



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Romania under article 35 of the Convention, due in 2013*

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Acronyms

ANCOM	National Authority for Administration and Regulation in Communications
ANDPDCA	National Authority for the Rights of Persons with Disabilities, Children and Adoptions
ANES	National Agency for Equal Opportunities
AEP	Permanent Electoral Authority
ANITP	National Agency Against Trafficking in Persons
NCCD	National Council for Combating Discrimination
CMBRAE	Bucharest Center for Educational Resources and Assistance
CJRAE	County resource centers and educational assistance
DGASPC	General Directorate of Social Assistance and Child Protection
ISCTR	State Inspectorate for Road Transport Control
MAY	Ministry of Interior
ME	Ministry of Education
MLSS	Ministry of Labor and Social Solidarity
MJ	Ministry of Justice
MS	Ministry of Health
MTS	Youth and Sports Ministry
UNO	United Nations Organization

Abbreviations of normative acts

Constitution	Romanian Constitution, amended and supplemented by the Law on the revision of the Romanian Constitution No. 429/2003, republished, published in the Official Gazette of Romania, Part I, No. 767 of October 31st, 2003
Special law/Law No. 448/2006	Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished in the Official Gazette of Romania, Part I, No. 1 of January 3rd, 2008, as subsequently amended and supplemented
Convention	Convention on the Rights of Persons with Disabilities, adopted in New York by the United Nations General Assembly on December 13th, 2006, opened for signature on March 30th, 2007 and signed by Romania on September 26th, 2007
Law No. 221/2010	Law No. 221 of November 11th, 2010 for the ratification of the Convention on the Rights of Persons with Disabilities, adopted in New York by the United Nations General Assembly on December 13th, 2006, opened for signature on March 30th, 2007 and signed by Romania on September 26th, 2007, published in the Official Gazette of Romania, Part I, No. 792 of November 26th, 2010, as subsequently amended and supplemented
Law No. 272/2004	Law No. 272/2004 on the protection and promotion of children's rights, republished in the Official Gazette of Romania, Part I, No. 159 of March 5th, 2014, as subsequently amended and supplemented
Law No. 217/2003	Law No. 217/2003 for the prevention and combating of domestic violence, republished in the Official Gazette of Romania, Part I No. 948 of October 15th, 2020, with subsequent amendments
Law No. 95/2006	Law No. 95/2006 on health care reform, republished in the Official Gazette of Romania, Part I, No. 652 of August 28th, 2015, with subsequent amendments and completions
OG No. 137/2000	Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished in the Official Gazette of Romania, Part I, No. 99 of February 8th, 2007, as subsequently amended and supplemented
Criminal Code	Law No. 286/2009 on the Criminal Code, published in the Official Gazette of Romania, Part I, No. 510 of July 24th, 2009
Code of Criminal Procedure	Law No. 135/2010 on the Code of Criminal Procedure, published in the Official Gazette of Romania, Part I, No. 486 of July 15th, 2010, as subsequently amended and supplemented
Fiscal code	Law No. 227/2015 on the Fiscal Code, published in the Official Gazette of Romania, Part I, No. 688 of September 10th, 2015 with subsequent amendments and completions

Law No. 254/2013	Law No. 254/2013 on the execution of sentences and custodial measures ordered by the judicial bodies during the criminal proceedings, published in the Official Gazette of Romania, Part I, No. 514 of August 14th, 2013
Law No. 487/2002	Law No. 487/2002 on mental health and protection of persons with mental disorders, republished in the Official Gazette of Romania, Part I, No. 652 of September 13th, 2012, as subsequently amended and supplemented
Social assistance law	Law No. 292/2011 on social assistance, published in the Official Gazette of Romania, Part I, No. 905 of December 20th, 2011, as subsequently amended and supplemented
National education law	Law No. 1/2011 of national education, published in the Official Gazette of Romania, Part I, No. 18 of January 10th, 2011, as subsequently amended and supplemented
Law No. 8/2016	Law No. 8/2016 on the establishment of the mechanisms provided by the Convention on the Rights of Persons with Disabilities, published in the Official Gazette of Romania, Part I, No. 48 of January 21st, 2016, as subsequently amended and supplemented
Civil Code	Law No. 287/2009 on the Civil Code, republished in the Official Gazette of Romania, Part I, No. 505 of July 15th, 2011
Labor Code	Law No. 53/2003, republished in Official Gazette of Romania, Part I No. 345 of May 18th, 2011, as subsequently amended and supplemented
Regulation (EU) No. 181/2011	Regulation (EU) No. Regulation (EC) No 181/2011 of the European Parliament and of the Council of February 16th, 2011 on the rights of passengers traveling by bus and coach and amending Regulation (EC) No 2006/2004
Norm NP051-2012	Order of the Minister of Regional Development and Public Administration No. 189/2013 for the approval of the technical regulation Norm on the adaptation of civil buildings and urban space to the individual needs of persons with disabilities, indicative NP 051-2012 – Revision NP 051/2000, published in the Official Gazette of Romania, Part I No. 121 of March 5th, 2013

Other abbreviations

para.	alineat
art.	article
CES	special educational requirements
framework contract	The framework contract governing the conditions for the provision of healthcare, medicines and medical devices, technologies and assistive devices within the social health insurance system
ex.	example
FNUASS	Unique National Health Insurance Fund
OMECTS	Order of the Minister of Education, Research, Youth and Sport
OMEN	Order of the Minister of National Education
pear.	Paragraph

Introduction

1. Romania submits the initial report on the implementation of the Convention on the Rights of Persons with Disabilities to the UN Committee on the Rights of Persons with Disabilities. The report summarizes information on the situation of persons with disabilities in Romania, explains the principles of state policy in the field and contains data on the adopted measures, specific programs and laws on the rights of persons with disabilities.
2. The report was prepared by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, with the support of the Ministry of Foreign Affairs, based on information provided by central government authorities: Ministry of Labor and Social Solidarity, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Transport and Infrastructure, Ministry of Culture, Ministry of Internal Affairs, Ministry of Youth and Sports, Ministry of Development, Public Works and Administration, Ministry of Investment and European Projects, National Council for Combating Discrimination, National Authority for Administration and Regulation in Communications, Ministry of Economy.
3. The implementation of the Convention on the Rights of Persons with Disabilities is a long process and requires the collaboration of all actors involved in the lives of persons with disabilities. Assuming this report to be presented to the UN Committee is based on an effort of mapping and quantitative and qualitative analysis of the evolution of the situation of persons with disabilities in Romania, as well as of the normative framework in the field, from the perspective of the Convention, respectively of presenting relevant data, able to reflect the evolution of the real situation of the persons with disabilities in Romania.
4. We are aware of the challenges and steps that Romania still has to take to improve the lives of persons with disabilities, but in this context, we can say that we have the necessary premises for a solid construction of public policies based on data.

I. The general provisions of Convention (Articles 1 to 4)

5. Article 50 of the Constitution stipulates that “persons with disabilities enjoy special protection. The state ensures the implementation of a national policy of equal opportunities, prevention and treatment of disability, in order to effectively involve persons with disabilities in community life, respecting the rights and duties of parents and guardians.”
6. The Constitution also stipulates that the constitutional provisions on the rights and freedoms of citizens shall be interpreted and applied in accordance with the Universal Declaration of Human Rights, the Covenants and other treaties to which Romania is a party (article 20). If there are inconsistencies between the pacts and treaties on fundamental human rights to which Romania is a party and domestic laws, international regulations take precedence, unless the Constitution or domestic laws contain more favorable provisions.
7. The first normative acts regarding persons with disabilities were approved by the Romanian Parliament in 1992, based, in particular, on the provision of benefits and facilities.
8. In 2005, taking into account the imminent entry into the European Union¹ and the specific situation in Romania, it was necessary to revise the existing legislation in the field of protection of persons with disabilities, aiming to create the framework for respecting the interests of persons with disabilities, according to their individual needs, reducing the risks of social exclusion and facilitating full and active participation in community life. Thus, the National Strategy for the Protection, Integration and Social Inclusion of Persons with Disabilities for the period 2006–2013. “Equal opportunities for persons with disabilities – towards a society without discrimination”, a document focused on the person with disabilities, citizen with full rights and obligations, was elaborated and entered into force.
9. Based on the human rights-based approach and international documents in the field of disability, the Special Law was drafted in collaboration with non-governmental

¹ Romania became a Member State of the European Union on 1 January 2007.

organizations with representative activity in the field², whose basic principles are: respect for human rights and fundamental freedoms, prevention and combating discrimination, equal opportunities, social solidarity and community empowerment.

10. The special law defined persons with disabilities as “those persons who, due to physical, mental or sensory impairments, lack the skills to carry out normal activities on a daily basis, requiring protective measures in support of recovery, integration and social inclusion”. Following the ratification of the Convention, the definition has been changed so that “persons with disabilities are those whose social environment, unadapted to their physical, sensory, mental, mental and/or associated deficiencies, totally impedes or limits their equal access to society, requiring protection measures in support of social integration and inclusion” [art. 2, paragraph (1)].

11. The special law thus introduced the social model of addressing disability, which promotes the rights of all persons to participate equally and fully in social life and changes the paradigm from “patient” to “citizen” with full rights, to the detriment of the medical approach. Thus, the person with a disability is no longer considered a patient for whom you have to answer unnecessarily to society, but a person who needs support in the form of various services to remove the barriers he encounters in the social environment, in order to be able to deal with legitimate place as a full and active member. Moreover, the law promotes as a priority active measures for protection and personal independence from dependence on institutional support and regulates the rights and obligations of persons with disabilities granted for the purpose of their integration and social inclusion.

12. The special law promotes new concepts and brings terminological clarifications; introduces new working tools that correspond to the individual needs of the disabled person (individual rehabilitation and social integration program, individual service plan), diversifies the types of social benefits, introduces complementary personal budget, ensures continuity between protection measures established for children with disabilities and those established for adults with disabilities, emphasizes the prevention of institutionalization and the creation of alternative services, stimulates the employment of persons with disabilities, introduces the “quota system”³, provides for the diversification of accessibility and, in particular, of the information and communication environment; set up the Committee on the Analysis of the Problems of Persons with Disabilities, in particular with regard to respect for human rights and the elimination of forms of abuse and neglect.

13. According to art. 2 paragraph (2), the provisions of the Special Law benefit children and adults with disabilities, Romanian citizens, citizens of other states or stateless persons, during the period in which they have, according to the law, their domicile or residence in Romania. Law No. 272/2004⁴ introduces additional specific provisions on the rights of children with disabilities (0–18 years).

14. The draft of the National Strategy on the Rights of Persons with Disabilities, “A Fair Romania” 2022–2027, was elaborated, which continues and develops the process of implementing the Convention. The draft Strategy 2022–2027 accompanied by the operational plan is being inter-institutional approved by a number of 27 institutions.

15. The draft of the National Strategy on the Rights of Persons with Disabilities 2022–2027 includes data and information from the “Diagnoza situației cu dizabilități în România” (“Diagnosis of the situation of the persons with disabilities in Romania”)⁵ a document developed in the framework of a project⁶ with technical assistance from the World Bank. The

² <http://legislatie.just.ro/Public/DetaliiDocument/77815>.

³ The quota system represents the mandatory percentage of the persons with disabilities employed in relation to the total number of employees within a public or private structure.

⁴ <http://legislatie.just.ro/Public/DetaliiDocument/52909>.

⁵ World Bank (2021) *Diagnoza situației persoanelor cu dizabilități în România* (“Diagnosis of the situation of the persons with disabilities in Romania”). Available at: <http://anpd.gov.ro/web/wp-content/uploads/2021/11/Diagnoza-situatiei-persoanelor-cu-dizabilitati-in-Romania.pdf>.

⁶ Project co-funded by the European Social Fund through the CSF “Strengthening the coordination mechanism for the implementation of the UN Convention on the Rights of Persons with Disabilities”, implementation period: January 2019–November 2021 <http://anpd.gov.ro/web/despre-noi/programe->

development of the diagnostic involved consultations with persons with disabilities and their representatives, collaboration with institutional actors involved in the data collection process and qualitative research at the national level to which representatives of central, county and local institutions; employers; representatives of service provider organizations, etc. contributed.

16. The draft Strategy 2022–2027 has eight priority areas: accessibility and mobility; effective protection of the rights of persons with disabilities; employment; social protection, including habilitation/rehabilitation; independent living and community integration, including access to public services; education; health; and political and public participation. The ninth area relates to ensuring the framework for implementation and monitoring of the Convention as an important guarantee of respect for the rights of persons with disabilities. In all these priority areas are cross-cutting themes such as: raising awareness about persons with disabilities and promoting respect for their rights and dignity; universal design and reasonable accommodation respecting the definitions in the Convention; discrimination on the basis of disability as a violation of human rights, focusing on multiple discrimination; cooperation and consultation; data collection respecting legal safeguards, including data protection legislation, to ensure confidentiality and respect for anonymity of persons with disabilities.

