ARCITECTURE – INCLUSIVE CULTURE: PROTECTION OF PERSONS WITH DISABILITIES

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Abstract. *The paper has analyzed the contemporary standards that all democracies have embraced. A special emphasis has been placed on international conventions and rules, as well as the laws to protect the rights of all members of a modern social community. It is its duty to look after all its members and eliminate any form of discrimination, and even a threat of it.*

The European Concept for Accessibility promotes a new social model, designed to change entirely the attitude to the handicapped. The Concept offers a completely new approach, viewing the community as a whole. This integrated approach stretches to the needs of the community and the needs of each and every member of it, making no difference between individual groups within the population. Instead, it creates the environment to satisfy the needs of each individual member and, by extension, the community at large. The role of architecture is to recognize the needs of a community and take the lead in reshaping the standards to create a new environment accessible to all its members. This will give architecture a fundamental dimension, and make it the integrative factor to blend the community together.

Key words: *social community, human rights, discrimination, international treaty, soft law, inclusive culture*

1. INTRODUCTION

Human society has gone through different development stages. Division of labor was a watershed moment that marked an end to the first community. The fact is that everyone was no longer doing everything and that members of the community had to make different arrangements made the development more dynamic and purposeful. It continued to go through phases, each very specific. In that period, the structure of social relationships and systems changed significantly. Economic research has defined a correlation between a

social system and the level of social wealth. Accordingly, poor systems prefer simpler relations, as they lead to a more just and more efficient distribution of the restricted social wealth. Social development and growing social wealth do change the social relations, needs and the way they are catered for. The development has also significantly changed the attitude to social protection, personal and social standards. For instance, the term "pension" was completely unknown in a not so distant past, and the society looked after the elderly differently.

The development of our society, raising of democratic and social standards, and the process of European integration necessarily affect the appreciation of new rules, the elimination of all forms of discrimination and application of standards that were not, until recently, thought of.

Speed of these processes depends on many factors, particularly the level of social wealth, but primarily on the dynamics of changes in consciousness and approach, respecting differences and necessity of social dialogue in decision-making and strategic choice, and all the other social priorities.

Special attention must be given to the elimination of all forms of discrimination, particularly in relation to people with disabilities. Implementation of the European concept for accessibility (Kako ostvariti socijalnu uključenost? Deklaracije iz Madrida i Saporoa, Beograd: Centar za samostalni život invalida Srbije 2002: 6) would promote a new social model that would completely change the attitude toward the persons with disabilities. The concept suggests providing for the needs of all categories of users and does not distinguish between the groups in the total population. The Rule Book (ibid.: 7) would significantly improve the criteria which define the conditions and manner of use of space and would create the conditions for people with disabilities to become, not the passive and permanent addicts on welfare they were previously, but active participants in a comprehensive analysis, it is possible to consider all types of work on adaptation and it is possible to make long-term plans, selection of priorities and a proper defining and dynamics of individual works, and thus rational use of financial resources, and as a rule, significant savings. Implementation of standards of accessibility is one of the priorities for financing from EU funds, so that with appropriate approach, defined strategies and specific projects it is possible to apply and get adequate resources for the implementation of works.

The society is obliged to guarantee to persons with disabilities equal opportunities and provide access to community resources such as health care and social welfare, education, new technologies, sport and leisure activities. The European Union, like other developed regions in the world, transferred its activities over the last ten years from the philosophy of paternalism and outdated approaches based on compassion and perception of abilities of persons with disabilities, and from focusing on rehabilitation of individuals who need to fit into society, to global philosophy to transform society in order to include and adapt to the needs of all people, including people with disabilities. The change in approach and acceptance of the fact that in a modern democratic society all populations are equal members of the community, encourage the development of inclusive design and accessibility standards consistently (Kako ostvariti socijalnu uključenost? Deklaracije iz Madrida i Saporoa, Beograd: Centar za samostalni život invalida Srbije 2002: 6).

Discrimination that people with disabilities face is sometimes based on prejudice, but more often people with disabilities are actually ignored and forgotten because of the lack

of social awareness and the need of the community to care about all its members. The final result is the intensification of the existing and creation of new barriers (ibid.: 7). Also, people with disabilities who are the members of ethnic minorities, according to research, are discriminated because of their disability, but also because of their ethnicity (ibid.: 7). Research suggests that disabled women are further discriminated.

