

THE LEGAL SITUATION OF PEOPLE WITH DISABILITIES IN LATVIA

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Abstract. *Each year the number of people with disabilities in Latvia increases. More and more children are born with congenital problems. Many opportunities are not used to integrate disabled people in the society. The study aims to evaluate the legal situation in Latvia of both children and adults with disabilities. People with functional disorders are an integral part of society and the legislative framework should prevent their discrimination. While carrying out the analysis of legal framework defining documents, as well as the reflection of personal experience, it was found that the actual situation in the country does not entirely meet with the legal framework. People with special needs in both Latvian statutes and everyday life are still denoted with a term 'invalid'. In assessing the dynamics of the number of disabled children, it was found that the number of such children is increasing.*

Keywords: *invalid, people with special needs, children, legal protection.*

Introduction

People are facing by giving them a possibility to become independent and reducing the need for an assistance. In recent years governments have sought to identify and understand the needs and challenges of people with special needs. These problems are being addressed as much as possible through the development of services for disabled people, such as home care services, government funded transport services, specially adapted apartments in social houses, as well as by addressing environmental accessibility issues where the concerned person resides.

During the Soviet era after a year or two it was possible to recognize whether developmental problems are insignificant to children which belonged to a risk group at the time of birth (Gabors, 2004), but parents had already abandoned them and they were forced to remain in care facilities. However, there were also 'counter-streams'. Ideas of equality and modern pedagogy were represented by A. Persons with disabilities are one of the population's socially most vulnerable groups whose participation in various processes of the society is not always possible. It is important to eliminate obstacles that disabled A. Makarenko and L. Vigotsky but advanced rehabilitation techniques by V. Vojta and A. Peto. The foundations of the Soviet system consisted of the moral code which introduced with a "New

Man” ideology, mechanical behaviour modifications and medical-based rehabilitation. Before 1990, Latvia had a characteristic isolation from international discussions regarding issues related to functional disorders such as equalization of opportunities and effective measures.

Until 1991. People with special needs or so-called disabled were segregated from the community and placed in care facilities (Gabors, 2004). When a child with disabilities was born, parents were encouraged or persuaded to abandon the child. Treatment and care was provided. Although the number of physicians and caretakers was great, the ending result was still segregation. Because of prejudices in society, sign language is used very little when working with deaf–mute people. People who have had severe developmental disorders were considered unable to acquire knowledge; their rehabilitation was limited and were placed in care facilities–homes for the disabled.

When thinking about integration of mentally handicapped people it is acknowledged that there are two main obstacles to the process (Brian, s.a.):

- mentally handicapped are dependent on specific economic and biological conditions;
- Isolation caused by the State policy at the stagnation period which shaped the public attitude.

As shown by statistics (Invalids ir cilvēks, 2010), there are approximately 80 million people throughout the EU with mild or severe disabilities whose daily lives are encumbered by physical obstacles that interfere with their ability to integrate into society. Since labour and educational opportunities are limited the average poverty rate of such persons excess 70 %. In order to facilitate the change of situation the EU has adopted a new strategy in this field to relieve the lives of disabled people making sure that their lives are the same as any other humans and does not restrict the ability to realize their rights as EU citizens.

The study aims to evaluate the legal situation in Latvia of both children and adults with disabilities.

Materials and Methods

In order to assess the legal situation in Latvia of persons with disabilities (including children) following documents were analysed and identified.

The United Nations Convention on the Rights of Persons with Disabilities implementation guidelines (2013).

Optional Protocol to the Convention on the Rights of Persons with Disabilities (Convention on the Rights..., 2006). Declaration on the Rights of Mentally Retarded Persons (1971). Declaration on the Rights of Disabled Persons (Declaration on the Rights..., 1975). The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (Standard Rules..., 1993). The World Report

on Disability (World Report..., 2011). Law On Social Services and Social Assistance (Sociālo pakalpojumuun sociālās palīdzības likums, 2002). Social Security (Par sociālo drošību, 1995). On 7 September 1995 the Saeima adopted the Law on Social Security. Disability Law (Invaliditātes likums, 2011). The law came into force on 1 January 2011. Labour Law (Darba likums, 2012). The law came into force on 1 June 2002. Education Law (Izglītības likums, 1998). The law adopted by the Saeima on 29 October 1998.