II. Rights

Article 5

Equality and non-discrimination

17. In Article 16, the Constitution deals with equal rights and guarantees equality of citizens before the law and public authorities, without privileges and without discrimination.

18. Equality and non-discrimination are two principles protected by GO No. 137/2000. The criterion of “disability” is indirectly protected, based on the legal provisions that define discrimination and which stipulate “any other criteria” and “any other field of public life”.

19. Article 2 para. (1) of GO No. Regulation (EC) No 137/2000 defines discrimination as “any distinction, exclusion, restriction or preference, on the basis of (...) disability, chronic non-communicable disease, HIV infection, membership of a disadvantaged group, and any other criterion the restriction, removal of the recognition, use or exercise, on equal terms, of human rights and fundamental freedoms or of the rights recognized by law, in the political, economic, social and cultural spheres or in any other field of public life”.

20. The disposition to discriminate is sanctioned in contravention according to art. 2 para. (2) of Government Ordinance No. 137/2000, while, according to art. 2 para. (3), the seemingly neutral provisions, criteria or practices that disadvantage certain persons over other persons are considered discriminatory, unless these provisions, criteria or practices are objectively justified by a legitimate aim and the methods to achieve that purpose are adequate and necessary. Article 2 para. (4) of the same normative act states that any active or passive behavior that, through the effects it generates, favors or disadvantages unjustifiably or unjustifiably or subject to unfair or degrading treatment, a person, is sanctioned as a contravention, if it does not fall under the criminal law, a group of persons or a community in relation to other persons, groups of people or communities. Also, according to art. 2 para. (5), constitutes harassment and penalizes any conduct on the basis of “(...) belonging to a disadvantaged category (...) disability (...) or any other criterion that leads to the creation of an intimidating, hostile environment, degrading or offensive”.

21. Multiple discrimination and which implies any difference, exclusion, restriction or preference based on two or more criteria, provided in par. (1) in art. 2 of Government Ordinance No. 137/2000, constitutes an aggravating circumstance when identifying and

applying the sanction, if one or more of its components does not fall under the scope of the criminal law.

22. Law No. 272/2004 guarantees the rights of all children without any discrimination, regardless of “(...) the degree and type of a disability (...) the difficulties of formation and development or otherwise of the child, parents or other representatives legal or any other distinction.”

23. The criminal code establishes, at art. 369, sanctions in the form of punishments with imprisonment from 6 months to 3 years for inciting the public, by any means, to hate or discriminate against a particular person.

24. Also, in order to ensure the protection of persons with disabilities, the Criminal Code provides for a general aggravating circumstance, which expressly includes the hypothesis in which the act was committed on the grounds of disability. Equally, in order to ensure the optimal performance of official duties, as well as to protect the interests of individuals against abuses by civil servants or private officials, the Criminal Code provides, as an immediate consequence of the assimilated form of the crime of abuse in service [art. 297 para. (2)], restricting the exercise of a person’s right or creating for him a situation of inferiority on the grounds of disability.

25. Provisions aimed at prohibiting discrimination also apply to social reintegration and criminal supervision services. They shall develop the activity by avoiding any discrimination on any grounds of nationality, nationality, race, ethnic origin, language, religion, sex, political opinion or any other opinion, political affiliation, wealth, social origin or any other such reason. The same principle of non-discrimination on all grounds applies to probation services.

26. Romania applies Regulation (EC) No. 1.371/2007⁷ of the European Parliament and of the Council of October 23rd, 2007 on rail passengers’ rights and obligations, which contains provisions on non-discrimination of passengers with regard to transport conditions offered in rail passenger transport, non-discrimination and assistance to disabled persons and persons with reduced mobility, passenger rights, minimum information to be provided to passengers, complaint handling and general enforcement rules.

27. Government Decision No. 1.061/2013 establishes the measures for the application of the Regulation (EU) No. 1177/2010⁸ of the European Parliament and of the Council of November 24th, 2010 concerning the rights of passengers when travelling by sea and inland waterway aimed at non-discrimination of passengers with regard to transport conditions offered by carriers, non-discrimination and assistance to disabled persons and persons with reduced mobility, passenger rights, minimum information to be provided to passengers, complaint handling and general enforcement rules.

28. From March 1st, 2013, with the entry into force of Regulation (EU) No. 181/2011⁹ of the European Parliament and of the Council of 16 February 2011 on the rights of passengers traveling by bus and coach and amending Regulation (EC) No 882/2004 2006/2004, rules have been established regarding non-discrimination between passengers regarding the transport conditions offered by carriers; non-discrimination and compulsory assistance for persons with disabilities and persons with reduced mobility; passenger rights, necessary information and handling of complaints.

⁷ GD No. 1476/2009 on the establishment of measures to ensure the application of Regulation (EC) No. Regulation (EC) No 1,371/2007 of the European Parliament and of the Council of 23 October 2007 on the rights and obligations of passengers in rail transport.

⁸ GD No. 1061/2013 on the establishment of measures to ensure the application of Regulation (EU) No. 1.177/2010 of the European Parliament and of the Council of 24 November 2010 on the rights of passengers when traveling by sea and inland waterways and amending Regulation (EC) No. 2006/2004.

⁹ GD No. 425/2013 on establishing measures to ensure the application of Regulation (EU) No. Regulation (EC) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers traveling by bus and coach and amending Regulation (EC) No 1831/2003 2006/2004.

29. Government Decision No. 425/2013 provided the legal framework for the application of Regulation (EU) No. 181/2011, the implementing measures aiming to ensure the travel by bus and coach of persons with disabilities and those with reduced mobility, in conditions similar to those for all persons. According to art. 8, the national bodies responsible for ensuring the application of this Regulation are ISCTR (in relation to the provisions of the Regulation which establish obligations for carriers and terminal managing bodies) and the Ministry of Economy (through inspection and control staff, in relation to the provisions of the Regulation laying down obligations for travel agents and tour operators).

30. ISCTR inspectors carry out checks to verify the compliance by carriers and terminal managing bodies with the provisions of Regulation (EU) No. 181/2011 and applies sanctions, the statistical data on complaints and sanctions applied being available on the ISCTR website.

Article 6

Women with disabilities

31. The female population represents 53.3% of the total number of 866,390¹⁰ persons with disabilities, registered on September 30th, 2021.

32. The Constitution guarantees equal rights before the law and public authorities, without privileges and without discrimination of all citizens. The Romanian state guarantees equal opportunities between women and men, who have Romanian citizenship and domicile in the country, for the occupation of public, civil or military positions and dignities, as well as equal pay for the same work.

33. In accordance with the regulatory framework¹¹ on equal opportunities for women and men, women's access to and participation in leadership and decision-making, whether or not they have disabilities, is balanced with that of men. Any form of discrimination based on sex shall be prohibited in the public and private sectors, in the fields of employment, education, health, culture and information, politics, participation in decision-making, the provision of and access to goods and services, the establishment, equipping or extension of a business or the commencement or extension of any other form of self-employed activity, as well as in other areas regulated by special laws (Article 6(1) in conjunction with Article 2(1) from Law nr. 202/20002). It also regulates access for women and men to all levels of education and training, including on-the-job apprenticeships, further training and continuing education in general, as well as balanced access and participation in leadership and decision-making for women, whether or not they have disabilities.

34. During the implementation of the National Strategy for preventing and combating the phenomenon of domestic violence for the period 2013–2017, Romania signed (June 2014)¹² the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence.

35. The National Strategy on Promoting Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for 2018–2021 has the following objectives: Promoting measures to: educate the younger generation, ensure universal access for girls and women to sexual and reproductive health and reproductive rights and increasing the number of women in the labor market and supporting birth rates by introducing notions

¹⁰ http://mmuncii.ro/j33/images/buletin_statistic/dizab_sem_I_2021.pdf.

¹¹ Law No. 202/2002 on equal opportunities and treatment between women and men, republished in the Official Gazette of Romania, Part I, No. 326 of June 5, 2013, with subsequent amendments and completions; GD No. 1156/2012 on the approval of the National Strategy for preventing and combating the phenomenon of domestic violence for the period 2013–2017 and the Operational Plan for the implementation of the National Strategy for preventing and combating the phenomenon of domestic violence for the period 2013–2017 and GD No. 365/2018 for the approval of the National Strategy on the promotion of equal opportunities and treatment between women and men and the prevention and combating of domestic violence for the period 2018–2021 and the Operational Plan for the implementation of the National Strategy on the promotion of equal opportunities and treatment between women and men and preventing and combating domestic violence for the period 2018–2021.

¹² Ratified by Law No. 30/2016, the Convention entered into force in September 2016.

of the concept of equal opportunities for women and men in the school curriculum; for reconciling professional life with family and private life; to encourage women's participation in the decision-making process.

Article 7

Children with disabilities

36. Children with disabilities are guaranteed the same rights as other children living in Romania, without discrimination of any kind. The Constitution, through art. 49, guarantees "a special regime of protection and assistance" in the realization of the rights of children and young people. The state grants an allowance as a form of protection given to all children, without discrimination and allowances for the care of a sick or disabled child.

37. Law No. 272/2004 regulates the legal framework for the observance, promotion and guarantee of the rights of the child established by the Constitution, in accordance with the United Nations Convention on the Rights of the Child, ratified by Law No. 18/1990, and of the other international acts in the matter to which Romania is a party.

38. Through Law No. 272/2004 lays the foundations of a system that, above all, targets all children in Romania, not only those who are in difficulty and for whom a state protection measure is immediately imposed, but also those who are in their own right. family, pursuing mainly the transition of the protection system from a need-based perspective to a rights-based perspective.

39. The principle of the best interests of the child is also imposed in relation to the rights and obligations of the child's parents, other legal representatives of the child, as well as any persons to whom he has been legally placed. According to Law No. 272/2004, the principle of the best interests of the child shall prevail in all proceedings and decisions concerning children, taken by public authorities and authorized private bodies, as well as in cases resolved by the courts.

40. According to art. 49 paragraphs (1) and (2) of Law No. 272/2004, the child with disabilities has the right to special care, adapted to his needs, to education, recovery, compensation, rehabilitation and integration, adapted to his own possibilities, in order to develop the child's personality. Special care ensures the physical, mental, spiritual, moral or social development of children with disabilities and consists in adequate support for the situation of the child and his parents or, as the case may be, for the situation of those to whom the child is entrusted. It shall be granted free of charge, whenever possible, to facilitate the effective and non-discriminatory access of children with disabilities to education, training, medical services, recovery, training, employment, recreational activities, transport and any other activities that will enable them to fully integrate socially and develop their personality.

41. The child with disabilities, his personal assistant or his companion benefits from free urban, interurban and subway transport, according to art. 23 and 24 of the Special Law. Free urban transport is provided on the basis of a transport card which is valid throughout the country, is recognized by all local transport authorities, and is issued by the DGASPC. Free intercity transport is provided on the basis of free travel tickets printed by the DGASPC or on the basis of the settlement of the fuel needed to transport the disabled person by car.

Article 8

Raising awareness

42. Public awareness of the potential and integration of persons with disabilities in social, economic, cultural or political life is an ongoing process that takes place in Romania, through cooperation between central and local public administration authorities and civil society.

43. For the dissemination of the Convention, MMSS organized several conferences, seminars, workshops in cooperation with civil society, aimed at both persons with disabilities and central public administration staff. The events focused on informing about the provisions of the Convention and establishing a cooperation that is essential for its implementation. On December 3rd, 2015, National Authority for Persons with Disabilities (ANPD), in

partnership with the Transylvanian Alpfa Foundation and the RENINCO Association organized the Open Day at the ANPD headquarters and the press conference for journalists, persons with disabilities and non-governmental organizations within the project “ALL fundamental rights for ALL persons with disabilities!”, financed by EEA grants 2009–2014, within the NGO Fund in Romania. On December 4th, 2015, the Minister of Labor, Family, Social Protection and the Elderly participated in the round table on “Active partnership for the implementation of the Convention on the Rights of Persons with Disabilities”, which was also attended by: Romanian Institute for Human Rights, CNCD, non-governmental organizations. On May 19th, 2016, on the occasion of International Accessibility Awareness Day, the event Digital Accessibility – A Safe Way to Inclusion!, was organized, during which prototypes, projects and digital accessibility services were presented. The event was attended by representatives of central public authorities, non-governmental organizations, academia, researchers, persons with disabilities. On the occasion of the European Day for Independent Living, on May 5th, 2021, ANDPDCA organized a round table on the rights and opportunities for the integration of persons with disabilities into the labor market, in order to increase their employment. The event was attended by government decision-makers, non-governmental organizations and persons with disabilities.

