



PARLIAMENTARY ASSEMBLY OF THE BLACK SEA ECONOMIC COOPERATION

Doc. GA23/CC22/REP/04

**THE TWENTY THIRD SESSION OF THE GENERAL ASSEMBLY  
CULTURAL, EDUCATIONAL AND SOCIAL AFFAIRS COMMITTEE**

**REPORT**

**ON**

**“IMPROVING SOCIAL, ECONOMIC AND CIVIL RIGHTS OF  
PEOPLE WITH DISABILITIES”**

**Rapporteur: Mr. Adam TLEUZH**

---

Text approved by the Twenty Third General Assembly in Sankt-Peretsburg on 3 June 2004.

## I. INTRODUCTION

1. The problem of improvement of social, economic and civil rights of the disabled people is one of the most actual humanitarian problems of the contemporary society. Disabled people constitute 10% of the general population that is approximately 80 million of disabled people in the European continent. They are entitled to the same rights as all other human beings and to equal opportunities. However, too often their lives are handicapped by physical and social barriers in society which hamper their participation. Because of this, millions of children and adults often face a life that is segregated and debased.

2. International organisations such as the United Nations, World Health Organisation, World Bank, UNESCO, UNICEF, International Labour Organisation and others work to improve situation of disabled. The year of 2003 was announced by the European Commission “The European Year of People with Disabilities” in order to raise awareness of the rights of disabled people to full equality and participation in all areas.

3. Aiming to highlight barriers and discrimination faced by disabled people and to improve the lives of those of us who have a disability, the PABSEC Cultural, Educational and Social Affairs Committee, decided to discuss the issue of “Improving social, economic and civil rights of people with disabilities” as the main item of the Agenda of its 22<sup>nd</sup> Meeting.

4. The Report provides an analysis of principles, concepts and definitions relating to disabilities; an overview of the regional situation regarding persons with disabilities; and set out proposals for improving social, economic and civil rights at the national, regional and international levels.

5. Contribution for the Report has been received from the national delegation of Greece. Reference materials used for the preparation of the Report were obtained by the International Secretariat mainly through the Internet from the web-sites of international organisations dealing with the issue of disability.

## II. DISABILITY: DEFINITION, REASONS AND SPECIAL GROUPS

6. Defining what is meant by disability is sometimes a complex process, as disability is more than a description of a specific health issue; rather it is affected by people's cultures, social institutions, and physical environments. The following distinction is made by the World Health Organization, in the context of health experience, between impairment, disability and handicap: "**Impairment:** any loss or abnormality of psychological, physiological, or anatomical structure or function. "**Disability:** any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being. "**Handicap:** a disadvantage for a given individual, resulting from an impairment or disability, that limits or prevents the fulfillment of a role that is normal, depending on age, sex, social and cultural factors, for

that individual." \*

7. Handicap is therefore a function of the relationship between disabled persons and their environment. It occurs when they encounter cultural, physical or social barriers which prevent their access to the various systems of society that are available to other citizens. Thus, handicap is the loss or limitation of opportunities to take part in the life of the community on an equal level with others.

8. Disabled people do not form a homogeneous group. For example, the mentally ill and the mentally retarded, the visually, hearing and speech impaired and those with restricted mobility or with so-called "medical disabilities" all encounter different barriers, of different kinds, which have to be overcome in different ways.

9. Many factors are responsible for the rising the number of disabled persons and the relegation of disabled persons to the margin of society. These include:

- Wars and the consequences of wars and other forms of violence and destruction, poverty, hunger, epidemics and major shifts in population;
- Inadequate programs of primary health care and services;
- The absence or weakness of an infrastructure of related services for social assistance, health, education, vocational training and placement;
- Low priority in social and economic development for activities related to equalization of opportunities, disability prevention and rehabilitation;
- Industrial, agricultural and transportation-related accidents;
- Natural disaster and earthquake;
- Pollution of the physical environment;
- Stress and other psycho-social problems;
- The faulty treatment of injured persons at the time of a disaster, which can be the cause of avoidable disability and other indirect factors, etc.

10. In the transition countries the disability problem is compounded by economic and financial crisis, which extremely limited services and facilities.