Carried out an assessment of compliance with the formulated requirements in individual documents.

Carried out a statistical analysis of data in Latvia which is related with adults and children within the specific target group.

Carried out a reflection on personal experience which was obtained by working as a community worker for six years in the orphanage as a teacher and currently leading a group apartment for people with intellectual disabilities.

Results and Discussion

Disability (Invaliditātes likums, 2011) is a long-term, chronic, very severe, severe or moderate functional limitation which affects the person's mental and physical capabilities, work capacity, self-care and social integration.

People with special needs—people who have objective demands for implementation of specific need, and those that have difficulty to function in society and require additional medical and social assistance. They are divided into (Anča, Dukure, & Kalniņa, 1996):

- people with hearing or visual impairment;
- people with impaired hearing or deaf;
- people with language disorders;
- people with emotional disorders and learning difficulties, with psycho-neurological and somatic diseases;
- people with physical development disorders, those who are temporarily injured and with chronic physical disabilities (including those who use prostheses, wheelchairs, elderly people with conditions such as difficulty walking and people with heart and vascular disease, cerebral palsy, acquired immune deficiency syndrome, chronic Arthritis).

In the west, the usage of this word is being avoided in both science and everyday life, because the term "invalid" (Sociālā darba terminoloģijas vārdnīca, 2000.) is disrespectful against such people and characterizes them as unworthy (Latin *invalidu*—incapable).

Classification developed by the World Health Organisation can be represented in the following figure which clearly illustrates the term.

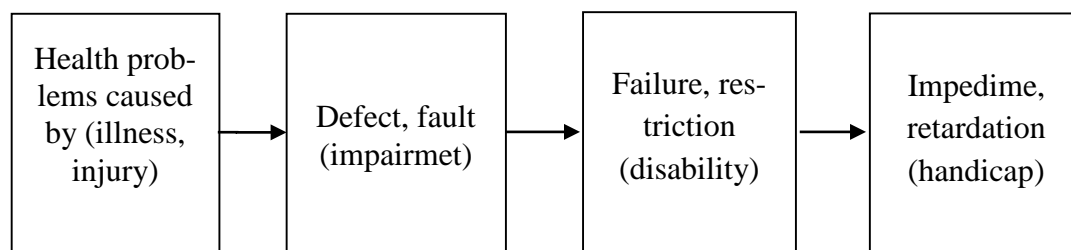


Figure 1. **Three – level diagram of disability concept** (Anča, Dukure, & Kalniņa, 1996)

E. Helenders (Anča, Dukure, & Kalniņa, 1996) offers to understand the concept "Invalid" as a person which in society is recognized or observed by different appearance or behaviour combined with functional disabilities or movement disorders.

The number of people with disabilities found in a report named World Report Disability (2011), which results has been summarized by Latvian professor A. Vētra from the National Council on Disability Affairs reports, that in 2011. The actual number of people with disabilities is 1 billion or approximately 15 % of the total population.

Table 1 **The prevalence of disability, %** (after World Health Organization, 2011)

	Together	Women	Men
The world	15.6	19.2	12
In countries with high income	11.8	14.4	9.1
In countries with low-income	18	22.1	13

According to the (2016.gada publiskais pārskats, 2017) Invalidity Information System data, on January 25, 2017. There are 182048 disabled people in the country:

Table 2 **Disability dynamics by groups in 2016 and 2017 in Latvia**

Disabled category	2015.	2016.	n
Disabled children	8260	8 296	+36
Disabled from the age of 18 years, including:	110144	173 752	+63608
1 group	23584	24 951	+1367
2 group	80316	82 902	+2586
3 group	62444	65 899	+3455
In Total	118404	17865	+63644

In 2016, the regional commissions of the State Commission first and repeatedly together the invalidity is set at 57 043 persons, including:

- first time 17865;
- repeatedly 39178.