44. In 2018, the International Day of Persons with Disabilities was marked by the Ministry of Labor and Social Justice (MMJS), in collaboration with the National Agency for Employment (ANOFM) and ANPD and in partnership with the General Directorates of Social Assistance and Protection of the child, by organizing, at national level, events aimed at connecting persons with disabilities to employment opportunities on the labor market, as well as activities specific to the job market. These actions took place under the motto “I can do what you can! Hire me!”¹³

45. On the occasion of the European Day for Independent Living, on 5 May 2021, ANDPDCA organized a round table on the rights and opportunities related to the integration of persons with disabilities into the labor market, in order to increase their employment. The event was attended by government decision makers, non-governmental organizations and persons with disabilities.

46. On April 7, 2021, the Ministry of European Investment and Programs and ANDPDCA organized the launch event of the Guide on Reflecting the UN Convention on the Rights of Persons with Disabilities in the Preparation and Implementation of Grant Projects Allocated to Romania in 2021–2027, a document that meets the requirements of funds to ensure the implementation of the Convention.

47. On the occasion of the International Day of Persons with Disabilities, civil society, through ActiveWatch and the Motivation Romania Foundation, organized, in the period 2010–2015, the “Gala of Persons with Disabilities”, an annual event that highlighted persons with disabilities and the benefits of society as following their integration into mainstream education, the labor market, cultural life or public policy.

48. The national campaign carried out by the association of the Professional Non-Governmental Social Assistance Association – Baia Mare, within the project “Integrated social services and vocational training for persons with disabilities” had an impact at national level. The campaign took place in 2013, aimed at promoting normalcy as an attitude towards disability, the slogan being “We tear down walls to build bridges” and involved two teams of cyclists, in tandem (a cyclist being blind), a journey through 26 cities.

49. Regarding the prevention of child trafficking, ANITP organized several information, awareness and awareness campaigns that had children as their main target group. Although these actions were not aimed exclusively at children with disabilities, prevention campaigns targeted children at risk, including children with disabilities. By way of example, we mention: the campaign to prevent child trafficking for the purpose of exploitation through begging “Ask for help, don’t beg!”, the campaign to prevent child trafficking for the purpose of exploitation through labour “Happy little hands, NOT tortured little hands!”, implemented in collaboration with the Child Phone Association and the campaign to prevent human trafficking for the purpose of exploitation through begging “Give them freedom! Don’t pay

¹³ <http://anpd.gov.ro/web/3-decembrie-ziua-internationala-a-persoanelor-cu-dizabilitati-2/>.

for his exploitation!”, which targeted both vulnerable people and people willing to offer money to beggars.

Article 9 Accessibility

50. Art. 5 of the Special Law defines the unrestricted access of the disabled person as the access without limitations or restrictions to the physical, informational and communicative environment.

51. In the same article, the term accessibility is defined as the set of measures and works to adapt the physical environment, as well as the information and communication environment according to the needs of persons with disabilities, an essential factor for exercising the rights and fulfilling the obligations of persons with disabilities in society.

52. The term adaptation is defined as the process of transforming the physical and informational environment, products or systems, to make them available to persons with disabilities.

53. The special law obliges the authorities to adapt public utility buildings, access roads, publicly constructed residential buildings, public transport and their stations, taxis, passenger railcars and platforms of main stations, parking spaces, streets and public roads, public telephones, the information and communication environment, so as to allow unrestricted access for persons with disabilities (art.62).

54. Metrorex¹⁴ is constantly concerned to provide safe travel conditions within metro stations and to increase the mobility of persons with special needs, the accessibility of metro stations for them being undertaken by the company as part of its operating strategy. Metrorex has already implemented in the metro stations the project “Facilities for persons with disabilities access to the existing metro network”, which ensured that the stations were equipped with equipment (escalators, indoor/outdoor lifts, access gates) to facilitate the transport of passengers with disabilities. All these facilities have been and continue to be created to increase the quality of life of the beneficiaries, to ensure their active presence in society and to facilitate their social, educational and professional integration.¹⁵ Also, in 2016, Metrorex signed the contract for the employment of specialized design and consulting services for “Accessibility of subway stations in operation for the visually impaired”. Thus, in public spaces belonging to the subway network, specific elements were placed to ensure a tactile way for persons with visual impairments. The specific elements consist of special strips of ceramic tiles, which allow people who use the white stick to obtain information about a certain route or the presence of a possible danger.

55. In order to guarantee respect for the right of access of persons with disabilities, the Special Law provides that a construction of a public utility building may not be authorized unless it provides facilities for unrestricted access of persons with disabilities (art.63).

56. The norm NP051-2012 establishes a minimum set of criteria for achieving the accessibility of civil buildings and urban space and is the reference for control.

57. Local government authorities have the obligation to include representatives of non-governmental organizations of persons with disabilities in the commissions for the reception of construction works, or for the adaptation of these buildings, as a guarantee of the development of works so as to meet the specific mobility needs of persons with disabilities: parking, ramp and wide access door, tactile pavement, lift and/or platform, handrail, adapted toilet and others.

58. Regarding heritage and historical buildings, the adaptation process is hampered by the need to respect the architectural features.

¹⁴ Metrorex is a trading company operating under the Ministry of Transport and carrying out subway passenger transport activities on the underground and above-ground railway network.

¹⁵ http://www.metrorex.ro/_read452-1.

59. With regard to hotel spaces, the Special Law stipulates that the owners adapt at least one room to accommodate the disabled person who uses a wheelchair, to mark the entrance, the reception, to have a tactile map of the building and to install elevators with tactile signs.

60. Audiovisual Law No. 504/2002, with subsequent amendments and completions, on the basis of which the CNA operates, contains the Chapter “Protection of the Persons with Hearing Impaired”, which establishes that persons with hearing impairments have the right to access audiovisual media services, depending on the technological possibilities.

61. According to the Special Law, the competent local public administration authorities have the obligation to take measures for the installation of sound and visual signaling systems at the intersections with heavy traffic.

62. The special law stipulates that central and local public authorities, as well as central and local institutions, public or private, have the obligation to provide information and documentation services accessible to persons with disabilities, to make their own websites accessible in order to improve access to documents. by persons with visual impairments and mental disabilities and to consider compliance with the criterion of accessibility in the purchase of equipment and software.

63. GEO No. 112/2018 on the accessibility of public sector bodies ‘websites and mobile applications sets out the requirements on the accessibility of public sector bodies’ websites and mobile applications, in order to allow those websites and mobile applications to be accessible to users, especially to persons with disabilities [art. 1 para. (1)]. The following are exempted from meeting the accessibility criteria: the websites of the institutions that do not provide essential services or services for persons with disabilities, as well as those whose accessibility would impose a disproportionate burden [art. 1 paragraph (2) letters b) and c)].

64. In direct relations with persons with hearing impairments or deaf-blindness, the central and local authorities and institutions, public or private, provide authorized interpreters of sign language or the specific language of the deafblind person. Interpreters are licensed according to a specific methodology and included in the special register for the public to facilitate access to their services. The two forms of language are officially recognized as means of communication specific to this category of people.

65. For persons with visual or reading disabilities, public libraries have the obligation to set up book sections in formats accessible to persons with visual or reading disabilities (art. 69 of the Special Law).

66. In the field of electronic communications, audiovisual communications and postal services, ANCOM is the autonomous public authority with legal personality, under parliamentary control, whose role is to implement national policy including market regulation and technical regulation in these areas by adopting and the implementation of normative and individual decisions. Thus, ANCOM promotes competition in the electronic communications sector and in the postal services sector, among other things by taking the necessary measures for users, including end users with disabilities or special social needs, to obtain maximum benefits in a competitive market regarding the diversity of the offer, the tariffs and the quality of the services.

67. Providers of public electronic communications networks or electronic communications services intended for the public have the obligation to comply with the measures imposed by ANCOM in order to inform in a detailed way, in an accessible and regular form, the end users with disabilities regarding the services. or the equipment intended for them [art. 60 para. (8) lit. f) of GEO No. 111/2011 on electronic communications, approved, with amendments and completions, by Law No. 140/2012, with subsequent amendments and completions]. Failure to comply with this obligation constitutes a contravention which is ascertained by the control staff within ANCOM and is sanctioned by the president of ANCOM (art. 144 of the Government Emergency Ordinance No. 111/2011, with subsequent amendments and completions).

68. ANCOM consults the users with disabilities and their associations and analyzes the points of view transmitted by them regarding the rights of the end users regarding the electronic communications services intended for the public.

69. Regarding the postal services sector, GEO No. 13/2013 on postal services, as subsequently amended and supplemented, ensures non-discriminatory access of users to postal services, the postal service providers having the obligation not to refuse their access to the services provided, a possible refusal must be duly justified, as well as the obligation to provide assistance in completing the forms, at the request of persons with disabilities. Disabled users are also among the recipients of universal service measures in this sector.

70. With regard to banking services, their operators have the obligation to provide assistance in filling in the forms and to make available to persons with disabilities, at their request, account statements and other information in accessible formats.

71. CNCD, as the guarantor of the observance and application of the principle of non-discrimination, investigates, ascertains and sanctions acts of discrimination. Relevant in this respect is, for example, Decision No. 111/2016.¹⁶ CNCD applies sanctions and recommendations. The implementation of the recommendations is monitored by the CNCD. The implementation deadline is set by the CNCD depending on the complexity of the measure to be implemented (depending on each case).

72. With the approval by the European Parliament of Directive (EU) 2019/882 on accessibility requirements for products and services, by 2022 Romania has to transpose the accessibility requirements for products and services such as: hardware systems, terminals for self-service (ATMs, payment terminals), e-readers and more into the national law.

73. To monitor compliance with and implementation of legal provisions on accessibility, there is a government body, the National Agency for Payments and Social Inspection, with local representation, which annually checks, on the basis of an inspection plan, public and private institutions, and applies the contravention sanctions according to the normative acts in force.

74. In August 2019, together with the Romanian Civil Aviation Authority, ANDPDCA signed a Collaboration Protocol in order to jointly carry out activities aimed at the right of persons with disabilities and persons with reduced mobility to free movement, freedom of choice and non-discriminatory treatment. Starting with 2011, within the actions for monitoring the implementation of Regulation (EC) No. 1.107/2006 on the rights of persons with disabilities and persons with reduced mobility traveling by air, it was found that the number of passengers with reduced mobility who requested assistance during the whole trip or partially increased.

Article 10

Right to life

75. The Constitution guarantees the right to life and prohibits the death penalty [art. 22 paragraphs (1) and (3)].

76. The Civil Code regulates the right to life of any person, this being guaranteed and protected equally by law, the interest and good of the human being prevailing over the sole interest of society or science [art. 58 para. (1), art. 61 para. (1) and (2)]. The same normative

¹⁶ Decision No. 111/2016 (file registered in 2015) had as object a notification regarding the refusal to hand over the bank card, motivated by the lack of handwritten signature. The petitioner, a person with a severe disability resulting from an accident, a client of the complained bank for over 10 years, became immobilized from a motor point of view, but autonomous in terms of decision-making. He complained that the bank's refusal to allow him to issue a new bank card on the basis of his fingerprint after the previous one had expired was discriminatory, given that he could not use writing instruments due to his medical condition. The CNCD Board of Directors found that there was a differentiated treatment by restricting the petitioner's right to use the service, but also a violation of the petitioner's personal dignity because, at the time of signing the signature change form, he had to sign with his pen in his lip, and the banker insisted that the card be signed in the same way. For these facts, the Board of Directors found the meeting of the constituent elements of a deed of discrimination and ordered the fine of 40,000 lei for the banking agency and a fine of 30,000 lei for the central branch and ordered the publication of the summary of the decision in the media.

act stipulates that no one can harm the human species and prohibits “any eugenic practice that tends to organize the selection of persons” (art. 62).

77. The Criminal Code devotes an entire chapter to incriminating acts that harm people’s lives. Thus, Chapter I (Crimes against life) of Heading I (Crimes against the person) incriminates acts that infringe the right to life. Also, the criminal legislation defines as a crime, the killing or harm of the newborn committed by the mother (art. 200) and the interruption of the pregnancy (art. 201).

