

THE SPECIAL PROTECTION OF PERSONS WITH INTELLECTUAL DISABILITIES

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Abstract

The disabled person is approached as a citizen with equal rights to any other person in the country and in the community to which they belong. The European realities have evolved towards the understanding that the future belongs to the society that takes into account policies and strategies, the diversity of any citizen, without any discrimination. It is about the conceptualization, design and construction of realities that take into account each individual and by this fact meet the needs of everyone without the need for further modifications and adaptations for certain categories of people, such as children, the elderly, people in coalescence.

Keywords: intellectual disability, special protection, institutionalization, disinstitutionalization

Classification JEL: J14, J38

1. Introduction

The purpose of the paper involves studying the problem related to the protection of people with intellectual disabilities, both in social and legislative terms, as well as determining the specific particularities of the development of psychomotor skills, their social and professional integration and the work capacities of these people.

The non-governmental organizations act to provide material aid or "in kind" by establishing programs intended for all categories of people in order to obtain financial means for people with disabilities in general.

The National Authority for Persons with Disabilities established the "Grant Scheme", a program that concerns the reform of the special protection system for persons with disabilities through the implementation of the National Strategy for the protection and social integration of those persons.

The National Organization for the Handicapped in Romania (ONPHR), is a non-governmental, apolitical, humanitarian organization, with an indefinite period, with projects aiming at the image of the disabled in the "eyes" of society, social integration in all areas of society, as well as equalization the chances of people with disabilities.

Being an NGO that only targets people with disabilities, as well as solving their problems, ONPHR establishes the "Empowerment" program. It aims to bring a substantial improvement to the Romanian society's perception of the disability issue, by using the unsuspected forces that lie unused among the most vulnerable categories of people with disabilities: young people and women with deficiencies.

The achievements of this project were realized in:

- the existence of an active lobby group, whose members are part of the organizations of people with disabilities.
- the development of activities that fall within a common framework to which local/regional specifics are added.
- implementation of campaigns at regional or local level.

Its meaning is to establish the context of the paper. It is made by bringing the specialty literature first (quotations)

The work is focused on the problem of the person with intellectual disability who represents a category of the population with an obviously disadvantaged position compared to other categories of people, which can only be solved through the joint effort of all people.

The topicality of the topic is also determined by several factors, namely:

A) the high level of deficiency and its general tendency to increase with implications on the health status of young people with mental disabilities and society's resources.

B) the appearance in the family of a child with a mental deficiency or disability; in 20% of cases, this affects the professional plans of the parents, but especially of the mothers; in 80% of cases, mothers who raise and educate children with neuro-psychological disabilities give up their work.

C) the psychological climate in the family is disturbed: 3% of families fall apart, 9.2% of fathers start abusing alcohol.

D) state expenses are increased on account of pensions, subsidies, medical services granted to children with a mental disability.

E) to a certain extent, people who have a mental disability, as well as other categories of people who have other types of disabilities, influence the demographic situation. [1]

It was noted that a great emphasis is placed on integration into the labor market, which means that integration into society has had beneficial results for people with disabilities.

In order to understand the significance of the benefits established in favor of disabled people, a retrospective approach to their social status, their place and position in the social structure is necessary.

2. The people with disabilities in Romania - past and present

The institutions and social services related to the situation of this category of people appear as the product of the specific development of each country, rooted in history. There are testimonies according to which, since ancient times, people, individually or collectively, have shown concern for others, trying to help those who were unable to meet their minimum living requirements.

The range of benefits offered to disabled people is closely related to the definitions and principles that underpin special protection.