Each year the State Commission in Latvia grants disability to approximately 57 043 people, of whom 17 865 are diagnosed for the first time. Conversely, among a person which has been diagnosed with disability for the first time 54,5 % are women and 45,5 % of them are men.

The National Minimum Wage is 4300.00 euros (Valsts sociālā nodrošinājuma pabalsts, 2018), as opposed to invalidity pension which is:

- *Group I* minimal amount of 83.24 EUR, if disabled since childhood – 138.74 EUR
- *Group II* minimal amount of 76.84 EUR, if disabled since childhood – 128.06 EUR
- *Group III* minimal amount 64.03 EUR, if disabled since childhood – 106.72 EUR

In total, 175 million euros a year are allocated to disability benefits.

Latvia has no separate statistics on persons with intellectual disabilities, as neither the Ministry of Welfare nor social services, nor the medical commission which evaluates the state of health and ability to work, does not distinguish persons with various types of disability.

The law On Medical and Social Protection of People with Disabilities (2010) was adopted on 1992 which determines the rights of disabled persons and obligations of state and self-governments towards the people with disabilities in Latvian Republic.

The UN General Assembly on 13 December 2006 adopted a resolution which was approved by the General Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention (Convention on the Rights..., 2006.). While Latvia was entering into new international commitments it acted rather reservedly considering the necessary financial and material resources. Until 6 May 2008, cooperation Organization for people with disabilities in Latvia” SUSTENTO” (2006) found that Latvia is the only European Union Member State which has not signed the Convention. They also urged members of the Saeima to sign and ratify the Convention.

On behalf of the Latvian Republic the UN Convention was signed on 18 July 2008. It determines a gradual implementation of social and cultural rights for people with disabilities and usage of all available resources for this purpose.

Social integration in general is explained as objects internal condition or as an approach and integration in a wider social system. Integration is an independent and dynamic mutual adaptation process in which on one side is a person with disabilities who lives in accordance with his capabilities, desires and preferences, but on the other side, there is a society, which should provide support and ensure equal opportunities. It is a two-way road to a compromise for both society and humans with special needs.

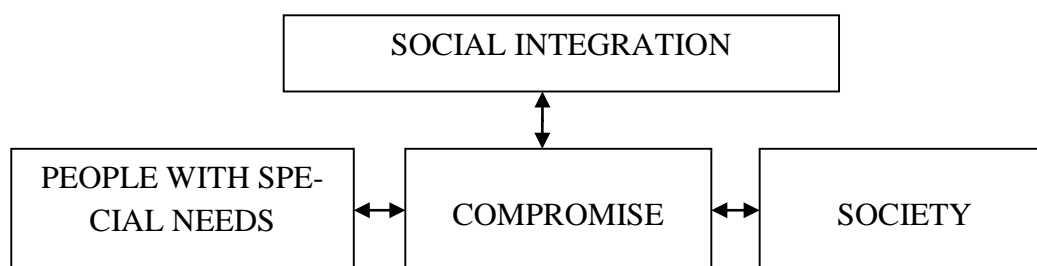


Figure 2. **Schematic representation of Social Integration** (Anča, Dukure, & Kalniņa, 1996.)

The European Council Press release (Paziņojums preseī, 2012) reports that around 45 million EU citizens of working age have a disability and 15 million children have special educational needs. The report shows that in some cases, they are deprived of educational and employment opportunities altogether. Children with special educational needs frequently leave school with few or no qualifications, before moving into specialist training which can - in some cases - impair rather than increase their job prospects. The report also indicates that people with disabilities or special educational needs are much more likely to be unemployed or economically inactive, and even those who are relatively successful in the job market often earn less than their non-disabled counterparts.

