ Thus, people with disabilities are facing situations of isolation and social marginalization. Persons with disabilities are considered to be deprived of the fulfillment for their citizens' rights and obligations.

Social exclusion of people with disabilities could cause long-term damages to living conditions, social and economic participation, sentimental life or on health status for this category of vulnerable persons.

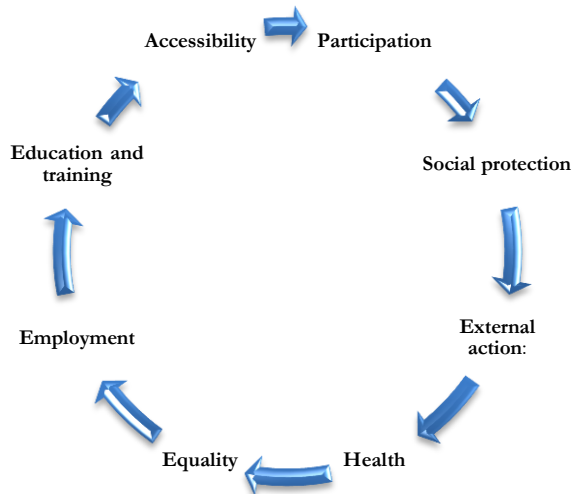
¹ According to World Report on Disability, available online at https://apps.who.int/iris/bitstream/handle/10665/44575/9789730135978_rum.pdf?sequence=20

From a sociological point of view, social exclusion "*focuses on the difficulties, the barriers that prevent the improvement of the living conditions of disadvantaged groups, generating a perpetuation of social inequalities.*" (Moise, 2012)

At European Union level, the main determinants of social exclusion come from social inequalities, such as: obstacles to access quality education and training, adequate job security, discriminatory practices and attitudes, and also the existence of situations where they are subjects to exclusion based on residence and / or citizenship. (Paolini, G. 2014: 17).

In order to achieve the social inclusion of people with disabilities, the objectives of the European Disability Strategy 2010-2020 are pursued by actions in eight priority areas, ensuring that people with disabilities enjoy all benefits of EU citizenship, as seen in next figure.

Figure 5. The eight priority areas of the European Disability Strategy 2010-2020



The process of social inclusion, according to the Romanian legislation meets the European priorities and it represents:

*"The set of multidimensional measures and actions in the areas of social protection, employment, housing, education, health, information-communication, mobility, security, justice and culture aimed on combating social exclusion and ensuring active participation of persons in all economic, social, cultural and political aspects of society. "*¹

¹ In Law on Social Assistance 292/2011, article 6, paragraph cc.,

In the current socio-economic context, the main reason for social exclusion of people with disabilities is the **lack of opportunities on labor market**, this implicitly means dependence on the social system in Romania. Lack of jobs, a problem reported by both authorities and members of the society itself, makes people with disabilities, especially those without experience on the labour market, become a more vulnerable category in Romanian society and very exposed to social exclusion.

The socio-professional integration of people with disabilities must be a constant concern for Romanian society, which must support the development of employment capacity, increasing the chances of finding a job, preventing all forms of discrimination, and reducing unemployment among people with disabilities in Romania.

Also, **both the employer and the persons with disabilities** have to know the legislation and **take into account the following Romanian legislative issues:**

- Working rights for persons with disabilities:
 - Legislation that regulates the right to work of people with disabilities,
 - The conditions for employment of people with disabilities,
 - Facilities to be offered to a person with disabilities at work,
 - The legal work program of a person with disabilities,
 - The vocational training rights of a person with disabilities,
 - The right to a leave of a person with disabilities,
 - Wage and other benefits of employed persons with disabilities.

- Law 448 of 2006, updated in 2016, provides us the rights of persons with disabilities, as well as the advantages offered by state to the employers of these persons. According to the law on the protection and promotion of the rights of persons with disabilities no. 448/2006, persons with disabilities are those persons who, due to physical, mental or sensory disorders, lack the ability to carry out daily activities normally, requiring protection measures in support of social recovery, integration and inclusion. Also, people with disabilities have the same salary rights as people who do not have this status, but they do not pay tax on salary. -

- Employer's obligations with respect to employed persons with disabilities.

- According to law 448, public authorities and institutions, legal entities, public or private, with at least 50 employees, have the obligation to employ persons with disabilities in at least 4% of job positions from the total number of employees. If this condition is not met, organizations are obliged to give to the state budget a sum representing 50% of the gross minimum basic wage in the country multiplied by the number of jobs in which they have not hired persons with disabilities, or to acquire products or services from authorized protected units, on a partnership basis, in an amount equivalent to the amount due to state budget. -

- Employer's rights with regard to employed people with disabilities and the tax benefits which must be granted.