Article 11

Risk situations and humanitarian emergencies

78. Situations of risk and humanitarian emergencies are managed by the Ministry of Interior through the General Inspectorate for Emergency Situations which performs, on its own or in cooperation, operations and activities of notification, warning, alarm, alerting, reconnaissance, search, evacuation, shelter, search, rescue, release, first aid or emergency medical assistance, extinguishing fires, depollution, nuclear, biological and chemical protection, and decontamination, filtration and transport of water, lighting, protection of material goods and cultural heritage values, provision of support for the survival of the affected population and other measures to protect citizens in case of emergencies.

79. In Romania, the provision of qualified first aid and emergency medical care is performed in public, is a duty of the state and a right of the citizen, can not be done for commercial purposes and is granted without any discrimination, whether or not the person has the quality of medical insured.

80. Within the General Inspectorate for Emergency Situations, the Emergency Medical Resuscitation and Release Service operates, which is requested for all emergencies that put the life of one person or several people in immediate danger. The crew moves regardless of the age of the victim.

81. The Emergency Response Action Plans of the Emergency Departments do not provide for special intervention procedures and protocols, tailored to the risks of persons with disabilities. Most of the specifications in the intervention guidelines relate in particular to ensuring mobility and guidance for persons with disabilities in wheelchairs, specifying, for example, the need to place guidance signs at an appropriate height or to provide access roads. The specific needs of persons with other disabilities are not addressed by contingency plans. The Emergency Response Action Plans of the Emergency Situations Departments do not provide for special intervention procedures and protocols, customized for the risks of persons with disabilities. Most of the specifications in the intervention guidelines relate in particular to ensuring mobility and guidance for persons with disabilities in wheelchairs, specifying, for example, the need to place guidance signs at an appropriate height or to provide access roads. The specific needs of persons with other disabilities are not addressed by contingency plans.

82. Since 2009, the introduction of the single European emergency number (112), the technical and organizational system of receiving and transmitting emergency calls related to fires, accidents, medical emergencies, disasters and other events that require rapid intervention of agencies is uniformly regulated in Romania. specialized intervention. The unique national system for emergency calls is made available to all citizens of Romania, Romanian and foreign ones, who are in an emergency situation.

83. Providers of electronic communications services intended for the public have the obligation, according to the legal provisions, to take measures so that users with disabilities have access to the unique number for emergency calls 112 under conditions equivalent to those enjoyed by other end users.

84. Since 2015, the unique number for messages associated with emergency calls in public mobile networks is 113, in order to provide persons with hearing and/or speech impairments access to the emergency network. In order to benefit from emergency services through messages associated with emergency calls sent to the number 113, persons with hearing and/or speech impairments must register their telephone number in advance in the

SNUAU database. Messages associated with emergency calls as well as short messages sent from 113 are free and immediately forwarded to the 112 Emergency Service.

85. In the context of the COVID-19 pandemic, Romania has adopted exceptional measures within the child and adult protection system, establishing a national coordination team, which has ensured: continuous flow of public information on the situation of the COVID-19 pandemic; interinstitutional cooperation at local level, in order to resolve various situations identified in the field; collecting data and information in real time or identifying systemic measures, wherever the situation required; permanent communication, 24 hours a day, 7 days a week, with representatives of local authorities, social service providers, trade unions, employees, beneficiaries and other relevant actors.

86. New mechanisms for communication, coordination and real-time data collection have been established, specific methodological provisions and recommendations have been transmitted to the DGASPC in order to support the management and prevention of the spread of COVID-19 among residential social services and community social services.

87. UNICEF has called on the ANDPDCA to disseminate some of the specific recommendations in the UN system for implementation in other regions/states of the world, including the COVID-19 Infection Prevention Guide for Child Social Services and Social Services for Children, adults with disabilities, written in an easy to read/understand format.

Article 12

Equal recognition before the law

88. Article 16 of the Constitution guarantees the equality of citizens before the law and public authorities, without privileges and without discrimination. No one is above the law.

89. By Decision No. 601/2020, published in the Official Gazette of Romania, Part I, No. 88 of January 27, 2021, the Constitutional Court of Romania found that the provisions of art. 164 para. (1) of Law No. 287/2009 on the Civil Code, republished, with subsequent amendments and completions are unconstitutional in relation to the provisions of art. 1 para. (3), of art. 16 para. (1) and of art. 50 of the Romanian Constitution, republished, as interpreted according to art. 20 para. (1) and in the light of art. 12 of the Convention on the Rights of Persons with Disabilities.

90. As a result of Decision No. 601/2020, it is necessary to carry out an intervention on the civil law of common law (Civil Code) as well as an examination of the special legislation (ex: labor law, mental health law, law on protection and promotion of the rights of persons with disabilities, electoral law), in the wider context of carrying out a reform of measures to protect a natural person. In this context, we mention the legislative approach that proposes the establishment of regulatory solutions in the matter of protection of the adult natural person with psychosocial or intellectual disabilities. The project aims to achieve a substantial intervention in the field of civil law protection measures that can benefit vulnerable individuals, thus continuing, regarding the legal status of the individual, the extensive legislative reform achieved by adopting the new Civil Code. The draft includes a number of essential safeguards, regulated for the benefit of the protected party, such as the establishment of a gradual, step-by-step system for the provision of protection measures, certain periods of time to be arranged and extended, periodic reassessment of the chosen protection regime or the possibility of permanent adaptation (individualization) by the court of guardianship of the protection measure depending on the concrete circumstances in which the protected person finds himself. The project was developed on the basis of extensive consultations with both the responsible institutions and organizations of persons with disabilities, being completed by the end of 2021 and is currently under parliamentary debate.

Article 13

Access to justice

91. Free access to justice is guaranteed by art. 21 of the Constitution, which stipulates that “any person may apply to the judiciary for the defense of his rights, freedoms and legitimate

interests” and regulates “the right to a fair trial and to the resolution of cases within a reasonable time”. Cases concerning special administrative jurisdictions are optional and free of charge.

92. The parent, the legal representative, the guardian, as well as the non-governmental organization of which the disabled person is a member may assist him or her before the competent courts. Judging the cases that have as object the obtaining by the persons with disabilities of the rights provided by the Special Law is done quickly, according to art. 25 of this.

93. The legislation regulating public legal aid in civil matters contains provisions by which persons with disabilities have the right to benefit from public legal aid by Government Emergency Ordinance No. 51/2008 on public legal aid in civil matters.

94. They are exempt from paying the stamp duty¹⁷ actions and requests, including those for the exercise of ordinary and extraordinary remedies, relating to the rights of persons with disabilities.

95. With regard to the conduct of criminal proceedings, all procedural guarantees contained in the Code of Criminal Procedure apply to all persons, including those with disabilities, without privileges and without discrimination. Thus, the principles of legality, officiality, finding out the truth, active role, guaranteeing the right of defense, etc. applies to all criminal cases, including those involving persons with disabilities.

96. Throughout the criminal process, the person’s freedom is guaranteed and any person who is being prosecuted or tried must be treated with respect for human dignity and must be considered innocent, until his or her guilt is established by a final criminal decision.

97. In order to ensure effective access to justice and the full exercise of procedural rights, the Code of Criminal Procedure establishes, as a matter of principle, that “parties and parties to proceedings who do not speak or understand Romanian or cannot express themselves shall be guaranteed, free of charge, the opportunity to examine the documents in the case file, the right to speak, and the right to make submissions to the court through an interpreter.” Similarly, “where legal assistance is compulsory, the suspect or accused person shall be given the opportunity to communicate free of charge with his lawyer through an interpreter for the purpose of preparing for a hearing, lodging an appeal or any other application relating to the outcome of the case”. These provisions represent the guidelines for the criminal procedure regulation as a whole in terms of the language of the proceedings and the right to interpretation, without making any distinction as to whether the addressee of the rule is a person with a disability or is in another situation which would make the text of the law applicable. The specific provisions on the hearing of persons ensure that persons with disabilities have the right to be heard through an interpreter regardless of whether or not the need for such a hearing is due to the disability [the person heard is deaf, dumb or deaf-mute, according to art. 109 para. (2) The Code of Criminal Procedure or whenever the person heard does not understand, does not speak or does not express himself well in Romanian, according to art. 109 para. (1) of the same normative act]. In all cases, the interpreter appointed/chosen must be authorized by law, the costs to be borne by the State.

98. At the same time, the Code of Criminal Procedure established special protection measures for injured persons or the civil party in the category of persons with disabilities. Victims with disabilities are presumed vulnerable. Thus, when the conditions provided by law regarding the status of threatened or vulnerable witness or for the protection of privacy or dignity are met, the criminal investigation body may order special protection measures against the injured person or the civil party. Special measures may also be imposed during the trial.

99. In criminal matters, the legislator has regulated different situations, depending on the procedural quality of the participants in the criminal process, in which legal assistance is mandatory. Some of these cases of compulsory legal aid have a more general vocation (regardless of whether or not the party/subject of the main proceedings is a person with

¹⁷ Government Emergency Ordinance No. 80/2013 on judicial stamp duties, with subsequent amendments, art. 29 para. (1) lit. b.

disabilities), while others also include the various forms of disability. With regard to the latter situations, the legal assistance of the suspect/defendant is obligatory in case the security measure of medical hospitalization has been ordered or the judicial body considers that it could not defend itself. Legal assistance is also mandatory for the injured party and the civil party if they lack legal capacity and when the judicial body considers that they would not be able to defend themselves (the latter also applies to the civilly liable party).

100. During the execution of sentences, any form of discrimination on the grounds of “(...) disability, chronic non-contagious disease, HIV/AIDS infection or other grounds” is prohibited, according to Law No. 254/2013, art. 6 para. (1) and (2). Art. 6 provides for the criminal sanctioning of the violation of the mentioned provisions.

101. The supervision judge of deprivation of liberty hears persons deprived of their liberty, at the place of detention, indiscriminately. The pre-hearing measures are taken by the administration of the place of detention, in the case of detainees with disabilities, taking into account that the used spaces are accessible and allow their mobility and autonomy.

102. If the person has disabilities, the penitentiary administration shall order measures for the execution of the sentence in conditions that respect human dignity. Also, if the convicted person does not speak or understand the Romanian language, cannot express himself or has communication deficiencies, the penitentiary administration shall order measures to make known the necessary information and documents regarding the execution of sentences, through a person who can communicate with the convicted person, according to art. 43 of Law No. 254/2013.

103. The National Administration of Penitentiaries and the administration of the penitentiary have specific measures for the protection of the physical and mental health of convicted persons with disabilities, according to art. 47 and art. 94 of Law No. 254/2013. They are provided with conditions for participation in educational, cultural, therapeutic, psychological counseling and social, moral-religious activities appropriate to their needs and personality, depending on their options and skills, as well as training activities. According to the provisions of the same law (art. 82), convicted persons are prohibited from any discriminatory manifestations that harm human dignity by distinguishing, excluding, restricting or preferring on the basis of disability, as well as any other criterion that has the purpose or effect of restricting, eliminating the recognition, use or exercise on equal terms of fundamental rights.

Article 14

Freedom and security of the person

104. According to art. 23 of the Constitution, individual freedom and security of the person are inviolable.

105. The Constitution defines the cases in which a person may be searched, detained or arrested, the fact that the detention may not exceed 24 hours. Pre-trial detention is ordered by the judge and only during the criminal proceedings. During the criminal investigation, the pre-trial detention may be ordered for a maximum of 30 days and may be extended by a maximum of 30 days, without the total duration exceeding a reasonable term, and not more than 180 days.

106. In the trial phase, the court is obliged, in accordance with the law, to verify periodically, and no later than 60 days, the legality and validity of pre-trial detention and to order, immediately, the release of the defendant, if the grounds that led to arrest have been suspended or if the court finds that there are no new grounds for maintaining the deprivation of liberty. The court's decisions regarding the measure of pre-trial detention are subject to the remedies provided by art. 23 par. (6) and (7) of the Constitution.

107. The one detained or arrested shall be informed immediately, in the language he understands, of the reasons for his detention or arrest, and the accusation, as soon as possible; the accusation is brought to light only in the presence of a lawyer, chosen or appointed ex officio [art. 23 par. (8) of the Constitution]. Persons with disabilities who cannot express themselves are subject to the provisions of the Code of Criminal Procedure: as well as the

right to be heard in court, by an interpreter. “When one of the parties or another person to be heard does not know the Romanian language or cannot express himself or herself, the criminal investigation body or the court shall provide him free of charge with the use of an interpreter. The interpreter may be appointed or elected by the parties; in the latter case, he must be an authorized interpreter, according to the law.

108. The purpose and basic rules of criminal proceedings are set out in the Code of Criminal Procedure, which guarantees the right of every person to liberty and security during criminal proceedings, including persons with disabilities, with special needs for understanding or communication. It is also provided that any arrested person has the right to be informed, as soon as possible and in a language he understands, of the reasons for his arrest and has the right to file an appeal against the order of the measure [art. 9, para. (1) and (3)].