11. The relationship between disability and poverty has been clearly established. While the risk of impairment is much greater for the poverty-stricken, the converse is also true. The occurrence of disability in the family, often places heavy demands on the limited resources of the family, thus thrusting it deeper into poverty. The combined effect of these factors results in higher proportions of disabled persons among the poorest strata of society. The negative impact of these trends seriously hinders the development process.

12. The consequences of disablement are particularly serious for **women**. Women, in

---

\* International Classification of Impairments, Disabilities and Handicaps, World Health Organization, Geneva, 1980.

general, are subjected to social, cultural and economic disadvantages which impede their access to, for example, health care, education, vocational training and employment. If, in addition, they are physically or mentally disabled, their chances of overcoming their disablement are diminished, which makes it all the more difficult for them to take part in community life.

13. For many **children**, the presence of an impairment leads to rejection or isolation from experiences that are part of normal development. This situation may be exacerbated by faulty family and community attitudes and behavior during the critical years when children's personalities and self-images are developing.

14. In most countries the number of **elderly people** is increasing. Most of the conditions which cause their disability (for example, arthritis, strokes, heart disease and deterioration in hearing and vision) are not common among younger disabled people and may require different forms of prevention, treatment, rehabilitation and support services.

15. There are many physically and psychologically disabled persons among the **refugees and displaced persons**. Being a refugee is in itself a handicap, and a disabled refugee is doubly handicapped.

16. **Migrant workers** often find themselves in a difficult situation associated with a series of handicaps resulting from differences in environment, lack or inadequate knowledge of the language of the country of immigration, prejudice and discrimination, lack or deficiency of vocational training, and inadequate living conditions. The special position of migrant workers in the country of employment exposes them and their families to health hazards and increased risk of occupational accidents which frequently lead to impairment or disability. The situation of disabled migrant workers may be further aggravated by the necessity for them to return to the country of origin, where, in most cases, special services and facilities for the disabled are very limited.

### **III. THE RIGHTS OF PEOPLE WITH DISABILITIES AND EQUALIZATION OF OPPORTUNITIES**

17. The rights of individuals with disabilities are grounded in a broad human rights framework based on the Universal Declaration of Human Rights, international covenants on human rights and other human rights instruments.

18. Some of the fundamental rights contained in the two main legal instruments of the Council of Europe – the European Convention for the Protection of Human Rights and Fundamental Freedoms, its Protocols, and the European Social Charter (Revised).

19. Persons with disabilities are entitled to exercise their civil, political, social, economic and cultural rights on an equal basis with others under all the international treaties. Examples of such instruments are: the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment; and the Convention on the Rights of

the Child. In addition to the general international human rights instruments, disability-specific instruments concerning the rights of persons with disabilities have been adopted at the international level. Unlike the aforementioned international legal instruments, these instruments are declarations, resolutions and normative guidelines adopted by the United Nations General Assembly that are not legally binding. These include the Declaration on the Rights of Mentally Retarded Persons, the Declaration on the Rights of Disabled Persons, the World Program of Action Concerning Disabled Persons, the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, the Principles for the Protection of Persons with Mental Illness, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

20. A landmark initiative has recently been launched at international level towards a UN Convention to protect and promote the rights of people with disabilities.

21. The World Program of Action concerning Disabled Persons adopted by the United Nations General Assembly in 1982 represents 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 Program also emphasizes the need to approach disability from a human rights perspective, proposes actions directed at prevention, rehabilitation and equalization of opportunities. According to the Program “**equalization of opportunities**” means the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are made accessible to all.

22. To achieve the goals of "full participation and equality", rehabilitation measures aimed at the disabled individual are not sufficient. Experience shows that it is largely the environment which determines the effect of an impairment or a disability on a person's daily life. A person is handicapped when he or she is denied the opportunities generally available in the community that are necessary for the fundamental elements of living, including family life, education, employment, housing, financial and personal security, participation in social and political groups, religious activity, intimate relationships, access to public facilities, freedom of movement and the general style of daily living.

23. The principle of equal rights for the disabled and non-disabled implies that the needs of each and every individual are of equal importance, that these needs must be made the basis for the planning of societies, and that all resources must be employed in such a way as to ensure, for every individual, equal opportunity for participation. Disability policies should ensure the access of the disabled to all community services.