-According to the Tax Code, employers which have employees with disabilities benefit from several tax incentives. Those expenses are deductible from the calculation of taxable profit: expenses for the adaptation of the work place, the expenses incurred for

purchasing equipment and equipment used in the production process by the person with disability, the expenses incurred for transportation of people with disabilities from home to their workplace, expenses incurred for the transport of raw materials and finished products to and from the home of the disabled employed person with disability, hired for homework¹.-

Also according to WHO report on disability (2011, p.255):

"In the transition to the market economy, several Eastern European and former Soviet Union countries have introduced quotas to replace the former system whereby workers with disabilities were set aside. The fines for the non-fulfilment of these quotas have been paid for professional rehabilitation and on-the-job training programs."

Also, any person with disabilities who wants to integrate or reintegrate into work has free access to professional evaluation and guidance, regardless of age, type and degree of disability.

During the last webinar organized by the International Alliance of People with Disabilities, it was stated that there is a **lack of statistical data specific to this group of vulnerable people, this statement also applies to Romanian society. If this lack would be addressed this** could help the professional integration of people with disabilities. The lack of data makes it harder for specific actions and for national programs and policies to address people with disabilities, according to the webinar "Disability Data and Sustainable Development Goals"

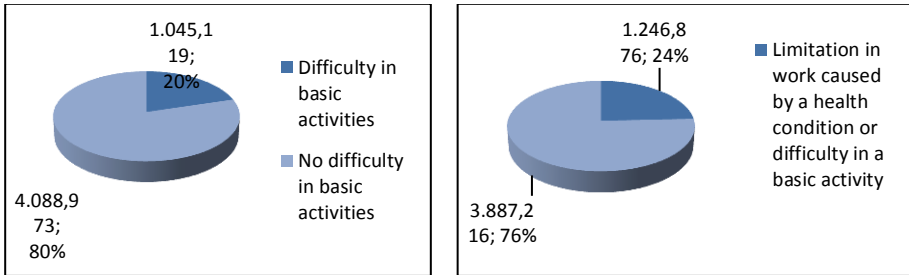
*"The first step was to identify people with disabilities as those who, due to health problems, have difficulty in basic activities. Then use the information gathered elsewhere than in the national statistical offices, for example in terms of employment and education, to determine whether there are limitations on participation in these functional difficulties. How big is this gap between those with difficulties and those without. And if it changes over time"*²

At the same time, according to EUROSTAT data, the number of inactive populations by type of disability, sex, age and the main reason for not seeking employment is quite high. Out of a total of 5,144,092 inactive people on the labour market, 20% said they had difficulty in basic activities and 24% said that they have limitation in work caused a health condition or difficulty in basic activity (as can be seen in figure 6). The reasons for inactive population by type of disability for not seeking employment were: own illness or disability, awaiting recall to work (on lay-off), other family or personal responsibilities, looking after children or incapacitated adults.

¹ Government Decision 791/2010 amending and supplementing the Methodological Norms for the application of Law no. 571/2003 regarding the Fiscal Code, approved by the Government Decision no. 44/2004, as well as for the approval of the Methodological Norms for the application of the provisions of art. III of Government Emergency Ordinance no. 58/2010 for amending and completing the Law no. 571/2003 regarding the Tax Code and other financial-fiscal measures

² Available online at: <http://www.jurnal-social.ro/datele-privind-persoanele-cu-handicap-si-obiectivele-de-dezvoltare-durabila-webinar/>

Figure 6. Inactive population by type of disability – the main reason for not seeking employment (2011)



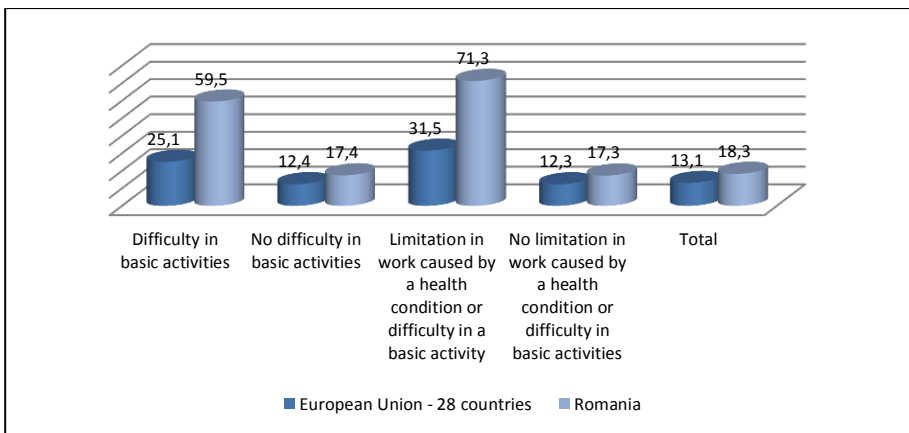
Source: Personal interpretations, databases available on the official EUROSTAT website

It can be noticed, once again, that there is no official centralized data at European level disaggregated by disability types, for people with disabilities.