109. According to art. 113 of the Code of Criminal Procedure, when the conditions provided by law regarding the status of threatened or vulnerable witness or for the protection of privacy or dignity are met, the criminal investigation body may order protection measures against the injured person or the civil party. Children victims, victims who are dependent on the perpetrator, victims of terrorism, organized crime, trafficking in human beings, close violence, sexual violence or exploitation, victims of hate crimes and victims affected by a crime because of prejudice or discrimination that may be related in particular to their personal characteristics, victims with disabilities, as well as victims who have suffered considerable harm as a result of the seriousness of the crime. If the injured person or the civil party is in any of the above situations, the criminal investigation body shall inform him of the protection measures that may be taken, their content and the possibility of waiving them. The waiver of the injured person or the civil party to take protective measures shall be recorded in writing and signed by him, in the presence of the legal representative, if applicable. The re-examination of the injured person is done only if this is strictly necessary for the criminal process. At the hearing, the injured party may be accompanied, at his request, by his legal representative and by another person designated by the injured party, unless the judicial body decides otherwise with reasons.

110. Any person who was, during the criminal trial, deprived of liberty or whose liberty was restricted, illegally or unjustly, has the right to compensation for the damage suffered, under the conditions provided in art. 9 paragraph (5) of the Code of Criminal Procedure.

111. Law No. 248/2005 on the regime of free movement of Romanian citizens abroad, with subsequent amendments, guarantees to Romanian citizens who meet the provided conditions, the right to travel abroad, to emigrate and to return to the country at any time. No Romanian authority can prohibit, under any circumstances, a Romanian citizen from returning to the territory of Romania.

Article 15

No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment

112. Alin. (2) in art. Article 22 of the Constitution provides that no one shall be subjected to torture or to inhumane or degrading treatment or punishment.

113. The Code of Criminal Procedure provides for the observance of human dignity during the criminal proceedings. They are prohibited from being subjected to torture, inhumane or degrading treatment or other ill-treatment during criminal proceedings and the execution of sentences.

114. Torture is defined by art. 282 of the Criminal Code as “the act of a civil servant who performs a function involving the exercise of state authority or another person acting at his instigation or with his express or tacit consent to cause a person physical or mental suffering (...) on a ground based on any form of discrimination”, which is punishable by imprisonment from 2 to 7 years and a ban on the exercise of certain rights. According to the same article, the torture that resulted in the death of the victim is punishable by life imprisonment or imprisonment from 15 to 25 years. The attempt is also punishable. No exceptional

circumstances, whatever they may be, whether they be a state of war or threats of war, internal political instability or any other state of emergency, cannot be invoked to justify torture; nor can the order of a superior or a public authority be invoked.

115. Art. 5 of Law No. 254/2013 prohibits the submission of any person serving a sentence or other measure of deprivation of liberty to torture, inhuman or degrading treatment or other ill-treatment. In addition, the National Penitentiary Administration shall take all necessary measures for the redevelopment of existing detention facilities and the construction of new detention facilities, in accordance with international recommendations, in particular of the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment.

116. At the same time, art. 7 of Law No. 253/2013 on the execution of sentences, educational measures and other non-custodial measures ordered by the judiciary during criminal proceedings, as subsequently amended, states that punishments, educational measures, ordered by judicial bodies during criminal proceedings, non-custodial, they are carried out under conditions which ensure respect for human dignity and may not involve the application of inhuman or degrading treatment.

117. The People's Advocate fulfills the specific attributions of the National Mechanism for the Prevention of Torture in Detention Places, within the meaning of the Optional Protocol to the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, by any place where persons are deprived of their liberty on the basis of a decision of an authority, at its request or with its express or tacit consent. Among the places where the institution of the People's Advocate exercises its attributions regarding the prevention of torture are also those that are part of the health system or the social assistance system.

118. Patient rights law No. 46/2003, with subsequent amendments and completions, regulates the fact that, in case of his participation in the clinical medical education and in the scientific research, the patient's consent is obligatory. The patient means the healthy or sick person who uses the health services. The participation in the activities of medical scientific research of the persons who are not able to express their will can be realized only after obtaining the consent of the legal representatives and only in the situation when the respective research is carried out in the interest of the patients.

119. Law No. 487/2002 includes a series of provisions and measures that defend the rights of persons with mental disorders. Mental health assessment is done, at the request of the person, at his voluntary hospitalization in a psychiatric unit, with the free, informed and documented consent of the person, except when the assessed person has difficulty assessing the implications of a decision on himself, situations in which it must be assisted by a legal or conventional representative. The evaluation aims to determine the mental capacity, to establish the danger for oneself or for other people, to determine the degree of incapacity, disability and mental disability. The person assessed in terms of mental health has the right to confidentiality of information, except as provided by law. The medical and psychiatric care services are provided within the social health insurance system through: a) the network of health services, predominantly through the family doctor; b) specialized mental health structures. Mentally ill people receive free medical care and free medicines from FNUASS. The law also refers to involuntary hospitalization¹⁸, which can be ordered only in special cases and following the decision of a medical council.

120. Also, Law No. 487/2002 stipulates that the interned persons may be restricted their freedom of movement, by using adequate means, in order to save from a real and concrete danger the life, bodily integrity or health of themselves or of another person. The measure of restraint¹⁹ cannot be used as a sanction, cannot be part of the treatment program and cannot

¹⁸ According to art. 5 para. o) and p) of Law No. 487/2002, "by voluntary hospitalization is meant hospitalization at the request or with the consent of the patient", and "by involuntary hospitalization is meant hospitalization against the will or without the consent of the patient".

¹⁹ According to art. 5 para. g) of Law No. 487/2002, "restraint means restricting the freedom of movement of a person, by using appropriate means to prevent the free movement of one of the arms, both arms, one leg or both legs or to completely immobilize the patient, by specific protected means, which do not cause bodily harm."

be disposed of in cases of suicide or self-isolation or as a solution for lack of staff or treatment, as a sanction or form of threat or for forcing a good behavior or to prevent damage to property. In extreme cases, this measure may be used, but only if the application of the least restrictive techniques has been inadequate or insufficient to prevent any impact or injury.

121. The use of means of restraint must be proportionate to the state of danger, apply only for the period necessary only when there is no other way of removing the danger and never be in the nature of a sanction. The use of restraints must be authorized in advance by the head physician. The use and cessation of any means of restraint shall be recorded in a special register drawn up by each psychiatric unit.

Article 16

No one shall be subjected to exploitation, violence or abuse

122. In Romania, individual liberty and security of person are inviolable, and the exploitation of minors, their use in activities that would harm their health, morals or that would endanger their life or normal development are prohibited. Also, minors under the age of 15 cannot be employed as employees (art. 23 and art. 49 of the Constitution).

123. The phenomenon of domestic violence was addressed for the first time at the governmental level in 2003 by adopting Law No. 217/2003. Preventing and combating domestic violence is part of the integrated family protection and support policy and is an important public health issue. In 2012 and 2018, important changes were made to the law; those of 2018 marked the harmonization of the domestic legal framework with the provisions of the Istanbul Convention, introducing the notion of “domestic violence” instead of “violence in family”.

124. Domestic violence is defined in art. 3 of Law No. 217/2003, as any inaction or intentional action of physical, sexual, psychological, economic, social, spiritual or cyber violence, which occurs in the family or domestic environment or between spouses or ex-spouses, as well as between current or former partners, whether the perpetrator lives or has lived with the victim.

125. Domestic violence is provided for in the Criminal Code under Chapter III (Crimes against a family member) and involves, as a material element, the commission of any of the offenses of hitting or other violence, bodily harm, beatings or injuries causing death, simple or qualified murder on a family member. The sanction consists in the fact that the special maximum of the punishment provided by law for the absorbed crime is increased by a quarter, following that the punishment will be individualized within these limits.

126. The special law provides that persons with disabilities are protected from neglect and abuse, no matter where they are.

127. The state has the duty to ensure the special protection of the child and to guarantee the respect of all the rights of the child, intervening in cases of violence and neglect against the child.

128. By Law No. 272/2004, the child has the right to be protected against any form of violence, abuse, ill-treatment or neglect, and employees of public or private institutions who, by the nature of the profession, come into contact with the child and they have suspicions of a possible case of abuse, neglect or ill-treatment have the obligation to notify the DGASPC urgently.

129. Child abuse means any voluntary action of a person who is in a relationship of responsibility, trust or authority towards him, which endangers life, physical, mental, spiritual, moral or social development, bodily integrity, the physical or mental health of the child. It is forbidden to apply physical punishment in any form, as well as depriving the child of his rights that could endanger the life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health of the child, both in the family and in any institution that provides protection, care and education for children.

130. Art. 197 of the Criminal Code regulates ill-treatment of a minor, as follows: “seriously endangering, by measures or treatment of any kind, the physical, intellectual or moral development of the minor, by the parents or any person in whose care finds out the minor, is punished with imprisonment from 3 to 7 years and a ban on exercising certain rights”.

131. According to Law No. 272/2004, DGASPC are obliged to verify and resolve all complaints regarding cases of child abuse and neglect, while providing the services provided by law, adapted to the needs of children victims of abuse or neglect and their families. If, following the verifications, the DGASPC representatives establish that there are good reasons to support the existence of a situation of imminent danger to the child, due to abuse and neglect, the measure of emergency placement is established. Within 48 hours from the date of the disposition of the emergency placement, DGASPC notifies the court to decide on: the replacement of the emergency placement with the placement measure, the total or partial forfeiture of the exercise of parental rights, as well as the exercise of the parental rights.

132. According to Law No. 217/2003, victims of domestic violence can benefit free of charge from social assistance services, accommodation (between 7 – maximum 90 days; in exceptional situations maximum 180 days), psychological counseling, legal counseling, social and educational/professional reintegration, assistance and care. These services are provided in recovery centers for victims of domestic violence.

133. The child has the right to protection against any form of exploitation.

134. The institutions and public authorities, according to their attributions, adopt specific regulations and apply appropriate measures to prevent, among others, the illicit transfer and non-return of the child; the conclusion of adoptions, national or international, for purposes other than the best interests of the child; sexual exploitation and sexual violence; the abduction and trafficking of children for any purpose and in any form; involvement of children in armed conflict; forced development of children’s talents to the detriment of their harmonious, physical and mental development; the exploitation of the child by the media; exploitation of the child in research or scientific experiments.

135. Framework methodology on prevention and intervention in a multidisciplinary team and in the network in situations of violence against children and domestic violence, approved by GD No. 49/2011, aims to establish a common methodological framework for the authorities responsible for the protection of children and families against violence, for service providers in this field and professionals working directly with children, their families and alleged perpetrators/aggressors. GD No. 49/2011 also approved the Methodology of multidisciplinary and inter-institutional intervention regarding children exploited and at risk of exploitation through work, children victims of human trafficking, as well as Romanian migrant children victims of other forms of violence on the territory of other states. The documents reflect the provisions of the UN Convention on the Rights of the Child.

136. In the period 2010–2012, the program of national interest “Intervention in situations of domestic violence” was carried out, which aims to strengthen the capacity of the DGASPC to intervene in such situations, which had as objective: the establishment and/or development of intervention services in situations of domestic violence, ensuring their functioning, improving collaboration with institutional partners and information activities on the activities carried out. Consideration has been given to extending the responsibilities of the child phone service for domestic violence cases or to setting up this service where it does not exist.

137. Public policies in the field of trafficking in human beings are coordinated at national level by the Monitoring Committee for the implementation of the National Strategy against Trafficking in Human Beings, which consists of decision-making representatives of the institutions involved (Secretary of State, Inspector General, Director) level of Secretary of State by the Ministry of Interior. The secretariat of the Committee is provided by ANITP.

138. The Criminal Code defines human trafficking as the recruitment, transportation, transfer, accommodation or reception of a person for the purpose of his exploitation, committed: by coercion, abduction, misleading or abuse of authority; taking advantage of the impossibility of defending or expressing one’s will or of the state of obvious vulnerability of that person; by offering, giving, accepting or receiving money or other benefits in exchange

for the consent of the person who has authority over that person. The commission of these acts is punishable by imprisonment from 3 to 10 years and the prohibition of certain rights.

139. The Criminal Code deals with Chapter VII trafficking and exploitation of vulnerable persons. There are sentences of up to 12 years in prison, for example in the case of human trafficking, and other forms of criminal wrongdoing, such as trafficking in minors, pimping, exploitation of begging, use of a minor for the purpose of begging.

140. Persons with disabilities, both adults and children, represent a category with a high risk of human trafficking, which are used to obtain material benefits, by practicing begging or prostitution, in other states.