24. As disabled persons have equal rights, they also have equal obligations. It is their duty to take part in the building of society. Societies must raise the level of expectation as far as disabled persons are concerned and mobilize their full resources for social change. This means, among other things, that young disabled persons should be provided with career and vocational opportunities - not early retirement pensions or public assistance.

## **IV. SITUATION OF THE DISABLED PEOPLE IN THE BLACK SEA REGION**

### **Albania**

25. Widespread poverty and the poor quality of medical care account for a high number of disabled persons. Human rights reports witness that there is some discrimination against persons with disabilities in employment, education, and the provision of other state services. Disabled persons are eligible for various forms of public assistance, but budgetary constraints limit the amount of assistance. The public care section of the Ministry of Labor and Social Welfare, established in 1993, has set up a network of social service administrators throughout the country with a goal to improve the quality of services to disabled persons and promote social integration rather than institutionalisation. There is no law mandating accessibility to public buildings.

### **Armenia**

26. The Constitution provides for the right to social security in the event of disability. The 1993 Law on Invalids provides for the social, political, and individual rights of the disabled. According to human rights reports, there is societal discrimination against the disabled; hospitals and other facilities for the seriously disabled do not meet international norms. The law and a government decree have special provisions that mandate accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities are accessible.

27. Expenditures for the health sector were increasing in recent years, but despite these increases, there were no improvements in the provision of benefits and services to persons with disabilities. According to the Ministry of Social Welfare support for persons with disabilities includes pensions, prostheses and wheelchairs.

### **Azerbaijan**

28. The Law on Support for the Disabled, enacted in 1993, prescribes priority for disabled in obtaining housing, as well as discounts for public transport, and pension supplements. But according to human rights reports, the commitments are not being fulfilled completely because of the lack of financial means. There are no special provisions in the law mandating accessibility to buildings for the disabled.

### **Bulgaria**

29. The law provides the disabled persons a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. However, as in other areas, budgetary constraints mean that such payments are not enough. Disabled individuals have access to university training, to housing and employment, but architectural barriers are a great hindrance in most buildings, including schools or universities. Recent public works have taken the needs of persons with disabilities into account. Sofia's new subway system was designed with

wheelchair access to stations. Problems of general unemployment and economy limit initiatives aimed at advancing equal opportunity for the disabled. 82 percent of the disabled were unemployed in 1999. Labor laws intended to protect the interests of the disabled and create greater employment opportunity. The law provides incentives for small firms to hire disabled workers, and the Bureau of Labor pays the first year's salary of a disabled employee. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine. Nevertheless, due to low fines compliance rates are very low.

30. Public attitudes prevalent in the past, which separated mentally disabled persons, including very young children, from the rest of society have persisted. However, in a recent positive development, construction of a training and rehabilitation center for disabled youth in Pomorie began in 1999. The center aims to improve the overall physical and intellectual state of disabled youth and to encourage them to acquire new skills and participate more actively in the social life of the country.

### **Georgia**

31. The 1995 Law on the Social Security of Disabled Persons mandates that the State ensure appropriate conditions for the disabled to use freely the social infrastructure and to ensure proper protection and support. The Law on Labor has a section that includes the provision of special discounts and favorable social policies for those with disabilities, especially disabled veterans. There is no legislated or otherwise mandated provision requiring accessibility for the disabled.

32. Many of the state facilities for the disabled that operated in the Soviet period were closed because of lack of government funding. Most disabled persons are supported by family members or by international humanitarian donations. Human rights reports witness that societal discrimination against persons with disabilities exists.

### **Greece**

33. Article 21 of the Constitution of Greece states the right for participation in the social, economic and political life of people with disabilities. More specifically, art. 1 of Law 2646/98 provides for programs of social care, economic assistance, facilitation and general support of disabled. There are 11 programs for financial support, covering all categories of disability, number of which is estimated to 130.000 persons. Moreover there are three major centers for functional and social rehabilitation, and four physical and social rehabilitation centers, aiming at rehabilitation and social integration of disabled persons through the implementation of relevant programs and provision of series by specialized personnel. There are also 24 training centers for social support of people with special needs, aiming at providing equal opportunities and social integration of disabled people.

34. Legislation mandates the hiring of disabled persons in public and private enterprises that employ more than 50 persons. The law states that disabled persons should account for 3 percent of employees in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons. Recent legislation mandates the hiring of disabled persons in the public sector from a priority list. The disabled are exempt from the civil service examination.