The author of this paper concludes that the situation in 2016, regarding the work with people who have various functional disorders, has not changed. When submitting the *curriculum vitae* to an employer which shows a completion of a special school, there tends to be an immediate negative attitude towards a person, showing intolerance and hostility.

Special Social rehabilitation program has been adopted for children with special needs (Sociālās rehabilitācijas, 2009). Our country has adopted several laws that regulate their rights to education, adequate medical assistance, social and other fields. Further details of these laws, provision and receipt of social service realization are regulated by Latvian Republic Cabinet. Conversely, local governments have the right to issue their own rules, regulations and instructions in which ways these services could be realized according to laws and in Cabinet of Ministers Regulations in respective municipalities, which also includes children with physical and mental disabilities.

According to (Statistika, 2017) the data of the Ministry of Education, there are 783 running comprehensive day schools in Latvia. In 2017 there were 57 comprehensive schools (including sanatoriums and boarding schools). Children with disabilities need to receive an appropriate support and rehabilitation measures which allows students with congenital and acquired disabilities to participate in the process of education and to meet requirements of National Educational Standards.

Table 3 Main special education indicators at the beginning of 2013./2014. un 2014./2015. academic year (According to the Ministry of Education public report data, 2015)

Main indicators	Academic Year		Changes	
	2013./2014.	2014./2015.	n	%
Students with special needs	10865	11366	+501	+4.61
incl special education institutions	5805	5857	+52	+0.90
Incl special classes at day or evening shifts and part-time schools	1283	1356	+730	+5.69
Incl integrated into regular comprehensive school classes	3777	4153	+376	+9.95

According to the provided data with the increase of children with special needs demand for special education also increases.

Table 4 The total structure of primary and secondary disability for leading illnesses in 2016 (Kopējā pirmreizējās un atkārtotās..., 2016)

Place	Health problems	Absolute number 2016		%		Intensity rate per 10,000 children in 2016
		first time	repeatedly	first time	repeatedly	
1.	Mental and behavioral disorders	256	582	27,0	31.2	6,8
2.	Inherited malformations, deformities and chromosomal abnormalities	191	401	20,1	21.5	5.1
3.	Nervous system diseases	115	203	12,1	10.9	3.1
4.	Muscle, skeletal and connective tissue diseases	84	183	8,9	9.8	2.3

Children who study and who do not study, as in 2015, are in the first place by disability due to mental and behavioral disorders: 33.7 % and 29.1 %.

Rezekne Academy of Technologies scientist M. Rozenfelde (2016) believes that, in general, the integration process of students with special needs in Latvian comprehensive schools goes differently, because there still exist serious national and governmental problems that hinder the process of integration: when a student with special needs is integrated into general education institution, the student most likely will not receive all the necessary support, including methodological and material support, which he would receive in a special educational institution. Due to the decrease in the number of pupils and territorial reform, small educational institutions has started integration process of pupils with special needs without sufficient resources, understanding and knowledge on how to provide and put into

practise a supportive learning process. Most commonly it is a "mechanical integration" – pupils with special needs that studies in general education institution classes only relatively participates in learning process, because, as shown by the evidence, in special education institutions some pupils that previously have studied in general educational institutions start their studies from 4th to 7th grade, being unable to read, write and sometimes even speak.

The author of this paper has to conclude that the Educational Law (Izglītības likums, 1998) Article 3, which defines prohibition of a different attitude. It establishes the right to obtain education regardless of property, social status, race, nationality, ethnicity, gender, religious and political belief policy confidence, health status, employment, place of living, does not correspond to the real situation in the country. Special schools are located far from children's residences, often children are residing in boarding schools for several weeks, without seeing familiar people around them, which may lead to various health aggravations, and create a protest threat to the learning system by stopping the learning process or even leaving the school.