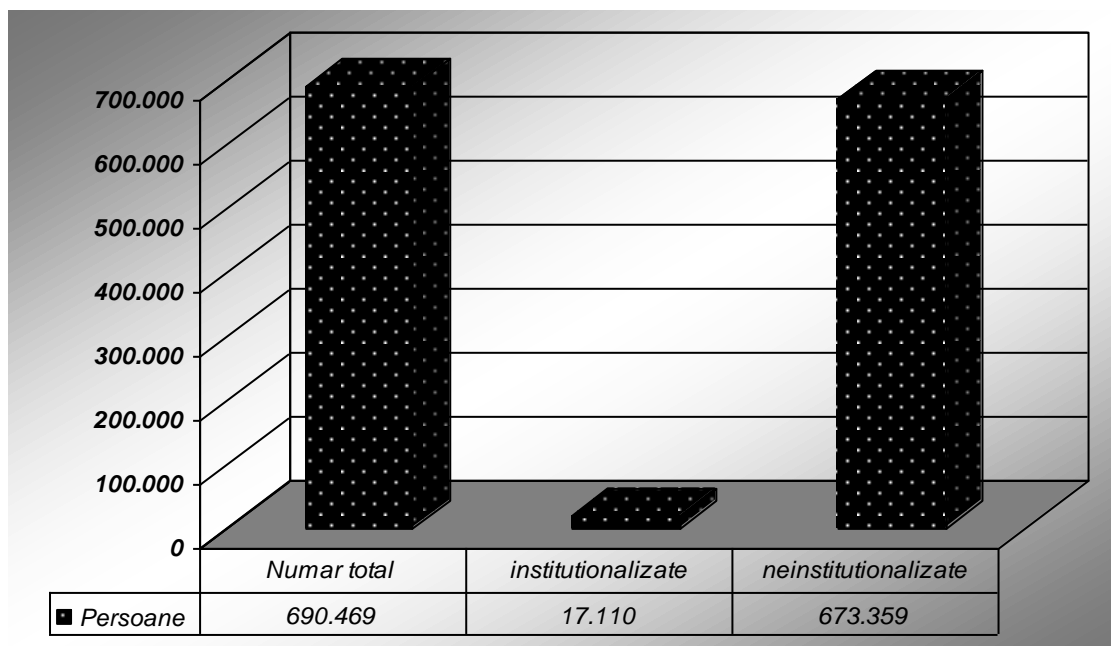
For a long time, people with disabilities received care within the family or community, without denying them belonging to the community. Social reactions towards such persons (especially those of the charity, philanthropy type) were based on religious and moral principles; however, with the advent of capitalism, this category of people becomes the beneficiary of a "special" attention, in the context of the new rationality that tends to be imprinted on the level of all spheres of human life.[2]

The main options related to the care of people with disabilities are institutionalization, deinstitutionalization, non-institutionalization, normalization, community-based rehabilitation and community care.

Physical and mental deficiencies seem to be individual characteristics whose incidences may or may not translate into the rejection of the respective person by the social environment, depending on the norms and constraints it imposes. The degree of tolerance varied quite a lot and some societies honored the handicap, especially the mental one, giving it an eminent role.

On June 30, 2022, the total number of persons with disabilities notified to the General Directorate for the Protection of Persons with Disabilities within the Ministry of Labour, Family and Social Protection, through the general directions of social assistance and child protection of the county and local sectors of the city of Bucharest, was 690,469 persons. Of these, 97.5% (673,359 people) are in the care of families and/or live independently (non-institutionalized) and 2.5% (17,110 people) are in public residential social assistance institutions for adults with disabilities (institutionalized) coordinated by the Ministry of Labour, Family and Social Protection through the General Directorate for the Protection of Disabled Persons.