Also, the **role of education** is seen as an extremely important one in the development of any society. According to the data presented in the Europe 2020 Strategy "a quarter of all students have poor reading skills, one in seven young people drop out of education and training too early. Approximately 50% reach an average level of qualification, but this is not enough to meet the needs of the market."

According to EUROSTAT, in 2011 Romania ranks second (after Bulgaria) in the early leavers category of education and training (age group 18-24) by type of disability, sex and labour status due to difficulty in basic activities (as can be seen in Figure 7). There is no official centralized data at European level by disability types at educational level.

Figure 7. Early leavers from education and training (age group 18-24) by type of disability, sex and labour status, 2011- in percentage (%)



Source: Personal interpretations, databases available on the official EUROSTAT website

Thus, at European Union level, investments in education, training and lifelong learning try to tackle poor results in education systems. The Romanian educational system is forced to become more involved in training people with disabilities for the labour market, especially for those types of jobs available on the labour market.

For all categories of vulnerable people, especially for people with disabilities, the funding of vocational training programs will increase the chances of integration into the labour market.

Achieving a qualification can increase a person's chances on accessing better paid and stable jobs, which would lead to the independence of people with disabilities from the social assistance system and could strengthen a more stable living.

The disparity between qualifications / competences of persons with disabilities and those demanded by employers is one of the reasons for the reduced access to the labour market among people with disabilities. The focus is on further harmonization of education with labour market requirements, developing internships / apprenticeships directly at employers, facilitating internship sites and other methods to develop the skills of people with disabilities.

The lack of opportunities on the labour market is interdependent with the role of education and the educational system in the qualification of persons with disabilities.

Although only around 2.4% of disabled people are institutionalized, another problem specific to people with disabilities is **institutionalization**, for most of them representing isolation from Romanian society. Institutionalization has negative consequences on people with disabilities, obviously affecting the process of social inclusion. *"Social participation development services are insufficiently developed and diversified"* (Popescu, R. Arpinte D. and Neagu, G. 2005).

Most people with disabilities that are institutionalized do not have family support, they do not have a specialization / qualification / profession and are facing a strong socialization deficit.

However, there is a category of institutionalized people with disabilities who have benefited from personalized assistance, by fitting them into assisted apartments. This category of people with disabilities (found in the care of foundations) represents a more protected category and social inclusion is facilitated by the services / support they receive, but the actual number of this kind of support for persons with disabilities is very low.

To support the active participation of people with disabilities in socio-economic, cultural and political life, the state must ensure equal opportunities for access to education, employment and decent living conditions. In support of this group, it is important that actions start from two areas of action for social inclusion of persons with disabilities in the areas of education and employment.

At both European Union and Romanian level, the problem related to lack of access to the labour market among people with disabilities is equally serious, which has led to the emergence of various funding programs addressing this category of people.

The Romanian educational system should be more involved in training people with disabilities for the labour market, especially for those types of jobs available on the labour market. The failure to have a practical educational system, facilitates the exclusion of persons with disabilities from the labour market. Another aspect of Romanian legislation is the lack of a concrete system for monitoring and evaluating the quality of study programs offered to people with disabilities.

For integration into the labour market, WHO (2011, p.266) recommends:

“Almost all jobs can be done productively by a person with a disability, and if they have the proper environment, most disabled people can be productive. But people with disabilities of the employment age face significantly lower rates of employment than people without disabilities. This is due to several factors, including lack of access to education, vocational training and rehabilitation, negative incentives created by disability benefits, inaccessibility at work and employer perceptions about disability and people with disabilities. Many decision makers have a role to play in improving the labour market opportunities for people with disabilities, including governments, employers, people with disabilities and trade unions. The Report's recommendations to improve access to the labour market for people with disabilities are presented here based on key actors”

The main risk factor for people with disabilities is the lack of a job, and in the long run this factor threatens their social inclusion. And among the most important factors of vulnerability to social exclusion of people with disabilities in the labour market, the following were identified: low qualification, labour market inadequacy, labour market passivity, poor financial situation, low level or lack of social support, insufficient or no institutional support.