The author of this paper believes that the most appropriate pedagogical system for these children is humanitarian pedagogy. Humanitarian Pedagogy (Kā skolas īsteno humānās pedagoģijas principus, 2012) puts strong demands on pupils themselves. It is devious to think that this approach is like petting someone's head. On the contrary – students and teachers have set a strong value system, children have to learn and improve themselves and the teacher is there to direct them in the right way. The preconditions of Humanitarian pedagogical classes are cooperation with a child, collegial relationships, teamwork, praising and small surprises that motivate. Teacher particularly pays attention to the pupils desire to progress, to become mature and free. It allows the pupil to live through the lecture again, think, judge, express their views, to become a co-author, thinker etc.

O. Rode (2007) highlights three of the following teacher's principles of action:

- 1) spiritualization of the environment around the child;
- 2) strengthening child's personality;
- 3) expressing creative patience by helping the child to cognize himself.

By providing humanitarian access to children with special needs, it is possible to create an environment for them in which these children would be able to develop their abilities, to feel useful to society.

Conclusion

1. By evaluating the legal situation in Latvia of both - children and adults - with disabilities it was found that legal support for people with disabilities is incorporated in several laws.

2. In carrying out the research of the actual state as well as based on the reflection of personal experience it was found that people with special needs only partially receives statutory support: a) there is no comprehensive material support when equalling disability pensions with the national minimum salary amount, thereby putting these people at the risk of poverty and making them to be dependent on various non-governmental organizations, social services, institutions and other people's compassion; b) there is no appropriate infrastructure in all educational institutions.
3. Further studies are recommended on: a) changes in laws and regulations to prevent or significantly reduce the use of the term "invalid"; b) Establishment of counselling services whose task would be to help those with the status of human with special needs, help to go through the initial shock as well as to inform these people about the labour market and educational opportunities; c) teacher and higher education institution preparation for work with people with disabilities by including in their study programs corresponding courses about people with disabilities; d) Improvement of lifelong learning services for people with disabilities.

References

- Anča, G., Dukure, S., & Kalniņa, U. (1996). *Pilnvērtīga brīvā laika pavadīšana cilvēkiem ar kustību traucējumiem*. Rīga, SDSPA Attīstība
- Apvienoto Nāciju Organizācijas Konvencijas par personu ar invaliditāti tiesībām īstenošanas pamatnostādnes 2014.-2020. gadam*. (2013). Retrieved from: <http://www.lm.gov.lv/upload/2013>
- Bērni Latvijā (2013)*. Rīga, Centrālā statistikas pārvalde. Retrieved from: <http://www.csb.gov.lv/dati/e-publikacijas/berni-latvija-2013-38420.html>
- Bērni Latvijā (2015)*. Rīga, Centrālā statistikas pārvalde. Retrieved from: <http://www.csb.gov.lv/dati/e-publikacijas/berni-latvija-2015-34711.html>
- Braiens, Dž. O. (b.g.). *Darba meklēšana un mārketinga*. Rīga, ADI Phare Famr, Latvijas asociācija „Rūpju bērns”.
- Convention on the Rights of Persons with Disabilities and Optional Protocol* (2006). Retrieved from: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>
- Darba likums*.(2001). Latvijas Republikas tiesību akti, Rīga: LR Saeima. Retrieved from: <https://m.likumi.lv/doc.php?id=26019>
- Declaration on the Rights of Disabled Persons* (1975). Proclaimed by General Assembly resolution 3447 (XXX) of 9 December 1975. Retrieved from: <http://www.ohchr.org/Documents/ProfessionalInterest/res3447.pdf>
- Gabors, T. (2004). *Rehabilitācija sociālajā vidē Latvijā, cilvēkiem ar funkciju traucējumiem*. Rīga: Velku fonds.
- Garīgi atpalikušo cilvēku tiesību deklarācija* (1971). Retrieved from: http://zelda.org.lv/wp-content/uploads/Garigi_atpalikuso_cilveku_tiesibu_deklaracija.doc
- Invaliditātes likums* (2010). Latvijas Republikas tiesību akti, Rīga: LR Saeima. Retrieved from: <https://likumi.lv/doc.php?id=211494>
- Invalīds ir cilvēks* (2010). Retrieved from: <http://www.esmaja.lv/zinas/invalids-ir-cilveks>