"Accessibility is a general term describing the degree of availability of a certain product, equipment, service and environment to the larger group of users. It can be seen as the ability to access a specific function, system or entity. The concept of accessibility should not be confused with the utility, which describes the extent to which a particular product (device / appliance / equipment, service, environment) can be used by the designated user. In a narrow sense, the notion of accessibility is usually used with a focus on people with disabilities and their right of access to buildings, often with the use of assistive technology"[1]. Accordingly, to perform certain activities the minimum dimensions of the space in which it is possible to independently move the wheelchair or wheelchair with small children, with toys, with or without accompaniment need to be taken into account.

"Accessibility is the result of the application of technical solutions in the design and construction of buildings, where people with disabilities and reduced mobility are provided with unobstructed access, movement, stay and work in these buildings on an equal basis with others. The mandatory elements of accessibility are the elements for designing and constructing, which determine the size, features, installations, appliances and other equipment of the building to ensure access, movement, residence and work of persons with disabilities and reduced mobility with the same quality as other persons." (Pravilnik o tehničkim standardima pristupačnosti, 2012)

Architectural concepts, in relation to the results of user requirements, analyze and review the conditions of space, objects and surfaces that are used in order to determine the possibilities and limitations under which the certain quality of use can be achieved.

2. ON ACCESSIBILITY IN SERBIA

It is evident that the accessibility as a topic is insufficiently and inadequately represented in our educational system, and we are very rarely faced with any other types of information in this area. It is also evident that there are no significant differences between groups in knowledge and information about accessibility, and that continuous education on these topics is necessary to everyone.

The lack of information can be seen in all aspects of accessibility, starting from the knowledge of vocabulary, through knowledge of the standards and the law in this area to the practical recognition of the situation and recognition of the segments of accessibility in the surroundings. There is a particular lack of the awareness of the need to solve problems in this area, as well as the ignorance of the legal obligation to take this issue into account. It is important to devise a way to systematically monitor and track developments in the environment and practices in order to prevent errors in a timely manner and in order to increase the possibility of learning from practice. Given the lack of information about accessibility, it can be assumed that this topic is unknown to the general public (it

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[1] Wikipedia contributors, "Accessibility", Wikipedia, The Free Encyclopedia,
http://en.wikipedia.org/wiki/Accessibility (accessed August 15, 2014)

still leads to the assumption that citizens insufficiently participate or do not participate in the process of planning and creation of the environment[2]).

As policy makers and experts, in regard to the priorities of the previous dominant social models, did not pay enough attention to this issue, it can be assumed that the arbitrary implementation of the legislation in the aforementioned areas was applied in practice, which led to the realization of the insufficiently accessible environment (Vasiljević, Karabegović and Cvetić, 2010).

3. WHAT IS AN INCLUSIVE CULTURE?

Discrimination that people with disabilities face is occasionally based on prejudice, but more often caused by the fact that people with disabilities are actually ignored and forgotten, which results in strengthening of the existing and creation of new barriers. The policy that respects diversities is able to overcome the problem, namely it can be efficient in inclusion of people with disabilities in all social spheres. Furthermore, people with disabilities who are members of ethnic groups are discriminated on multiple grounds – because of their disability as well as because of their ethnic background or gender. Although legally everyone is guaranteed the equal status in rights and responsibilities, regardless of their nationality, race, gender, language, religion, political or other convictions, social background, education or social status .

The roots of discrimination and confirmation of stereotypes often can be found in neglectful expression – the path to inclusive society involves knowing and accepting appropriate terminology. "People with disabilities" is the most acceptable term in both everyday and professional communication. The term primarily emphasizes that it is used for a person (and upon this, for a person with disability). In this way, disability is treated as an external factor (social barrier) and not as a part of the person itself. The same principle is applicable when referring to a specific group, so expressions like people with visual impairments, people with hearing impairments, people with challenged mental health etc. are considered adequate. Also, addressing to people without disabilities as physically capable, normal etc. is discriminating, as it is implying people with disabilities are unable or abnormal.

People with disabilities do not have particular or special needs; they only satisfy them in a specific manner. People with disabilities differ among themselves the same way people without disabilities do; labelling them increases the discrimination and strengthens stereotypes.