In order to effectively prevent and remedy the risk of social exclusion for many persons with disabilities the determinants that generate social inequalities must be fixed.

4. Case study – notification of violation for Law no. 448/2006 on the protection and promotion the rights of persons with disabilities through the draft on State Budget Law 2019

In Bucharest, in February, 2019¹, around 250 people protested: adults with disabilities, personal assistants and parents of children with disabilities, as a result of unprecedented measures to allow local authorities to pay for social services on disability line and children from orphanages, contrary to the legal provisions and principles assumed by the Governance Program 2017 -2020. As we will see bellow, the reasons these people protested was because the burden of financial support would have passed on to the local authorities and the local authorities have limited available budgets and increasing financial pressure to cater for various social needs and benefits.

¹ Adults with disabilities, personal assistants and the parents of children with disabilities protested, on February 8, from 10-13 in front of the Antipa Museum in Bucharest

Participants in the protest promoted equity and social justice, and have expressed their disagreement with the Budget Project for 2019 and also have requested urgent amendment change of the provisions to the current budget.

The representative of one of the associations regarding persons with disabilities, also participant in the protest we are discussing about and a person with disabilities himself, pointed out the conditions of the people affected by these new budgetary regulations:

"There were two degrees today, but I perceived it as a temperature of -5 degrees, since the house has adjusted the heat to 25 degrees. Thanks to the parents of children with disabilities who organized the protest, we gathered so many to express our pains. I thank my personal assistant for putting his life in second place to care for me, because he takes care of me for 24 hours, as he is paid for 8 hours, that he takes care of me on public holidays, when he has to be free, he cares for me and when he is on sick leave because the law does not provide any protection for me as a disabled person when my personal assistant is sick."(DT)

What they specifically demanded was to comply with the Law on the Protection of Persons with Disabilities, reverting to the provisions of the State Budget Project for 2019, the financing of the wage rights for personal assistants of the severely disabled and of the residential social services to be further ensured by the State Budget.

Failure to comply with the commitment of the Finance Minister on February 2, 2019 came as a confirmation of the fears of those who participated in the protest, all the more, so since their demands were independent of the remaining issues of the Budget Project, and they were strictly related to the observance of a principle assumed of this government: solidarity. Participants made an open letter to the Minister of Finance on this issue, as you can read in the following table:

Table 2. Open Letter on Amendments to the Budget Law 2019

Diszabnet Federation – Network of Service Providers for Disabled People, Federation of Nongovernmental Organizations for Social Services – FONSS and Center for Legal Resources – CRJ notifies you of the serious violation of Law no. 448/2006 on the protection and promotion regarding the rights of persons with disabilities through the draft of the State Budget Law 2019.

Thus, the Ministry of Public Finance through the Draft Law on the State Budget violates art. 40 (1), art. 51 (52) of the Law on the Rights of Persons with Disabilities, art. 4 paragraph (2) of H.G. no. 978/2015 and art. 139 paragraph (3) of the Constitution of Romania:

1. The Law on the Rights of Persons with Disabilities indicates that the amounts provided by the local authorities for the salaries of the personal assistants are allocated 90% of the state budget from the sums deducted from the value added tax. Or, in the draft of the State Budget Law 2019 on this chapter, the Ministry of Public Finance allocated zero lei.

2. Similarly to the issue of financing salaries for personal assistants and the financing of social assistance centres for 18,000 adults with disabilities, all the state budget is provided from the sums deducted from the value added tax allocated for this purpose in a proportion no higher than 90% of the needs established annually by the Ministry of Labour and Social Justice, in the elaboration of the state budget, based on the calculated cost standards for beneficiaries / types of social services,

approved according to the law. Nevertheless, despite the legal provisions in force, the Ministry of Public Finance allocated zero lei to this chapter of the draft state budget law.

3. In 2018, the National Agency for Fiscal Administration collected about 500 million euros from private and public institutions for the non-employing persons with disabilities in their organisation. MFP had the obligation to complete the draft budget law 2019 with a chapter related to the Disability Employment Fund, thus indicating the destination of the amounts collected under art. 78 paragraph (3), thus complying with art. 139 paragraph (3) from Constitution of Romania. Currently, the Law on State Budget for 2019 does not include any provision in this regards, despite public pledges submitted by Minister of Public Finance Saturday, February 2nd c.a.