141. Romanian citizens identified as victims on the territory of other states are repatriated through diplomatic missions, international or non-governmental organizations, and the reception and referral for assistance is coordinated by ANITP. All victims have equal access to services under the DGASPC. Children victims of trafficking can also be housed, assisted and protected in emergency reception centers for child victims of various forms of abuse. There is at least one such public center within each DGASPC, at the level of each of the 41 counties of the country and in the 6 administrative sectors of Bucharest.²⁰

142. The penal code punishes with imprisonment from 6 months to 5 years the abuse of office by restricting certain rights by a civil servant, the use or exercise of a person's rights or creating for him a situation of inferiority on the basis of race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion, political affiliation, beliefs, wealth, social background, age, disability, chronic non-communicable disease or HIV/AIDS infection.

143. The Criminal Code treats as a crime of abandonment of family (art. 378), which is punishable by imprisonment from six months to 2 years, the commission by the person who has the legal obligation of maintenance, compared to the one entitled to maintenance, abandonment, expulsion or helplessness, exposing him to physical or moral suffering,

144. The criminal code regulates at art. 78 that in case of aggravating circumstances, a penalty up to the special maximum may be applied. If the special maximum is insufficient, in the case of imprisonment an increase of up to 2 years may be added, which may not exceed one third of this maximum, and in the case of a fine an increase of not more than one third of the special maximum may be applied. The increase of the special limits of the punishment is done only once, regardless of the number of aggravating circumstances.

145. The Criminal Code stipulates that the person who has the legal obligation to maintain, compared to the one entitled to maintenance, one of the following acts: non-fulfillment, in bad faith, of the maintenance obligation provided by law and non-payment, in bad faith, for 3 months, of the maintenance pension established by court, shall be punished by imprisonment from 6 months to 3 years or by a fine (art. 378 para. 1).

146. Law No. 678/2001 on preventing and combating trafficking in human beings, as subsequently amended and supplemented, includes the definitions of trafficking in human beings, exploitation of a person and the victim of trafficking in human beings.

147. It constitutes a crime and is sanctioned, according to art. 264 of the Criminal Code, the act of the person who facilitates, by any means, the illegal stay on the Romanian territory of a person, victim of a crime of trafficking in persons, minors or migrants, who does not have Romanian citizenship or domicile in Romania, with imprisonment from one to 5 years and a ban on exercising certain rights.

148. MIA takes measures to: inform the population in high risk areas about the phenomenon of human trafficking; identifying the persons involved in carrying out activities related to illegal migration and trafficking in human beings, as well as the places where these activities take place; supporting alternative programs organized by competent institutions for victims of trafficking who do not wish to return to their country of origin; produces and

²⁰ ANITP Annual Report, 2012 www.anitp.gov.ro.

disseminates documentary materials on the risks to which persons may be exposed, potential victims of human trafficking.

149. ANDPDCA developed in 2020 an Action Plan for the prevention of child trafficking in the protection system – “We raise Free Children!” and created the formal framework for cooperation with the institutions, which manage the prevention and combating of human trafficking, MIA – General Inspectorate of the Romanian Police, Directorate for Combating Organized Crime, ANITP.

150. ANDPDCA elaborated, in 2020, the normative framework for the functioning of services for child victims, through the Minimum Quality Standards for services for minor victims of human trafficking, approved by Order No. 1335/2020.

151. In partnership with civil society, in 2020, ANDPDCA implemented, at national level, the Training Program in the field of human trafficking and the impact of trauma in victim assistance, with specialists from DGASPC. More than 300 specialists, who intervene directly in trafficking cases, from the perspective of services provided to victims have received training in key issues related to identification, referral and assistance to victims.

152. ANDPDCA, in partnership with the UNICEF Representation in Romania, the Institutionalized Youth Council and the Legal Resource Center, is implementing the Tolverde 0800 500 550 hotline for children and adults with disabilities in residential centers, already helping to prevent and report abuse, psycho-social counseling and assistance and legal counselling.

153. DGASPC and residential center staff can also turn to Tolverde for additional information or guidance on specific pandemic situations and can receive psycho-social and emotional support to meet the challenges of day-to-day work.

Article 17

Protection of the integrity of the person

154. The Constitution guarantees the right to life, as well as the right to physical and mental integrity of the person (art. 22).

155. According to the Civil Code, every person has the right to life, health, physical and mental integrity, dignity, self-image, respect for privacy, and other such rights recognized by law.

156. No person may be subjected to experiments, tests, samples, treatments or other interventions for therapeutic purposes or for scientific research purposes except in the cases and under the conditions expressly and exhaustively provided by law (art. 67 Civil Code).

157. It is forbidden to take organs, tissues and cells of human origin from minors, as well as from living persons, indiscriminately due to a mental disability, a serious mental disorder or any other similar reason, except in cases expressly provided by law [art. 68 para. (2) Civil Code].

158. According to Law No. 487/2002, the care of any person with a mental disorder is granted in the least restrictive environment, through the least restrictive procedures, which respect as much as possible his physical and mental integrity and at the same time respond to his health needs, as well as the need to ensure the physical security of others.

159. The transport of the person in question to the psychiatric hospital is usually done through the ambulance service. If the person’s behavior is manifestly dangerous to himself or to other persons, his transport to the psychiatric hospital is carried out with the help of the police, gendarmerie, firefighters, provided that all possible safety measures are observed and respect for the person’s physical integrity and dignity.

160. Any processing of personal data, by automatic or non-automatic means, can be done only in the cases and conditions provided by Law No. 190/2018 on measures for the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27th, 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing of Directive 95/46/EC, republished.

Article 18

Freedom of movement and citizenship

161. The Constitution guarantees the right to free movement, in the country and abroad, as well as the right of every citizen to establish his domicile or residence in any locality in the country, to emigrate, as well as to return to the country (art. 25).

162. Romanian citizenship is the connection and belonging of a natural person to the Romanian state. Romanian citizens are equal before the law and enjoy the protection of the Romanian state [Law No. 21/1991 of the Romanian citizenship, republished, with the subsequent modifications and completions, art. 1].

163. According to Law No. 21/1991 of the Romanian citizenship, the disability of a person is not considered a reason for refusal or a reason for a person to be deprived of the possibility to have a citizenship. In case a person cannot take the oath of allegiance to Romania due to a permanent disability or a chronic illness, he/she “obtains Romanian citizenship from the date of issuing the order of the President of the National Authority for Citizenship to grant or, as the case may be, to regain of the Romanian citizenship, based on the application and the medical documents, transmitted in this respect, personally or through the legal or conventional representative with special mandate, until the date of finalizing the procedure of granting or, as the case may be, of regaining the citizenship.”

164. The Civil Code stipulates that every person has the right to a name, a domicile, a residence, as well as a marital status, acquired in accordance with the law. Everyone has the right to an established or acquired name.

165. There are no differences in the process of declaring the newborn child, whether or not he is disabled. The deadlines for declaring and registering the birth of the child are regulated by Law No. 119/1996 on civil status documents, with subsequent amendments and completions.

166. According to the normative acts regarding the evidence, domicile, residence and identity documents, the Romanian citizens have the right to establish or to change, freely, their domicile or residence.

167. At the level of the General Inspectorate for Immigration, a structure subordinated to the Ministry of Interior, there is a mechanism for the early identification of vulnerable asylum seekers in order to provide adequate answers to their needs. In this context, in view of the need to carry out an individual assessment as soon as possible in order to determine whether an applicant falls into a vulnerable category when there is a suspicion of such an assessment, it is established whether the applicant for international protection is person with special needs, so that appropriate measures can be taken to meet his or her needs throughout the asylum procedure. Depending on the specific needs of each asylum seeker identified as a vulnerable person, The General Inspectorate for Immigration notifies and collaborates with the specialized institutions and authorities in order to provide the necessary assistance. This assistance is not limited in time, it continues throughout the asylum procedure and thereafter after obtaining the form of protection, as long as the state of vulnerability persists.

168. Foreigners with disabilities who have acquired international protection in Romania benefit from the same protection regime provided by the legislation in force for Romanian citizens in similar situations and assistance provided by state institutions with responsibilities in these fields.²¹

²¹ OG No. 44/2004 on the social integration of foreigners who have acquired international protection or a right of residence in Romania, as well as citizens of the Member States of the European Union, the European Economic Area and citizens of the Swiss Confederation, as subsequently amended and supplemented.

Article 19

Independent living and integration in the community

169. The Constitution regulates the right of the natural person to dispose of himself, if he does not violate the rights and freedoms of others, public order or good morals, guarantees freedom of thought and opinion, freedom of religious beliefs, and freedom of conscience [art. 26 para. (2)].

170. Based on the principle of ensuring equal opportunities, the competent public authorities have the obligation to take all necessary measures to facilitate the active participation of the disabled person in the life of the community and society in general (art. 79 para. (3) of the Law on Social Assistance).

171. Persons with disabilities benefit from allowances, compensations and facilities, as well as other forms of financial and in-kind support, depending on the degree of disability, as well as family and socio-economic difficulties (Special Law and Social Assistance Law). On a monthly basis, depending on the degree of disability, persons with disabilities are entitled to a supplementary budget and a monthly allowance to facilitate equal opportunities, ensure an independent life and promote their social inclusion.

172. Adults, depending on the degree of disability, can benefit, according to the Fiscal Code, from the following tax facilities: exemption from income tax on salary and pension, exemption from building and land tax, exemption from hotel tax. They also benefit from loans whose interest is borne by the state budget for the purchase of vehicles and for the adaptation of the home according to individual needs.

173. According to the Special Law, the person with disabilities has the right, based on the socio-psycho-medical evaluation, to social services provided on request or ex officio, at home, in the community or in day centers and residential centers.

174. Also, in order to provide the necessary social services to persons with disabilities, public authorities have the obligation to initiate, support and develop social services focused on persons with disabilities, in collaboration or in partnership with legal entities, public or private; to involve in the activities of care, rehabilitation and integration of the disabled person his family; to develop and support collaboration programs between parents and specialists in the field of disability, in collaboration or in partnership with legal, public or private persons; to provide assistance and socio-medical care at the home of the disabled person.

175. The local public administration authorities are obliged to provide, as a matter of priority, home care services and day centers adapted to the needs of persons with disabilities, where recovery/rehabilitation, social insertion/reintegration, socialization, occupational therapy and other special therapies (art. 88 of the Law on social assistance).

176. Depending on the nature of the disability and the specific needs of the care needs, the person can be assisted and cared for at home by a personal assistant, employed with an individual employment contract of the local public administration or can opt for care allowance. According to art. 35 paragraph (23) of the Special Law, "the child with a severe disability has the right to a personal assistant". The personal assistant and companion of the severely disabled person benefit from facilities and support services. Personal assistants are the most important and widespread service for independent living in Romania.

177. According to the Special Law, if the adult with disabilities does not have a place to live and cannot benefit from the services of the personal assistant, he is provided with the care and protection of a professional personal assistant, employed with an individual employment contract by DGASPC.

178. Admission of persons with disabilities to the residential system is provided if the assistance, care, recovery or protection of persons with disabilities cannot be provided at home.

179. From 2019, the specific minimum quality standards required for social services for adults with disabilities have entered into force: rehabilitation and rehabilitation center, independent living center, care and assistance center, sheltered housing, day center, respite

center/crisis, mobile team, home care, assistance and support²², the application of which ensures the minimum acceptable levels of performance of the process of providing social services for adults with disabilities and enshrines respect for the rights of beneficiaries and their involvement in the adoption of all decisions concerning them.

180. According to Law No. 95/2006, the disabled persons benefit from medical insurance without paying the contribution [art. 224 para. (1) lit. e)]. The insured persons, persons with acute and/or chronic conditions who have a certain level of dependency and a limited capacity to go to a health unit, have the right to receive medical care services at home²³.

181. Since 2006, concerns have been raised about the deinstitutionalization process and programs of national interest have been initiated and funded, such as the program “Restructuring old-age institutions for adults with disabilities and creating alternative residential services” (details in Annex I).

182. With the entry into force of the National Strategy “A society without barriers for persons with disabilities” 2016–2020, approved by GD No. 665/2016, Romania has assumed the deinstitutionalization and prevention of the institutionalization of persons with disabilities, simultaneously with the development of alternative support services for independent living and integration in the community.

183. The process of reorganization/restructuring of residential centers is based on assessing the individual needs of persons with disabilities, identifying the activities needed to maintain, develop, strengthen the person’s potential and correlate these activities with the type of social service needed.