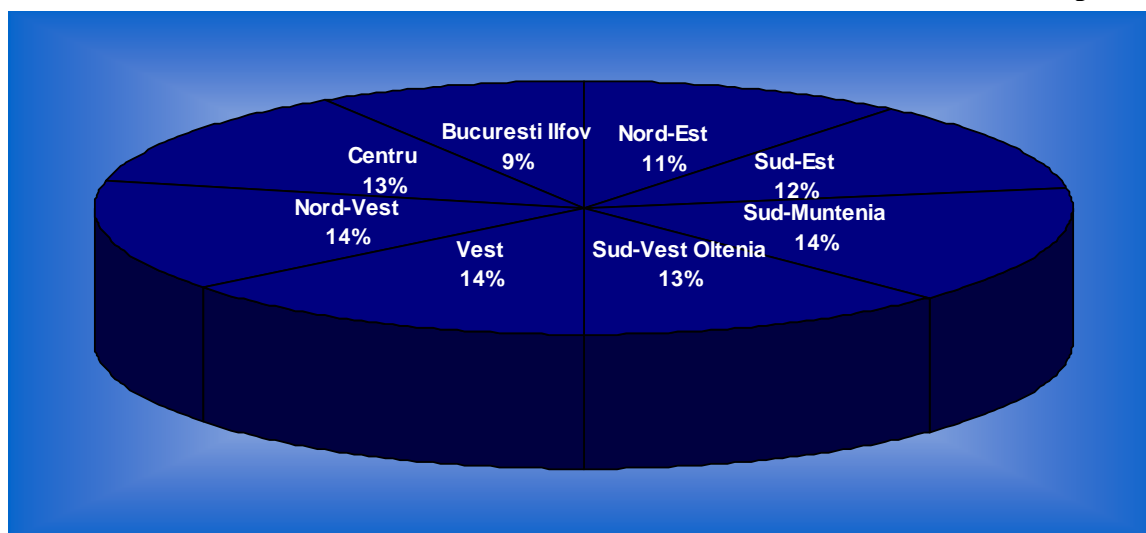
Graph no 1.
Number of disabled people on 30 June 2022



Source: Calculated for the population of the county on January 1, 2023, communicated by the National Institute of Statistics

On June 30, 2022, the rate of people with disabilities compared to the population of Romania was differentiated by region as follows:

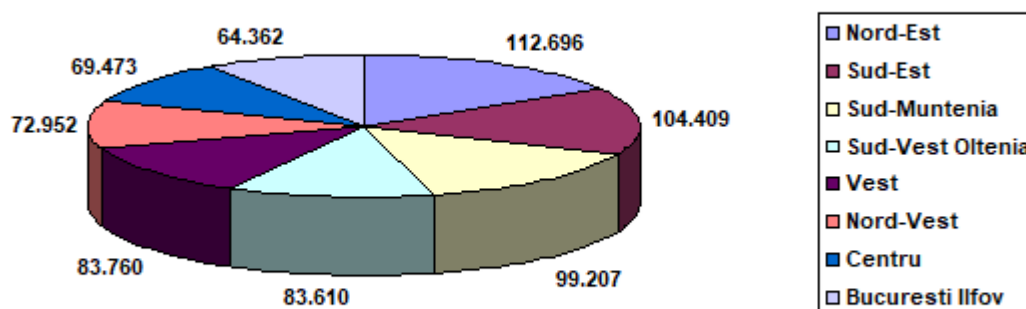
Graph no. 2



Source: Calculated for the population of the county on January 1, 2023, communicated by the National Institute of Statistics

Graph no. 3.

The number of people with disabilities, by development region



Source: Calculated for the population of the county on January 1, 2023, communicated by the National Institute of Statistics

Since these people are perceived to be different, with limited potential compared to the average, it is considered normal to need "special" facilities, designed to reduce their disadvantages: "special" education, "special" jobs, and other such invoice benefits. special". Consequently, the most appropriate form of response to the problem of people with disabilities seems to be the institution. [3]

For its part, the institution registers a tendency of "specialization" in relation to the "protected" dimensions of life (health care, education, work, housing) and to the different types of beneficiaries (depending on age, categories and severity of deficiencies, etc.)