Thus, after a number of years when this problem of financing residential social services and support services provided by personal assistants functioned according to the legal norms in force, from the central budget (even with syncope), it is proposed to return to an old state in fact, has already demonstrated its chronic inefficiency. The fact that local public authorities are given the 100% use of income tax collections, one of which is used to pay personal assistants' wages and to support residential centres for people with disabilities, not only violates the provisions of the Law on the Rights of Individuals but in the conditions of the increased unemployment rate in some counties (eg Teleorman, Caraş-Severin, Gorj, etc.) will lead to a non-unitary practice in the field of social assistance payments.

The discretionary behavior of many mayors has been repeatedly signaled by people with disabilities, who are often forced to accept the salary of the personal assistant in the allowance, sometimes receiving salaries late for months, as presented to the Minister of Finance and at the audience on Saturday, 2 February 2019.

The lack of real guarantees offered by the state to all persons with disabilities, especially to those institutionalized or with serious disabilities, is well known: the petitions mechanisms are not adapted to their needs and the control structures of the Ministry of Labour and Social Justice have not excelled in sanctioning the violation of these rights, as it should have.

Our fears are also justified by the abuses recorded in the period before the economic and subsequent crisis, during which the salaries of the personal assistants were secured from the local budget and we were notified the next problems

- delays in employing personal assistants endangering the lives of people with severe disabilities;*
- delays in payment of wages;*
- failure to respect the right of personal assistants to sick leave or rest leave;*
- massive layoffs during the economic crisis;*
- lack of information and prioritization at the social level of the right to human assistance for the inclusion in the community of persons with severe disabilities.*

Thus, the current form of the state budget will endanger the rights of 800,000 people with disabilities, the 18,000 institutionalized adults and will directly affect the 3,000 local public authorities responsible for securing these rights.

Source: Open Letter on Amendments to the Budget Law 2019, available on: <https://fonss.ro/scrisoare-deschisa-privind-modificarile-la-legea-bugetului-2019/>

The initiators of this open letter, as well as the protesters, requested the compliance with the Law on the Rights of Persons with Disabilities, returning to these provisions of the State Budget Draft for 2019. Also demanding that the financing of the wage rights for the personal assistants of the severely disabled and residential social services to be further provided by the State Budget, respectively to set up the Fund for the integration into the labour market of persons with disabilities.

It is considered that the introduction of legislative provisions in the disability sector is done without a detailed analysis of their impact, without assessing the side effects of these changes and without proper consultation of all the groups affected by the new legislative provisions: *"One and a half years after adoption in force of Government Emergency Ordinance 60/2017, all the positive assurances of political decision-makers were only groundless arguments and the fears of people with disabilities and their representatives were confirmed."*

This is all the more serious, as the February 2019 decision affects an even greater number of people with disabilities.

Even though the participants promoted equity and social justice by manifesting disagreement with the Budget Project for 2019 and requesting urgently modifying the provisions of the current budget, on 24.02.2019 this budget was not yet promulgated and did not include any changes after the protest. Thus, they informed the governors that if the Budget Project for 2019 enters this form in law, in violation of the legal provisions in force (40 paragraph (1), article 51 (52) of the Disability Act, Article 4 paragraph (2) of GD No. 978/2015 and Article 139 paragraph (3) of the Constitution of Romania, they will oppose by all existing legal means, including through new public protests.

5. Conclusions

The number of people with disabilities is constantly increasing in Romania, making the inclusion of this category of vulnerable people a very important problem to analyse and take into consideration. The main reason why policies should focus more on this aspect of inclusion is that the number of people with disabilities who are active in the labour market is relatively low.

Social exclusion is a phenomenon that impacts on many dimensions, such as education, access to labour market, social networks and social interaction.

Data is often missing by level of disability disaggregation in official statistics. Such a specific data collection would be very important because it could provide the number of people with disabilities in a particular place, the barriers they face, and what policies and programs are needed to remove these barriers. In addition, disaggregating data on the type of disability is an integrated step for inclusion of people with disabilities who face higher rates of death and exclusion from society.

In terms of institutionalized people with disabilities, as a global look, they have no means – financial, social, educational, cultural-symbolic – with which can improve / solve their situation.

The Romanian educational system is forced to become more involved in training people with disabilities for the labour market, especially for those types of jobs available on the labour market.

The authorities also have to play a key role in developing forms of incentives for employers to hire and retain employment of people with disabilities, so as to develop a market for the products made by the work of persons with disabilities.

To support the active participation of people with disabilities in socio-economic, cultural and political life, opportunities must also be ensured, alike, for access to education, employment and decent living conditions.

Well-targeted and comprehensive policy actions (more specific to each group of people with disabilities) are extremely necessary in order to make positive changes in the lives of persons with disabilities living in the European Union. In this respect, Romania has to move from the simulation phase of the various European programs to the implementation phase.

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