35. The Construction Code mandates physical access for disabled persons to private and public buildings, but this law, too, is enforced poorly. Many public buildings had not complied with the proposals of the inter-ministerial committee on accessibility by the end of 2001. A 1997 survey showed that over 60 percent of public buildings were not accessible to persons with mobility problems. During 2001 ramps and special curbs for the disabled have been constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. Since 1993 the Government continues to replace old city buses with new ones with stairs specially designed for the disabled. The Athens subway lines provide full access for the disabled.

### **Moldova**

36. There is no legal discrimination against persons with disabilities. However, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government provides tax advantages to charitable groups that assist persons with the disabled.

### **Romania**

37. Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities are almost nonexistent. Many disabled persons cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law mandates accessibility for the disabled to buildings and public transportation, but implementation of this law has been delayed. According to official statistics, there were 3,500 disabled children living in state institutions in 2000-2001; conditions in these institutions ranged from adequate to harsh.

### **Russian Federation**

38. The Constitution does not address directly the issue of discrimination against persons with disabilities. Laws exist that prohibit discrimination, but they are enforced poorly. The meagre resources that the Government can devote to assisting persons with disabilities are provided to veterans of World War II and other conflicts. A 1995 law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them; however, the law is not implemented. The law also removed language defining an "invalid" as a person unable to work. Some persons with disabilities

find work within factories run by the All-Russian Society for the Disabled, but the majority is unable to find employment, frequently is discouraged from working, and are forced to subsist on social benefits. The Government does not mandate special access to buildings for persons with disabilities, and access to buildings is a problem.

39. Special institutions exist for children with various disabilities but do not serve their needs adequately due to a lack of finances. Many children with physical or mental disabilities are considered uneducable, even those with only minor birth defects. Families with children with disabilities received extremely low state aid.

40. The Third Congress of the All-Russian Society of Invalids (held in October 2001), which represents more than 2 million persons, called on the Government to devote more resources to help the more than 4 million persons with disabilities in the country. In November 2001 the President issued a decree designating several programs for children with disabilities.

## **Turkey**

41. The Government established an "Administration of Disabilities" office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Companies who employ more than 50 employees are required to hire persons with disabilities as 2 percent of their employee pool, although there is no penalty for failure to comply. Few laws exist regarding accessibility to buildings and public transportation.

42. According to a 2000 UNICEF report on women and children in the country, welfare institutions "provide limited financial, employment and educational support to the handicapped." The Ministry of Education reports that there were 1.1 million children with disabilities in the country in 2001. Although there are many Government institutions for persons with disabilities, most attention to the disabled remained at the individual and family level.

## **Ukraine**

43. The law prohibits discrimination against persons with disabilities; however, little is being done to support programs targeted at increasing opportunities for persons with disabilities. Legally mandated levels of employment of persons with disabilities at state enterprises are not observed. In 2001 there were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education by 2001. Advocacy groups for persons with disabilities maintain that there is societal discrimination against persons with disabilities. The law mandates access to buildings and other public facilities for the disabled, but the law is enforced poorly.

## V. IMPROVING SOCIAL, ECONOMIC AND CIVIL RIGHTS

44. Full participation in the basic units of society, family, social groups and community is the essence of human existence. The right to equality of opportunity for such participation is set forth in the Universal Declaration of Human Rights and should apply to all people, including those with disabilities. In reality, however, disabled persons are often denied the opportunities of full participation in the activities of the socio-cultural system of which they are a part. This deprivation comes about through physical and social barriers that have evolved from ignorance, indifference and fear. Attitudes and behavior often lead to the exclusion of disabled persons from **social and cultural life**. People tend to avoid contact and personal relationships with those who are disabled. The pervasiveness of the prejudice and discrimination affecting disabled persons and the degree to which they are excluded from normal social intercourse produce psychological and social problems for many of them.

45. The rights of persons with disabilities to participate in their societies can be achieved primarily through political and social action. Countries have already taken some important steps to eliminate or reduce barriers to full participation. Legislation has been enacted to guarantee to disabled persons the rights to, and opportunities for, schooling, employment and access to community facilities, to remove cultural and physical barriers and to proscribe discrimination against disabled persons.