- Izglītības likums* (1998). Latvijas Republikas tiesību akti, Rīga: LR Saeima. Retrieved from: <https://likumi.lv/doc.php?id=50759>
- Izglītības un zinātnes ministrijas 2015. gada publiskais pārskats* (2015). Retrieved from: http://www.izm.gov.lv/images/parskati/IZM_2015_gada_publiskais_parskats.pdf
- Kā skolas īsteno humānās pedagoģijas principus* (2012). Retrieved from: www.izglitiba-kultura.lv/raksti/ka-skolas-isteno-humanas-pedagoģijas-principus
- Par invalīdu medicīnisko un sociālo aizsardzību* (2010). Retrieved from: <https://m.likumi.lv/doc.php?id=66352>
- Par sociālo drošību* (2003). Latvijas Republikas tiesību akti, Rīga: LR Saeima. Retrieved from: <https://m.likumi.lv/doc.php?id=36850>
- Paziņojums preseī. Eiropas Savienības Padome* (2012). Retrieved from: http://europa.eu/rapid/press-release_PRES-12-117_lv.htm
- Rode, O. (2007). *Components of Sustainable Education in Folk Pedagogy*. Retrieved from: <http://www.drustutautskola.lv/lv/ilgtspējiga-izglitiba/petijumi/salvas-amonasvili-individualas-humanas-pedagoģija-kritika>
- Rozenfelde, M. (2016). *Skolēnu ar speciālajām vajadzībām iekļaušanas vispārējās izglītības iestādēs atbalsta sistēma*. Rīga: Latvijas Universitāte. Retrieved from: http://dspace.lu.lv/dspace/bitstream/handle/7/32003/298-55964Rozenfelde_Marite_mr16007.pdf?sequence=1
- Sociālā darba terminoloģijas vārdnīca (2000). Rīga: SDSPA Attīstība.
- Sociālās rehabilitācijas programma bērniem ar īpašām vajadzībām* (2009). Retrieved from: http://www.soclp.lv/Media/Default/Dokumenti/socialie_pakalpojumi/soc_rehab_progr.pdf
- Sociālo pakalpojumu un sociālās palīdzības likums* Latvijas Republikas tiesību akti, Rīga: LR Saeima. (2002). Retrieved from: <https://m.likumi.lv/doc.php?id=68488>
- Statistika* (2017). Retrieved from: http://izm.gov.lv/images//statistika/prof_izgl/2017_2018/Izglitojamo_skaits_01092017_VIIS_dati_IZM_majas_lapai.pdf
- Latvijas Cilvēku ar īpašām vajadzībām organizācija SUSTENTO* (2006). Retrieved from: <http://www.sustento.lv/section/show/35>
- Un Standard Rules on the Equalization of Opportunities for Persons with Disabilities* (1993). Retrieved from: <http://www.equalrightstrust.org/content/un-standard-rules-equalization-opportunities-persons-disabilities>
- Valsts sociālā nodrošinājuma pabalsts invaliditātes gadījumā* (2017). Retrieved from: <http://www.vsaa.lv/lv/pakalpojumi/personam-ar-ipasam-vajadzibam/valsts-sociala-nodrosinajuma-pabalsts-invaliditates-gadijuma#>
- World Report on Disability* (2011). World Health Organization. Retrieved from: <http://www.equalrightstrust.org/ertdocumentbank//standard%20rules%20on%20equal%20opportunities.pdf>
- Latvijā cilvēku ar invaliditāti skaits pēdējos gados ievērojami palielinājies* (2016). Retrieved from: <http://nra.lv/latvija/178615-latvija-cilveku-ar-invaliditati-skaits-pedejos-gados-ievrojami-palielinajies.htm>
- 2016. gada publiskais pārskats* (2017). Veselības un darbaspēju ekspertīzes ārstu valsts komisija. Rīga. Retrieved from: http://www.vdeavk.gov.lv/wp-content/uploads/2014/09/Parskats_2016_1.puse_www.pdf