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Living without barriers for disabled people

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Abstract

In this paper is treated the topic of living of without barriers for disabled people. My study is a qualitative research and it is based on the literature review. There are treated the notions of barriers for disabled people, their types as the lack of equitable access to opportunities, information, buildings, transport, services, etc., Discrimination and/or attitudinal – prejudice and ignorance resulting in negative discrimination or lack of appropriate accommodations, etc. There are listed some key international documents which emphasize the rights of disabled persons to live as well as other persons, such World Programme of Action Concerning Disabled Persons (WPA), the Convention on the Rights of Persons with Disabilities, European Disability Strategy 2010-2020, etc. There are given the Albania's efforts to eliminate barriers for people with disabilities. For this purpose, there are listed a lot of Albanian documents towards the adaption of our legislation with the international legislation. It is highlighted the fact that Albania has made progress towards developing the Albanian legislation in accordance with international standards. Albania has made, also, progress towards creating the conditions for the full participation of persons with disabilities in all aspects of life.

1. Introduction

The International Classification of Functioning, Disability and Health (ICF) define disability as an umbrella term for impairments, activity limitations and participation restrictions. Disability is the interaction between individuals with a health condition (e.g. cerebral palsy, Down syndrome and depression) and personal and environmental factors (e.g. negative attitudes, inaccessible transportation and public buildings, and limited social supports) (Fact sheet N.352, September 2013).¹

According to the World Report on Disability, “Disability prevalence is high and growing. There are over one billion people with disabilities in the world, of whom between 110-190 million experience very significant difficulties. This corresponds to about 15% of the world’s population and is higher than previous World Health Organization (WHO) estimates, which date from the 1970s and suggested a figure of around 10%. The prevalence of disability is growing due to population ageing and the global increase in chronic health conditions. Patterns of disability in a particular country are influenced by trends in health conditions and trends in environmental and other factors –such as road traffic crashes, natural disasters, conflict, diet and substance abuse. Disability disproportionately affects vulnerable populations. Disability is more common among women, older people and households that are poor.

¹<http://www.who.int/mediacentre/factsheets/fs352/en/>

Lower income countries have a higher prevalence of disability than higher income countries.²

Around 80 million Europeans have a disability, representing one out of six people in the EU.³

Inclusion of persons with disabilities in all aspects of life is an incontestable right. It is a long and difficult process. The beginnings of this process are in the human childhood and continue throughout life. Inclusion of persons with disabilities constitutes a priority for our country, just as for other Western developed.

2. Methodology

The paper is based on the use of literature in Albanian and foreign languages. The purpose of the paper is to treat the notions of barriers for disabled people, the main types of these barriers. Another purpose of the paper is to reflect the Albania's efforts to eliminate barriers for people with disabilities.

3. Theoretical Treatment

Disabled people have the right to fully participate in all aspects of society, on the same basis as non-disabled people can do.⁴

They are entitled to the same rights as all other human beings and to equal opportunities. Too often their lives are handicapped by physical and social barriers in society which hamper their full participation. Because of this, millions of children and adults in all parts of the world often face a life that is segregated and debased.⁵

Full participation by disabled people is limited by three inter-related barriers:

1. Access - lack of equitable access to opportunities, information, buildings, transport, services, etc.
2. Discrimination and/or attitudinal - prejudice and ignorance resulting in negative discrimination or lack of appropriate accommodations.
3. Economic and social status - a vicious cycle of lower economic, educational and health status relative to the rest of the population.⁶

According to the newest definition developed by the World Health Organization, disability is not something that a person has but, instead, something that occurs outside of the person—the person has a functional limitation. Disability occurs in the interaction between a person, his or her functional ability, and the environment. A person's environment can be the physical environment, communication environment, information environment, and

social and policy environment.⁷

A new WHO global disability action plan 2014–2021 aims to improve the health and quality of life of the one billion people around the world with disabilities by improving their access to health care and creating new and strengthening existing services and technologies that help them acquire or restore skills and functions. It also aims to strengthen data and research. People with disabilities have the same general health care needs as others, but are three times more likely to be denied health care and four times more likely to be treated badly in health facilities. One in seven people worldwide has a disability. As people live longer and chronic diseases increase, more people are likely to develop disabilities. Road traffic crashes, falls, violence, natural disasters and conflict, unhealthy diet and substance abuse can also lead to disability.⁸

People with disabilities are recognized to be one of the most disadvantaged sections of our society and continue to face considerable barriers in accessing all aspects of social life.