46. However, disabled persons are yet far from having achieved equal opportunities and the degree of integration of disabled persons into society is yet far from satisfactory in most countries.

47. Economic development leads to alterations in the size and distribution of the population, to modifications in life styles and to changes in social structures and relationships, but the services needed to deal with human problems are generally not being improved and expanded rapidly enough. Such imbalances between economic and social development add difficulties to integrating disabled persons into their communities.

48. Too often the professional and other service personnel with whom disabled persons come into contact fail to appreciate the potential for participation by disabled persons in normal social experiences and thus do not contribute to the integration of disabled individuals and other social groups.

49. Disabled children have the same **right to education** as non-disabled persons and they require active intervention and specialised services. But most disabled children receive neither specialized services nor compulsory education.

50. Many persons with disabilities are denied **employment** or given only menial and poorly remunerated jobs. While if they will receive proper assessment, training and placement, the great majority of disabled persons can perform a large range of tasks. In times of unemployment and economic distress, disabled persons are usually the first to be

discharged and the last to be hired. In some countries various programs have been developed and measures taken to create jobs for disabled persons. The actual number of disabled workers employed in either regular or special establishments is far below the number of employable disabled workers. While wider application of ergonomic principles could lead to adaptation of the workplace, tools, machinery and equipment at relatively little cost and help to widen employment opportunities for the disabled.

51. Many disabled persons are excluded from active participation in society because of doorways that are too narrow for wheelchairs; steps that cannot be mounted leading to buildings, buses, trains and aircraft; telephones and light switches that cannot be reached; sanitary facilities that cannot be used, etc. Such barriers are the result of ignorance and lack of concern; they exist despite the fact that most of them could be avoided at no great cost by careful planning. Although some countries have enacted legislation to eliminate such obstacles, the problem remains a crucial one.

52. Many persons with disabilities are not only excluded from the normal social life of their communities but in fact confined in institutions. Too many people are today institutionalised when there is nothing in their condition to justify it.

53. In many countries, the prerequisites for achieving the purposes of improving the social, economic and civil rights of the disabled are economic and social development, extended services provided to the whole population in the humanitarian area, the redistribution of resources and income and an improvement in the living standards of the population. It is necessary to use every effort to prevent wars leading to devastation, catastrophe and poverty, hunger, suffering, diseases and mass disability of people, and therefore to adopt measures at all levels to strengthen international peace and security, to settle all international disputes by peaceful means.

54. Realisation of these objectives will, however, require extended periods of efforts, during which the number of disabled persons is likely to increase. Without effective remedial action, the consequences of disability will add to the obstacles to development. Hence, it is essential that all countries should include in their general development plans immediate measures for the prevention of disability, for the rehabilitation of disabled persons and for the equalization of opportunities.

55. It is the duty of every government to ensure that the benefits of development programs also reach disabled citizens. Measures to this effect should be incorporated into the general planning process and the administrative structure of every society. Extra services which disabled persons might need should, as far as possible, be part of the general services of a country.

## VI. CONCLUSIONS

56. As seen in the Report, disabled persons, to a large extent, are exposed to physical, cultural and social barriers which handicap their lives even if rehabilitation assistance is available.

57. Different socio-economic circumstances and different provisions that each society makes for the well-being of its members resulted in variation of situation of the disabled throughout the region. Persons with disabilities are an underserved group in most transition countries.

58. "Equalization of opportunities" is a central task for the society and its guiding philosophy for the achievement of full participation of persons with disabilities in all aspects of social and economic life. An important principle underlying this theme is that issues concerning persons with disabilities should not be treated in isolation, but within the context of normal community services. Governments must ensure that people who are made dependent by severe disability have an opportunity to achieve a standard of living equal to that of their fellow citizens.

59. Including persons with disabilities in development strategies and projects often has been perceived as a human rights issue, whereas the human capital and poverty dimensions of disability - reduced productivity and increased incidence of poverty of persons with disabilities and their caregivers - have largely been ignored.

60. Economic and social benefits of increasing the participation of and opportunities for persons with disabilities in society are obvious. Full participation of persons with disabilities benefits society as their individual contributions enrich all spheres of life and this is an integral part of individual's and society's well-being and progress for a society for all - with or without disabilities.