184. Mandatory transfer to family-type alternatives (sheltered housing) is accompanied by the development of services (day centers) that support integration and participation in the community and provide flexible and integrated personal assistance, support and coordination so that people can live the life they want.

185. In 2018, the special Law was amended, setting the maximum capacity of a residential center for adults with disabilities at 50 places and forcing social service providers to develop restructuring plans for centers with a higher capacity than this threshold and to reorganize residential centers with a capacity of less than 50 people. For centers that do not comply with these conditions, their funding from the state budget is reduced by 25% annually. By the end of 2021, all large centers with over 50 beneficiaries have prepared, with the advice provided by ANDPDCA, Restructuring Plans, which were approved by ANDPDCA, and are to be implemented in the period 2021–2023.

186. According to the data reported and centralized at the level of the Human Capital Operational Program 2014–2020²⁴, by the end of 2019, a number of 1.206 persons with disabilities had benefited from social inclusion and anti-poverty measures, of which 614 men and 592 women.

187. Following an extensive consultation process with civil society and specialists in the field, ANDPDCA introduced in the service nomenclature the respiro service for children with disabilities and their families and developed the Minimum Quality Standards for social services without accommodation, organized respiro centers for the families of children with disabilities, approved by the Order of the Minister of Labor and Social Protection No. 811/2021.

²² Order of the Minister of Labor and Social Justice No. 82/2019 on the approval of specific mandatory minimum quality standards for social services for adults with disabilities.

²³ Order of the Minister of Health and Family No. 318/2003 for the approval of the Norms regarding the organization and functioning of home care, as well as the authorization of the legal and natural persons that provide these services, with the subsequent modifications and completions.

²⁴ According to the 2019 POCU Annual Implementation Report, available at: <https://mfe.gov.ro/wp-content/uploads/2020/12/5084d35f3501da8d9804c276a2a754a9.pdf>.

188. Also, ANDPDCA elaborated and promoted GD No. 793/2020²⁵ through which funding is provided for the establishment of respite services for adults with disabilities.

189. In 2020, the public call for DGASPC was launched, for the financing of respite services for adults with disabilities, within the National Interest Program “Establishment of social services such as day centers, respiro centers/crisis centers and sheltered housing in order to deinstitutionalize the persons with disabilities in old type institutions and to prevent the institutionalization of the persons with disabilities from the community”, approved by GD No. 798/2016, with subsequent amendments and completions. For the establishment of respite centers for adults with disabilities, non-reimbursable financing agreements have been concluded for implementation with six DGASPC, in a total amount of approx. 2.873 thousand lei.

190. ANDPDCA is implementing, in the period 2019–2023, with the support of the World Bank, a project²⁶ which has as its general objective “accelerating the process of deinstitutionalization of adults with disabilities while designing public policy and working tools for the development of alternatives to support independent living and community integration and the prevention of re/institutionalization”. Among the results of the project, we list: Proposal for public policies to prevent institutionalization and Tools for monitoring and control of standards in the field of social services for adults with disabilities.

Article 20

Personal mobility

191. The special law obliges local public administration authorities and public transport operators to adapt all means of public transport in circulation to public transport stations, including the tactile paving of the access spaces to the entrance door in the middle, transport, installation of billboards corresponding to the needs of persons with visual and hearing impairments in public transport, large print and contrasting color printing of routes and indications of public transport.

192. The costs of the works necessary for the adaptation of the buildings shall be borne by the budgets of the central or local public administration authorities and from the own sources of the legal persons with private capital, as the case may be.

193. In the parking spaces next to the public utility buildings are reserved and signaled by international sign at least 4% of the total number of parking spaces, but not less than two places, for free parking of means of transport for persons with disabilities.

194. Persons with disabilities or their legal representatives can, upon request, benefit from a card (European model) issued free of charge by local authorities. The car carrying a disabled person with a card-holder is free to park in the reserved and signposted parking spaces throughout the EU.

195. Also, depending on the degree of disability, persons with disabilities benefit from a number of facilities: exemption from paying the tax on cars, motorcycles with attachments and motorcycles, adapted to the disabled, exemption from paying the use of infrastructure (vignette).

²⁵ Government Decision No. 793/2020 for the amendment of the annex to the Government Decision No. 798/2016 on the approval of the program of national interest in the field of protection and promotion of the rights of persons with disabilities “Establishment of social services such as day centers, respiro centers/crisis centers and sheltered housing to deinstitutionalize persons with disabilities in old institutions and for the prevention of the institutionalization of persons with disabilities in the community “and of the annex to the Government Decision No. 193/2018 on the approval of the program of national interest in the field of protection and promotion of the rights of persons with disabilities”.

²⁶ “Persons with disabilities – the transition from residential to community services”, Code SIPOCA/SMIS2014 +: 618/127529, project co-financed by the European Social Fund, through the Operational Program Administrative Capacity 2014–2020, Total value of the project (LEI): 15,013,626.47 lei, of which 12,609,023.52 lei the value of co-financing of the European Union.

196. Transport operators, travel agents and tour operators may not refuse to accept reservations, issue tickets or embark persons on the grounds of disability or reduced mobility; Tickets must also be provided at no extra cost. When transporting by rail, the beneficiaries of the Special Law have the annual right to a limited number of free trips, the gratuity being supported from the state budget.

197. In the event of a refusal justified by safety requirements, transport operators, travel agents and tour operators shall make every reasonable effort to find an alternative transport solution for the person concerned.

198. The National Railway Passenger Transport Company provides passengers with disabilities or reduced mobility, free of charge, at their request, train transport assistance services, as follows: escorts inside the stations, reservation of special seats, assistance with boarding/disembarking in/from train and on board the train. Passengers in this category must request the reservation of seats according to the existing disability (eg wheelchair users), by filling in the required data on their own responsibility (identification data, type of disability, necessary services, details about the trip, No. train, date of travel, etc.) in the form for providing the necessary services, published on the website www.cfrcalatori.ro or available at counters dedicated to stations open to the transport of passengers with disabilities or reduced mobility, no later than 48 hours before the date of travel.

199. The National Railway Company provides, in the modernized railway stations, tactile-visual tapes for guiding persons with disabilities to the ticket offices, stairs, sidewalks, elevators, platforms, car parks and level crossings for the crossing of the lines/platforms.

200. For the blind persons, the Special Law introduced the reference to live assistance and made it possible to use guide dogs [art. 64 para. (5)].

201. Both the Special Law and Law No. 95/2006 provide for the right of persons with disabilities to benefit from free outpatient medical devices, according to the framework contract governing the conditions for the provision of medical care, medicines and medical devices, technologies and assistive devices within the social health insurance system.

202. Law No. 95/2006 regulates for the insured persons the right to benefit from sanitary materials and medical devices for connecting the sight, hearing, for prosthesis of the limbs, as well as other types of devices provided in the framework contract and its rules of application, in order to protect some deficiencies organic or physiological, for a definite or indefinite period, on the basis of medical prescriptions.

203. The list of medical devices intended for the recovery of organic or functional deficiencies, partially or fully compensated, for the social security budget, includes the following medical devices: ENT prosthesis, stoma prosthesis, for urinary incontinence, upper and lower limb prostheses, orthoses for the spine, orthoses for upper limb and lower limb, orthopedic footwear, walking gear and devices, devices for the visually impaired, as well as their replacement terms, which in accordance with the methodological rules for the application of the framework contract, are prescribed for a definite or indefinite period, and their value is settled by the health insurance companies at the level of the reference price/rental amount.

204. Not insured by social security budget: smart devices such as screen readers, magnifiers, speech synthesizers, mobile technologies, sign and text reading and recognition programs, reading devices, devices for exploring the surroundings.

205. ANDPDCA implements, in partnership with the National Agency for Employment, a project²⁷ which has as its specific objective the increase of employment of persons with disabilities by providing support for employment, both through public employment services and by providing technology and assistive devices, as essential means of social inclusion. The list of technologies and assistive devices and priority access technologies for employment has been developed, which includes the latest innovations in the field: screen

²⁷ The project “Facilitating the insertion on the labor market of persons with disabilities” – MySMIS code 130164; the duration of the project is June 2019–July 2023, the total value of the project is 111,978,816.40 lei, of which 94,549,862.89 lei are EU co-financing.

readers, magnification programs, speech synthesizers, portable electronic magnifiers, mobile technologies, telephones, reading and recognition programs, signs and texts, reading devices, monitors, printers and Braille typewriters, recorders, devices for exploring the surroundings, publications and embossed graphics and more. The value of the products granted to each person with disabilities is up to 5.000 euros.

Article 21

Freedom of expression and opinion and access to information

206. The Constitution guarantees the freedom of expression of thought, opinion or belief and the freedom of creation of all kinds, by word of mouth, writing, images, sound or other means of public communication, as well as the right of the person to have access to any information of public interest, which cannot be restricted (art. 30).

207. Domestic legal provisions on the accessibility of audiovisual media services for the visually and hearing impaired are applied in accordance with the provisions of Directive 2010/13/EU²⁸, transposed in the Audiovisual Law No. 504/2002, with subsequent amendments and completions. Thus, the providers of audiovisual media services are encouraged to ensure conditions that the services provided become accessible to persons with visual or hearing impairments (...) [art. 10 para. (3)].

208. In order to ensure the right of access to audiovisual media services for persons with hearing impairments, the services of television programs with national coverage and those with local coverage: a) interpret in sign language and by synchronous titration during a scheduled duration of at least 30 minutes of news, analysis and debate programs on current political and/or economic issues during the daily broadcast; b) interprets in the mimetic-gestural language and by synchronous titration the programs of major importance in their entirety or their summaries; c) verbally warns "Attention! A show dedicated to persons with hearing impairments as well", accompanied by a statically and legibly displayed statement; d) broadcasts programs of major importance accompanied by a warning sign.

209. According to the Code for the regulation of audiovisual content, approved by CNA Decision No. 220/2011 with subsequent amendments and completions, any pejorative, defamatory or discriminatory reference to the minor's ethnic origin, nationality, race or religion, as well as to his physical appearance or possible disability is prohibited (art. 11).

210. The secondary legislation was also consolidated by the CNA Instruction No. 3 of April 22nd, 2020, taking into account the Recommendation of the People's Advocate No. 76 of March 11th, 2020 on respecting the right of access to audiovisual media services for persons with hearing impairments, which aims to "standardize the size of the window allocated by television to the mimic-gestural performer, taking into account the needs of persons with hearing impairments in Romania."

211. ANCOM may impose a number of specific obligations on providers of electronic communications networks or services in order to ensure access and the possibility for disabled end-users to benefit from universal service services, in particular with regard to fixed-line telephony services, and, as an exception, homezone-type conditions under conditions equivalent to those enjoyed by other end-users, including measures to ensure the accessibility of certain terminal equipment.

212. Regarding the access of end users with disabilities to the telephony services and internet access offered by the providers of electronic communications services intended for the public, ANCOM imposed measures on the providers, according to art. 60 para. (8) lit. f) and art. 63 of GEO No. 111/2011 on electronic communications, approved, with amendments and completions, by Law No. 140/2012, with subsequent amendments and completions. Thus, both measures targeting general facilities for all categories of persons with disabilities (such as easy and priority access to some provider support services or certain transparency

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Media Services Directive audiovisual).

measures) were regulated, as well as measures establishing the composition. minimum number of telephony and internet service packages for persons with disabilities.

213. For example, by the Decision of the President of ANCOM No. 160/2015 imposed on the providers of electronic communications services intended for the public a series of obligations regarding the access of disabled end-users to telephony services and internet access under conditions equivalent to those enjoyed by other end-users, as well as obligations to encourage the provision of electronic communications terminal equipment that provides services and functions tailored to their specific needs.

Article 22

The right to personal life

214. The Constitution guarantees that public authorities respect and protect intimate, family and private life (art. 26). Residence and residence are inviolable. No one may enter or remain in a person's home or residence without his or her consent, except as provided by law (art. 27).

215. The secrecy of correspondence (letters, telegrams, other postal items), telephone conversations and other legal means of communication is guaranteed (art. 28 of the Constitution).

216. The Civil Code prohibits the use, in any way, of correspondence, manuscripts or other personal documents, as well as information from the private life of a person, without his consent or without complying with certain limits provided by law [art. 71 para. (3)]; The Criminal Code incriminates the violation of domicile and, respectively, the violation of the secrecy of correspondence. Unlawful encroachment on the privacy, by taking pictures or recording images, listening to technical means or audio recording of a person in a home or room or addition to it or a private conversation is also punishable. In addition, the unauthorized disclosure, broadcasting, presentation or transmission of the above sounds, conversations or images to another person or to the public, is punished according to art. 224, 226, 302 from Criminal Code.