European Union Declaration on the basic rights recognizes that reaching equality for people with disabilities is the right that must not be discriminated and should be extended with the right to benefits, in order to ensure their independence, inclusion and participation in the life of the community. The base for initiating the activities within the "Access to All – Culture of equality" project at Faculty of Architecture at University of Belgrade was the

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[2] Pilot project "Recognizing the concepts of universal design/design for all/inclusive design – in planning and building environments", realized by the Centre Living Upright, with the support of OSCE Mission in Serbia, Ministry of Labour and Social Policy – Sector for the Protection of Persons with Disabilities, Executive Council of the AP of Vojvodina, Fund for an Open Society and the US Embassy in Belgrade Democracy Commission. See more: www.czuns.org

promotion of a new social model that would change the attitude towards people with disabilities. This model is expected to contribute to the transformation of people with disabilities from passive, long-term social help dependants into active participants who fulfil their rights of choice and equality and to give them an equal access to public services and resources. Moreover, the essence of this social model is in adaptation of existing services and incorporation of inclusive model into development of their services.

Accessibility is a general term used to describe the degree to which a product or service is accessible by as many people as possible. Accessibility can be viewed as the "ability to access" the functionality and possible benefit of some system or entity. Accessibility is often used to focus on people with disabilities and their rights of access to entities, often through use of assistive technology. Several definitions of accessibility refer directly to access-based individual rights laws and regulations. Products or services designed to meet these regulations are often termed Easy Access or Accessible. Accessibility is not to be confused with usability, which is used to describe the extent to which a product (e.g., device, service or environment) can be used by specified users to achieve specified goals with effectiveness, efficiency and satisfaction in a specified context of use (Harkness & Groom, 1976).

4. BEING INFORMED ON ACCESSIBILITY IN SERBIA

The Constitution of the Republic of Serbia has a special chapter, Human and minority rights and freedoms. Article 18 defines that "Human and minority rights guaranteed by the Constitution shall apply directly. The Constitution provides, and as such, are directly implemented human and minority rights, ratified international treaties and laws. The law may prescribe the manner of exercising these rights only if it is expressly provided in the Constitution, or if it is necessary to exercise the rights of an individual because of his nature, whereby the law in any case should not affect the essence of the guaranteed right. Provisions on human and minority rights are interpreted in favor of promoting values of a democratic society, pursuant to valid international standards of human and minority rights, as well as the practice of international institutions which supervise their implementation." In Article 19 it is said that "Guarantees of inalienable human and minority rights in the Constitution have the purpose of preserving human dignity and achieving full freedom and equality of all individuals in a fair, open and democratic society based on the rule of law." Further, the Article 21 defines the prohibition of discrimination, "Before the Constitution and the law all are equal. Everyone has the right to equal protection of the law without discrimination. Any discrimination, direct or indirect, on any grounds, particularly on race, sex, nationality, social origin, birth, religion, political or other opinion, property status, culture, language, age or mental or physical disability is prohibited. Not to be considered as discrimination are the measures that Republic of Serbia may introduce to achieve full equality of persons or groups of persons who are substantially in an unequal position compared to other citizens." The Constitution of the Republic of Serbia is very liberal, but it is necessary that all the laws, technical and other regulations consistently apply the constitutional norms, thus ensuring compliance with constitutional norms and guarantee the equality of all citizens.

The lack of information is found in all the segments of accessibility domain, from terminology comprehension, through standards and legislation understanding, to practical

knowledge of the situation and recognition of the accessibility segments in the environment. (Harkness & Groom, 1976).

It is evident that there are no significant differences in the level of knowledge and information on this subject among various groups, and that continued education on this matter is necessary for everyone. It is important, however, to create a method for systematic supervision and tracking of occurrences in the surroundings in order to prevent potential errors and increase the possibility of learning from experience. Considering the insufficient level of information on accessibility, one could guess that this topic is quite unknown to a wider audience (Harkness & Groom, 1976), which, further on, leads to a presumption that the community does not participate enough or at all in the process of planning and creating of the environment.

5. THEORETICAL CONCEPTS AND FRAMEWORK

To enable persons with disabilities to live independently and participate fully in all aspects of life, state parties shall take appropriate measures to ensure that persons with disabilities have access on an equal basis with others to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

b) Information, communications and other services, including electronic services and emergency services.

The decision-makers and experts considering the priorities of the former dominant social models did not pay enough attention to this subject; one could assume that, in practice, an arbitrary application of the legal regulations took place, which consequently led to creation of poorly accessible surroundings. It is evident that accessibility matter is insufficiently present in our education system, and other kinds of informing on the subject are rarely organized and used.