Systemic barriers which are often the major cause of exclusion of people with disabilities include, inter alia, lack of affordable transportation, limited education and training opportunities, lack of supports and numerous disincentives in the social and economic field.⁹

When we think of barriers to accessibility, most of us think of physical barriers — like a person who uses a wheelchair not being able to enter a public building because there is no ramp. The fact is there are many kinds of barriers. Some are visible. Many are invisible.¹⁰

“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.¹¹

Living without barriers is not only an architectural challenge: it is also a major social challenge.¹²

Goods, services and participation in political and leisure activities are not always accessible for people with disabilities on an equal basis with other individuals.

People with disabilities are on average poorer than other Europeans, are less likely to have a job, and face more limited access to goods and services such as education,

²http://www.who.int/disabilities/world_report/2011/factsheet.pdf?ua=1

³European Disability Strategy 2010-2020 – guide (November 2010)

⁴<http://www.odi.govt.nz/resources/guides-and-toolkits/disability-perspective/eliminating-barriers.html>

⁵World Programme of Action concerning Disabled Persons

⁶<http://www.odi.govt.nz/resources/guides-and-toolkits/disability-perspective/eliminating-barriers.html>

⁷http://www.accessingsafety.org/index.php/main/main_menu/understanding_disability/a_new_definition

⁸<http://www.who.int/mediacentre/news/releases/2014/WHA-20140523/en/>

⁹Commission of the European Communities (2000) “Communication from the Commission to the Council, the European Parliament, the economic and social Committee and the Committee of the regions-Towards a Barrier Free Europe for People with Disabilities, Brussels, pg.4

¹⁰http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/understanding_accessibility/understanding_barriers.aspx

¹¹European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, Brussels, 15.11.2010

¹²http://www.experimenteller-wohnungsbau.bayern.de/engl/ms_modell/ms_bfw.html

healthcare, transport, housing and technology.¹³

In 1982 the General Assembly of the United Nations adopted the World Programme of Action Concerning Disabled Persons.

The World Programme of Action (WPA) is a global strategy to enhance disability prevention, rehabilitation and equalization of opportunities, which pertains to full participation of persons with disabilities in social life and national development. The WPA also emphasizes the need to approach disability from a human rights perspective.¹⁴

The General Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in December 1993. The Standard Rules comprise 22 rules that address all aspects of life of persons with disabilities and provide for a continuum of interventions that are critical to the equalization of opportunities for all persons with disabilities.¹⁵

In 2006 the General Assembly of the United Nations adopted the Convention on the Rights of Persons with Disabilities. The purpose of the Convention is to promote, protect and ensure the full enjoyment of equal and all human rights by persons with disabilities. The Convention covers a number of key areas, such as: accessibility, personal mobility, health, education, employment, housing and rehabilitation, participation in political life, equality and non-discrimination.

4. Albania's Efforts to Eliminate Barriers for People with Disabilities

The Constitution of the Republic of Albania authorizes the equality of all citizens before the law, their right to non-discrimination, their right to health care from the state and the right to health insurance according to the set procedure (Article 2, Article 18, and Article 55).¹⁶

In March 1996 was approved Mental Health Law (Law 8092, dated 21.03.1996). In this law, inter alia, it is given the concept of mental health protection (Article 2). It is, also, given the concept of preventive policy, the definition of the terms "person with mental disorders", "psychiatric institution", "rehabilitation", etc... The Article 8 is about the nomination of social workers, which explicitly states: "In all psychiatric and rehabilitative institutions, the Ministry of Labor, Immigration, Social Support and Former Persecuted nominate social workers who supervise the treatment of patients from the social perspective and from the perspective of protection of their rights".¹⁷

In 2001 was approved the National Strategy for Children.