With the passage of time, it became more and more obvious that there are also a number of limits to the option of institutionalizing people with disabilities:[4]

- being "special", the institutions are segregative, because they create an artificial environment, much different from the one existing in the community, which only maintains and reinforces the dependence of people with disabilities. In this way, those hospitalized are exposed to a major risk of enrolling in the trajectory of "careers of assisted persons" throughout their lives, being deprived of the chances of self-determination and assuming responsibilities;

- being, as a rule, large, the institutions inevitably assume the characteristics of "total institutions"; they break the barriers that separate the main spheres of life (rest, recreation, work), in the sense that each activity takes place in a planned manner, in the same place, in the immediate company of others and under the supervision of the staff, and the plans of all activities are developed in order to satisfying the institution's official objectives; in this way, the special institution tends to become more important than those for whom it was created;

- at the level of the institution, certain group interests of the staff develop, which is more concerned with maintaining the state of lack of autonomy of the interned, in order to be able to demonstrate how severe the working conditions are, in order to obtain some benefits (salary increases etc.);

- the existing bureaucratic organization at the level of the institution makes it difficult to develop individualized care plans; consequently, the actual conditions in which the different types of care are given are depersonalizing;

- the institution contributes substantially to the manifestation of labelling, stigmatization and discrimination of those interned;

- the institution is tempted to discourage the ties of the internees with the families they come from, perceived as competitors regarding guardianship.

Deinstitutionalization refers to the remodeling of the physical framework of institutions by trying to improve the quality of residential and rehabilitation programs.

The children abandoned and interned in children's homes are deprived of multilateral, individual, intimate and frequent communication with adults, which is why the evolution of their sociability, but also the organization of feelings of belonging, affection and freedom are limited. All these things lead to emotional and behavioral disturbances, to the rapid appearance of overwork. These children adapt very hard to something new.

The level of bio-psycho-social development of abandoned children is much lower than the age norm. A low pace of learning appears, a process related to the slow strengthening of knowledge, to the undeveloped ability to train. Abandoned children are not active enough in their individual activities. [5] Their behavior is often inappropriate. All these aspects can be seen as clear manifestations of hospitalism.

The advantage of this option takes into account the fact that it is associated with wide social acceptance, with important social and political support, while its limits are related to the ambiguity of the concept, the difficulty of creating a network of services that takes responsibility for care, the resistance the staff from the institutions and the bureaucratic nature of the process.[6]

Ultimately, this concept focuses more on the trend and less on what will happen to the targeted disabled people.

3.Conclusions

Apart from charity and care in the family, which can be identified in almost all societies, responses and societal arrangements (more or less systematic) towards the problem of people with disabilities show great variability. Each of them is based on certain principles, which suggest their advantages. However, a careful analysis of the evolution can highlight the way in which the denial of the old options and the adoption of others, until then ignored or even rejected, took place.

Like any other category of people with special needs excluded from society, people with disabilities feel the need for social integration. The state comes to the aid of the integration of these categories of people through programs specially designed for social integration, by promulgating laws in which rights are mentioned for people with disabilities as a member of the respective society.

The development of the principle of normalization stimulated concerns for the integration of people with disabilities into the community, a fact that brought the issue of special education into the center of attention. The scientific researches carried out in different countries have demonstrated that the special segregated school does not attract particular positive effects, but mainly negative effects: the students do not reach the performances, and the special framework of this type of education cannot create the prerequisites for integration into the ordinary environment of life, but rather emphasizes the special character.

The Romanian state, following the examples of the other European states, established homes, hospitals and nursing homes where disabled people are treated as if they were sick, centers where it is assumed that their special requirements are better met than in the family or social environment. This process was born from the consideration that people with disabilities, especially those with mental deficiency, will be offered a better quality of life in these centers.

Unfortunately, however, institutionalization appears as a form of exclusion from society, with the institutionalization of people with disabilities, any connection with the outside environment, with the community where they live, but above all, with the family, is broken.

This option, in the relatively bad conditions offered by these residential forms, leads to the dissolution of the assisted-family relationship, resulting in the abandonment of disabled people in poverty.

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