Diversity is, first and foremost, a cultural question and thus a question of norms, values, beliefs and expectations. As such, it is an ethical question and determined by some very essential founding principles of human coexistence. Only when this is taken into consideration, acknowledged and institutionalized, can "diversity management" be successful. However diversity may have started out in a corporation – as a response to legislative mandates, as a reaction to the shortage in qualified personnel or to become more attractive for young talents, e.g. – it is important to realize that diversity management will not unleash any potential benefits unless diversity is culturally valued.

When we talk about a culture of inclusion we think about an organizational environment that allows people with multiple backgrounds, mindsets and ways of thinking to work effectively together and to perform to their highest potential in order to achieve organizational objectives based on sound principles.

6. Protection of Persons with Disabilities within International Law

Protection of persons with disabilities within international law is regulated by: international agreements which contain legal norm obligatory for the states and by "soft" law drawn up based on the international documents which are not legally binding. The largest number of agreements on human rights does not explicitly address the position of persons with disabilities, but provides protection to all individuals without any discrimination. Just in recent times, special agreements exclusively dedicated to the protection of these persons have been made. The most important among them is the UN Convention on the Rights of Persons with Disabilities adopted in 2006. Protection of persons with disabilities is nearly more complete and regulated in more detail by the "soft" law which includes a number of documents adopted by the United Nations, the Council of Europe and the European Union.

Serbia has signed and ratified almost all international conventions and after adoption of the new constitution (in 2006) by adopting appropriate legislation it has established the necessary legal framework for the respecting of the rights of persons with disabilities.

7. Normative Power of the European Union

One of the objectives which the EU seeks to promote in international affairs is the promotion of norms. To this end, it does not come by use of oppression, but by the words of at Ian Manners, by using of its normative power. In the academic debate, the nature of normative power is historically interpreted as the "power over opinion", the "power of idea" that is the "ideological power". This interpretations are added by Manners own understanding of the normative power as the ability of actors to shape (export) the dominant representations on "what is normal" in the international affairs.

"Normative difference" of EU, by which it differs from other actors in the international affairs, is the consequence of the historical context of its creation, as well as of the fact that it represents a hybrid political creation which, if we consider its institutions, is positioned halfway between the international organization and the state.

This is exactly why the EU has conditioned the development of own relationships with other actors by their willingness to accept the norms and principles included in establishing Agreements. Democratic values, establishment of the rule of law and respect for human rights and freedoms are "normative basis" of EU. Manners identifies five key "norms" within the common legal and political practice of EU (fr. *acquis communautaire* and *acquis politique*).

These are, in order:
1. Peace as the supreme value, as announced by Robert Schuman's declaration and the preamble of the founding agreements
2. The idea of freedom, announced in the preamble of the Agreement on European Union
3. Democracy
4. The rule of law, and
5. Respect for human rights and fundamental freedoms.

In addition to the basic norms, there are four supporting of "lower in the order of importance" which Manners has stated. These are: social solidarity included in the Article 2 of the Agreement on EU, Decree on anti-discrimination included in Article 13 of the

same Agreement and the decrees on the protection of minorities included in the Copenhagen Criteria and the Concept of good governance.

8. THE ROLE OF ARCHITECTURE IN ADDRESSING THE PROBLEM OF ACCESSIBILITY

The significance, expectations and role of architecture changed over time. What was expected from architecture once was to protect against the elements and enemies, but as the societies grew and social surplus emerged beauty became a prerogative. Architecture was expected to satisfy the need for beauty, and gave birth to the structures that we are still looking forward to.

Modern democracies want all their members to be equal, striving to eliminate all forms of discrimination. The usual standards and expectations aside, the role of architecture is to incorporate accessibility as one of the key standards. Before that, however, standards to guarantee the fulfillment of necessary requirements need to be defined in perfectly clear terms.

Serbia has passed the Rulebook of Technical Standards, governing the designs and plans supposed to guarantee unhindered movement of children, the elderly and the handicapped. The document has specified mandatory design criteria. Apart from the technical requirements, the document incorporates the consequences of social relations as they are, which requires a special sort of recognition. More precisely, it needs to be evaluated and revalidated frequently enough to produce a proper reaction.

There is no justification for a failure to act, including the lack of funds. It is the duty of the society to seek and find solutions.

It is also the duty of architecture to assume the social role and contribute to all social processes by a proactive approach and timely reaction.