In this strategy is paid special attention to child health starting from the period of pregnancy, the organization of health services for children, the providing services to children with disabilities, to orphaned children, to children with social problems. It is paid, also, special attention to the child protection, especially to the protection of child from suicide, the children education, where the emphasis is on inclusive education and to the increasing teaching quality.

In March 2003 was approved Policy Document on Mental Health in Albania (Nr.116, dt.25.03.2003).

In December 2004 was approved The Package Disability Law. In this document there are authorized the rights and fundamental freedoms in general and personal rights and freedoms of persons with disabilities. In this document there are, also, given a lot of laws related to the disability.

In December 2004 was approved The National Strategy of Disabled Persons. There is a new approach regarding the definition of disability, in accordance with international definitions. There is also a new approach regarding the policies to be followed to persons with disabilities. In this strategy are defined the basic principles, the objectives and the main areas of intervention, namely: 1. Living without barriers. 2. Services. 3. Employment, Vocational Training and Education. 4. Building of Capacities. 5. Legal and research work.

According to this strategy, "Living without barriers" is related to "the possibilities of including people with disabilities in all sectors of social life, including their integration in all fields of education and employment".¹⁸

The strategy, also, cites: "The buildings and other settings, the vehicles, the technical equipments, the information processing systems, the acoustic and visual sources of information, the communication facilities and other settings will be considered without barriers if they are accessible and usable by persons with disabilities in the usual way, without particular difficulties, as a rule, without the help of others. (National Strategy of Disabled Persons, page 21).¹⁹

In May 2005 was approved The Action Plan Document Mental Health Policy in Albania (Nr.226, dt.13.05.2005).

In March 2005 was approved the Law on Social Assistance and Services (Nr.9355, dt. 10.03.2005), which specifies who are the beneficiaries of social assistance and social services, who benefit the payment for disability. The law specifies also the types of economic benefit and the types of social services, specifies who are the beneficiaries of them, etc.

In October 2005 was approved the strategy "The Standards for Social Services in Albania- Tirana, october 2005. There is a new perspective on social services, specifically: a) persons in need are the main focus of social services; b) the main aim of social services is to achieve the appropriate results that their beneficiaries require; c) social services aim at community capacity building; d) the

¹³European Disability Strategy 2010-2020 – guide (November 2010)

¹⁴<http://www.un.org/disabilities/default.asp?id=23>

¹⁵United Nations General Assembly (2005) "Report of the Secretary General on the Implementation of the World Programme of Action concerning Disabled Persons: towards a society for all in the twenty-first century -[A/60/290]", pg.3

¹⁶The Constitution of the Republic of Albania, October 2003

¹⁷LAW N.8092 dated 21.3.1996 FOR MENTAL HEALTH

¹⁸ The National Strategy of Disabled Persons, 2005, pg.21, 22

¹⁹ http://www.adrf.org.al/images/strat_komb_pak.pdf

strategy reflects the basic principles of social services; e) social services aim at preventing social problems. There are defined the criteria and the indicators of the quality of social services.²⁰

In April 2007 was approved The Regulation on Mental Health Services, in which are sanctioned the rights of patients, the role of the Community Mental Health Center, the hospitalisation and treatment of patients, the type of residential structures, their purpose, the role of day care centers, the role of services for children and adolescents, the staff duties, etc.

In August 2007 was approved Social Protection Sector Strategy 2007 to 2013, in which is given a great importance to the social services. The emphasis is on decentralization, on the transfer of residential services to local administration units, on the increasing the diversity of community services, on the coverage of all social groups to basic services in all districts of our country, on the de-institutionalization, on the consolidation of the model homes "home-family" for children and disabled persons, on the expansion of these services for other social groups (youth, elderly persons), on the implementation of service standards and on the improving the quality of services for children, for disabled and the elderly persons. ²¹

In 2007 was approved The Employment Sectoral Strategy 2007-2013 where the emphasis, among other things, is on improving and implementing policies and programs for employment of disabled people, on increasing employment opportunities for disabled persons and on increasing opportunities for education and vocational training in order to increase their individual capacities for employment.

The decision Nr.1503 dated 19.11.2008 "On approval of the Regulation on the use of space by persons with disabilities", Article 1, inter alia, states that "This regulation is intended the application of the rules for the elimination of architectural barriers in homes, in public spaces and services".

Albanian Foundation for the Rights of Persons with Disabilities states: "To ensure living without barriers, the main steps to be taken are: (a) removing barriers to participation in social, cultural and political life, (b) the creation of necessary conditions to ensure access to information; and (c) inclusion of the study about the adaptability construction as part of the curricula of the universities of architecture, engineering, communication with the media and computer sciences.²²

In May 2009 was approved Public Health Law (Nr.10 138, dt. 11.5.2009). There are given the public health principles, the basic activities and services of public health (here is included mental health), the institutions responsible for public health, etc. It is, also, given the concept of

regional public health structures, their responsibilities, their functions and services.

On 4 February 2010 the Albanian Parliament unanimously approved the new Law for Protection against Discrimination (Law No. 10 221, dated 4.2.2010). Among other things, the law authorizes the prohibition of discrimination against individuals in terms of employment (Article 12, Article 20).²³

On 15.11.2012 was approved Law no. 108/2012 "(About the Ratification of the UN Convention on the Rights of Persons with Disabilities. Among other things, this law states "It is ratified the UN Convention "On the Rights of persons with disabilities", made in New York on December 13, 2006" (Article 1)²⁴

There have been conducted various studies regarding some aspects of disability.

In a study conducted by the Albanian Foundation for the Rights of Persons with Disabilities) in 2008 is cited "From the observations results it is clear that the Albanian businesses are still far of treatment of individuals with disabilities as their employees. Low self-esteem, incomplete legal framework, lack of confidence in their skills and their qualities, stigma, are some of the factors that impede the employment of persons with disabilities".²⁵

In the study made in 2009 (conducted by the Albanian Foundation for the Rights of Persons with Disabilities) is stated "Despite there are achievements in improving the legal framework that promotes gender equality and inclusion of people with disabilities, women and girls with disabilities in Albania, are still not right in any of the Albanian Government policy documents in the field of gender equality and disability. Women with disabilities are seen as a non-active category, which should only benefit from social services and payments allocated to disability".²⁶

In relation to the education of disabled children there are different problems. For example, World Vision in a study made in 2012, cites: "There are a range of issues in the implementation of the inclusive education: lack of flexibility of the curriculum, lack of teaching special tools, lack of prepared teachers and lack of support of other important professionals, as speech therapists, social workers and psychologists".²⁷

National Office of Housing reports that since 2007 the elements of appropriateness have become part of the type of housing projects, noting that the National Office of

²⁰The Standards for Social Services in Albania- Tirana, october 2005

²¹The Employment Sectoral Strategy 2007-2013

²²The Implementation of the Action Plan of the National Strategy for Disabled Persons for the year 2010-Monitoring report, Tirana, 2011, Albanian Foundation for the Rights of Persons with Disabilities, pg.25

²³ LAW N.10 221, dated 4.2.2010, FOR PROTECTION AGAINST DISCRIMINATION

²⁴ LAW N.108/2012 ABOUT THE RATIFICATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

²⁵ Albanian Foundation for the Rights of Persons with Disabilities (2008) "Social Responsibility of Business Community and Groups in Need", pg.53

²⁶ Albanian Foundation for the Rights of Persons with Disabilities (2009) "Women with Disabilities in Albania, included or omitted?", ALB Paper, Tirana, pg.59

²⁷ World Vision (2012) "The rights of children with disabilities for inclusive education", pg.22

Housing addresses in particular this problem, because these buildings will be in use by social groups, including persons with disabilities.²⁸

5. Conclusions

Albania has made progress towards the creation of conditions for living without barriers for disabled people. For this purpose, Albania has made progress towards developing his legislation in accordance with international standards. There is progress towards creating the conditions for the full participation of persons with disabilities in all aspects of life, but there is to do more in order to fully realize the living without barriers for disabled people.

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²⁸The Implementation of the Action Plan of the National Strategy for Disabled Persons for the years 2008-2009-Monitoring report, Tirana, 2010, Albanian Foundation for the Rights of Persons with Disabilities, pg.24