9. CONCLUSION

The development of a society depends on many factors. Social solidarity is one of the vital ones. The attitude to individuals and groups within a community defines the direction of development. The international community is committed to addressing the problems of the handicapped, trying to secure their active involvement in all social activities.

Accessibility / Guidelines and principles: An important step in solving the problem of discrimination against persons with disabilities was the adoption of the International convention on the rights of persons with disabilities (based on general UN instruments on human rights and freedoms). The basic principles of this Convention are as follows: (a) respect for inherent dignity, individual autonomy including the freedom of own choices and independence of persons; (b) prohibition of discrimination; (c) full and effective participation and inclusion in society; (d) respect for differences and acceptance of persons with disabilities as part of human diversity and humanity; (e) equality of opportunities; (f) accessibility;(g) equality between women and men; (h) respect for the evolving capacities of children with disabilities and respect for the rights of children with disabilities to preserve their identities.

Design for All (Vasiljević, Karabegović and Cvetić, 2010) is the design for diversity of people, social inclusion and equality; a holistic approach constituted as creative and ethical set of principles intended for planners, architects/designers, manufacturers, administrative and political leaders. It aims to ensure all people equal opportunities to participate in all aspects of society, by whose aim is necessary that the built environment, buildings of everyday life, services, culture and information must be accessible, convenient for use for all social groups and appropriate in terms of the principle of respect for human diversity. It represents an integral methodology which is being applied and interpreted in various fields and disciplines in order to achieve established and proclaimed ethical values.

Principles, Processes and Practice: Respected and heard, diverse viewpoints, perspectives and approaches are valued and everyone is encouraged to make a unique and meaningful contribution. In order to bring such a vision of inclusion to life certain preconditions need to be established. In the following we introduce some founding principles which constitute the minimal requirements for the formation of a discourse that aims at integrating multiple voices and at creating a culture of inclusion. Figure 1 visualizes these principles and by that how a "house of inclusion" may be built.

Principle of recognition: The moral point of view, or the "meta-principle", upon which those founding principles are based is what we would like to call the principle of recognition. We, as human beings, know from experience that we depend upon mutual recognition: We want our loved ones to love us, our friends and colleagues to recognize us for what we are and what we do, our employer to honor our achievements and our governments and fellow citizens to respect us and our rights as free and equal citizens. What we, as independent selves and dependent others, owe each other in terms of mutual recognition is, in fact, the most important principle of coexistent being. It provides us, philosophically, with an excellent platform for a simultaneously universal but nevertheless sufficiently particular moral point of view. Therefore, balancing the needs for individual recognition as a unique person on the one hand and culturally transcendent.

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ARHITEKTURA – INKLUZIVNA KULTURA:
ZAŠTITA OSOBA SA INVALIDITETOM

Rad je baziran na analizi savremenih standarda koji važe u demokratskim društvima. Posebno su analizirane međunarodne konvencije i pravila i analizirana je regulative koja se bavi zaštitom prava svih članova savremene društvene zajednice. Zadatak savremene društvene zajednice je da brine o svim članovima zajednice id a otkloni svaki, pa i potencijalni oblik diskriminacije.

Primenom Evropskog koncepa pristupačnosti ostvarila bi se promocija novog socijalnog modela kojim bi se u potpunosti promenio odnos prema osobana sa inaliditetom. Koncept predviđa suštinski drugaciji pristip, društvenu zajednicu posmatra kao celinu, pa tako i i potrebe zajednice kao celine, a onda i svakog pojedinačnig člana i ne pravi razliku između pojedinih grupa u ukupnoj populaciji, nego rešenjima ispunjava uslove za zadovoljenje potreba svakog pojadinačnog člana, a time i zajednice u celini. Uloga arhitekture je da prepozna potrebe društvene zajenice i preuzme važnu ulogu u kreiranju standard za novo okruženje, koje će biti dostupno svim članovima zajednice. Time arhitektura dobija svoju suštinsku dimenziju i postaje integrativni faktor zajednice kao celine.

Pojam: arhitektura, društvena zajenica, pristipačnost, dostupnost za sve, inkluzija, inkluzivni dizajn, univerzalni dizajn. Vrednosti/smernice, principi/načela, standardi/norme/tehnički propisi, zakonska regulative. Teorijski okvir: istorijski pregled (međunarodni – nacionalna usklađenost).

Ključne reči: *duštvena zajednica, ljudska prava, diskriminacija, međunarodni ugovor, "meko pravo", inkluzivna kultura*