217. In its turn, the Code of Criminal Procedure provides, at art. 11, the fact that respect for privacy, inviolability of the home and secrecy of correspondence is guaranteed. Restriction on the exercise of these rights is allowed only under the law and if it is necessary in a democratic society [art. 11 para. (2)]. In other words, the judicial bodies must not, through the procedural activities they carry out, infringe the right to privacy, except under the strictly and limiting conditions provided by law.

218. Law No. 363/2018 on the protection of individuals with regard to the processing of personal data by the competent authorities for the purpose of preventing, detecting, investigating, prosecuting and combating crime or the execution of penalties, educational and security measures, and on the free movement of such data aims to guarantee and protect the fundamental rights and freedoms of individuals, in particular the right to privacy, family and private life, regarding the processing of personal data [art. 2 paragraph (1)]. The processing of personal data concerning racial or ethnic origin, political, religious, philosophical or similar beliefs, trade-union membership, and personal data concerning health or sex life is prohibited.

219. Law No. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, as subsequently amended and supplemented establishes the specific conditions for guaranteeing the right to protection of privacy regarding the processing of personal data in the electronic communications sector [art. 1 para. (1)].

220. Patient Rights Law No. 46/2003, as subsequently amended and supplemented, provides that all information regarding the patient's condition, the results of investigations, diagnosis, prognosis, treatment, personal data are confidential even after his death. Confidential information may be provided only if the patient gives his or her explicit consent or if the law expressly requires it (art. 21 and art. 22).

Article 23

Respect for home and family

221. The Constitution regulates the institution of the family according to which the family is based on freely consented marriage between spouses, their equality and the right and duty of parents to ensure the upbringing, education and training of children and guarantees respect and protection of intimate, family and private life (art. 48).

222. The Civil Code regulates the observance of the right to privacy, that no one may be subjected to any interference in intimate, personal or family life, even in his home, residence or correspondence, without his consent (art. 71). It also strengthens the obligation imposed on the state to support, through economic and social measures, marriage, as well as the development and consolidation of the family (art. 258) and mentions the free nature of consent to marriage (art. 259), which is of the order constitutional.

223. Law No. 119/1996 on civil status documents, with subsequent amendments and completions, regulates the use of the sign language interpreter at the conclusion of the marriage in case one or both future spouses have hearing impairments (art. 30).

224. The protection and support of the family, the development and consolidation of family solidarity, based on friendship, affection and moral and material mutual help of family members, is an objective of national interest, according to art. 1 of Law No. 217/2003.

225. According to Law No. 272/2004, in case of the existence of some misunderstandings between the parents regarding the exercise of the rights and the fulfillment of the parental obligations, the court, after hearing both parents, decides according to the superior interest of the child. These issues are also regulated in Title IV – Parental authority of the Civil Code.

226. Subsidiary responsibility lies with the extended family and the local community to which the child and his family belong, the state intervention being complementary. The local community has the obligation to take all necessary measures to prevent the separation of the child from the family and to keep the child in his family and to support the child and the family by facilitating access to recovery, health, education services, etc.

227. The child may not be separated from his or her parents or from one of them against their will, except in express and limited cases provided by law, subject to judicial review and only if this is imposed by the best interests of the child. Art. 379 of the Criminal Code regulates the crime of non-compliance with the measures regarding the custody of the minor as follows: (1) Detention by a parent of his minor child, without the consent of the other parent or person one month to 3 months or with a fine; (2) The same punishment shall be punished for the act of the person entrusted with the minor by a court order for upbringing and education to repeatedly prevent any of the parents from having personal relations with the minor, under the conditions laid down by the parties or by the competent body; (3) The criminal action shall be initiated upon the prior complaint of the injured person.

228. According to art. 7 para. (3) of Law No. 273/2004 on the adoption procedure, republished, with subsequent amendments and completions, persons who want to adopt alone, but whose spouses are mentally ill, have a mental disability, do not have this possibility.

Article 24

Education

229. The Constitution guarantees the right to education, which is ensured through compulsory general education, through high school and vocational education, through higher education, as well as through other forms of training and improvement. State education is free, according to the law. The state grants social scholarships to children and young people from disadvantaged and institutionalized families, in accordance with the law [art. 32 paragraphs (1) and (4)].

230. In accordance with the provisions of the National Education Law and taking into account the principle of social inclusion, the state provides Romanian citizens with equal

access to all levels and forms of pre-university and higher education, as well as lifelong learning, without any discrimination.

231. According to art. 15 of the Special Law, persons with disabilities have free and equal access to any form of education, regardless of age, according to their type, degree of disability and educational needs and have the right to continuing education and vocational training throughout of life.

232. According to the National Education Law, children/pupils/ young persons with CES can be educated either in special education units or by integrating them into mainstream education units, within special or individual education groups/classes.

233. Within the educational process, regardless of its level, pupils with disabilities have the right to educational support services, endowment with technical equipment adapted to the type and degree of disability and its use, adaptation of classroom furniture, textbooks and courses in accessible format for visually impaired pupils and students, the use of assistive equipment and software in taking exams of any type and level.

234. The education of pupils with disabilities is achieved through: individual integration in mainstream education units (including in units with teaching in the languages of national minorities); compact groups or special classes, integrated in preschool and mainstream school units; special education units; educational services through itinerant/support teachers; home schooling until high school graduation, but not later than the age of 26; inpatient education and educational alternatives.

235. The person with disabilities or, as the case may be, the family or the legal representative is the main decision-maker in choosing the form and type of schooling, as well as the educational unit.

236. The state supports before pre-school age, pre-school age pupils, pupils with social problems and needs, as well as those with CES. According to art. 48 para. (3) and art. 51 para. (2) of the National Education Law, children, pupils and young persons with CES enrolled in special or mass education units, including those educated in a county other than their home, benefit from social assistance consisting in ensuring the daily allowance of food, supplies school, barracks, clothing and footwear in the same amount as for children in the child protection system, as well as free accommodation in boarding schools or care centers for children with special educational needs within the county/municipality general directorates Bucharest for social assistance and child protection. GD No. 564/2017²⁹ establishes the manner of granting the rights of children with CES enrolled in the pre-university education system provided by art. 51 para. (2).

237. Special and integrated special education is an integral part of the Romanian national education system and offers all children/pupils/young people educational programs adapted to their developmental needs. Special and integrated education is a differentiated, adapted form of schooling, adapted and of complex educational, social and medical assistance, intended for persons with CES. The purpose of these forms of education is learning, education, rehabilitation, recovery, adaptation and school, professional and social integration of children/pupils/young persons with CES or other types of educational requirements.³⁰

238. The regulation on the organization and functioning of CJRAE/CMBRAE was approved by OMECTS No. 5555/2011. CJRAE/CMBRAE is a special integrated education institution specialized in providing, coordinating and monitoring specific educational services provided to children/students, teachers, parents and community members, in order to ensure access to quality education for all, as well as the necessary assistance in this sense. Among the services provided by CJRAE/CMBRAE are: psycho-pedagogical assistance services and school and professional guidance, provided by the county centers and by the school psycho-pedagogical assistance offices; speech therapy services provided by

²⁹ GD No. 564/2017 on the manner of granting the rights of children with special educational requirements enrolled in the pre-university education system, published in the Official Gazette of Romania, Part I, No. 654 of August 9, 2017, with subsequent amendments and completions.

³⁰ Regulations for the organization and operation of special and special integrated education, approved by OMECTS No. 5573/2011, art. 4 and 15.

inter-school speech therapy centers and offices; evaluation services, orientation/reorientation from the special school to the boarding school and vice versa, through the school and professional orientation commission, at the proposal of the evaluation and school and professional orientation service within CJRAE/CMBRAE. Inclusive education counseling services are provided by inclusive education centres.

239. The methodology regarding the organization of educational support services for children, pupils and young persons with CES integrated in mainstream education was approved by OMECTS No. 5574/2011. According to this, for students with CES integrated in mainstream education units, educational services are provided through itinerant teachers and support during pre-school education and throughout the period of schooling. In order to ensure equal opportunities, all students with CES who participate in local and national assessments and examinations/competitions benefit from the adaptation of their conditions, based on the recommendations formulated in the certificate of school and professional orientation.

240. Since 2016, the Framework Methodology on home schooling, respectively the establishment of groups/classes in hospitals, approved by the Order of the Minister of National Education and Scientific Research No. 5086/2016 came into force.

241. Order No. 1985/1305/5805/2016³¹ approved the methodology for the evaluation and integrated intervention in order to include children with disabilities in the degree of disability, in the school and professional orientation of children with CES, as well as in order to empower and rehabilitate children with disabilities and/or CES. According to art. 14, para. (1), any professional³² interacting with a child with disabilities and/or CES, has the obligation to inform the family and to report his/her situation to the sector SPAS/DGASPC, if the child is not already in a degree of disability or school/professional benefit from early diagnosis and early intervention.

242. In accordance with the provisions of the Methodology for ensuring the necessary support for students with learning disabilities, approved by OMEN No. 3124/2017, the school inspectorates coordinate the subordinated units and institutions in order to assume the tasks incumbent on them regarding the guarantee of the right to education of students with specific learning disabilities.

243. Through OMEN No. 5061/2017 approved the Framework Methodology on ensuring the approval of teaching aids for use in pre-university education.

244. OMEN No. 5062/2017 approved the Framework Methodology regarding the regulation of the use of teaching assistants in pre-university education units. According to art. 7, the teaching assistants submitted for approval/endorsement must specify the level (for example, the group/class/age/study group to which it is addressed, etc.) and explicitly address the types of teaching activities (for example: remedial activities, activities for students with special educational needs, activities for students capable of performance, etc.), other activities aimed at developing key competencies, multi /multidisciplinary, transdisciplinary, etc.

245. OMEN No. 3622/2018, published in the Official Gazette No. 425/18.05.2018, approved the framework plans for special preschool, primary and secondary education. They have been developed in accordance with the specific provisions of national and international education policies, which promote access to education and equal opportunities and apply, as appropriate, in special education units, but also in special groups /classes integrated into the mass education.

246. Curricula have been developed for the 453 subjects in special education, designed and adapted for all types and degrees of disability, being in the attention of the ME leadership for approval and approval by ministerial order. Through these school programs, it is intended to

³¹ Joint order: Ministry of Labor, Family, Social Protection and the Elderly, Ministry of Health and Ministry of National Education and Scientific Research.

³² For example, the teacher, the school counselor, the traveling and support teacher, the psychologist, the family doctor, the social worker, the community nurse, the school mediator, the priest, the members of the community counseling structures and others.

support the educational path at preschool, primary and secondary school for children/students with mild, moderate, severe, severe and/or associated intellectual disabilities, multiple sensory disabilities, hearing, visual and locomotor disabilities. At the same time, school curricula were developed for students in detention centers, educational centers and penitentiaries. School curricula for special pre-school, primary, secondary education, designed and adapted for all types and degrees of disability were approved by order of the Minister of Education No. 3,702/21.04.2021, published in the Official Gazette of Romania, Part I, No. 520 of May 19th, 2021.

247. OMEN No. 3480/2018 amended the Annex to OMECTS No. 5576/2011 on the approval of the general criteria for awarding scholarships to pupils in state pre-university education, widening the scope of diagnoses that can allow pupils to obtain a social assistance scholarship. According to art. 13, letter a) of OMECTS No. 5576/2011 and pupils with autism spectrum disorders, hematological diseases, deafness, cystic fibrosis and any other chronic diseases that the boards of pre-university education units may take in consideration, based on the certificate issued by the specialist doctor and approved by the family doctor/doctor from the school office. Also, according to the provisions of art. 18 of OMECTS No. 5576/2011, including pupils with CES can benefit from performance or merit scholarships, being able to choose the one with a higher value or granted for a longer period of time.

248. Public authorities also have obligations to support the training of teachers in adapting educational practices for pupils with disabilities in groups or classes.

249. In 2018, the legal framework was regulated by which the exams can be taken through the use of assistive technologies, through Procedure No. 31852/31.05.2018 on ensuring equal conditions for pupils with visual impairments/hearing impairments/autism spectrum disorders who take the national exams: the national assessment for 8th grade graduates and the national baccalaureate exam – session 2018.

250. Law No. 27/2020 on Romanian Sign Language, which recognizes Romanian Sign Language (LSR) as the mother tongue specific to deaf and/or deaf people. Based on art. 9: “all ministries and their subordinate institutions are obliged to correlate their own legislation with the provisions of this law and to take all necessary measures to respect the right of deaf and/or deaf people to use LSR in relation to Romanian state institutions”.

251. At the same time, in 2020, based on Decision No. 202/2020 of CNCD, which decided that pupils with CES must have special places in high schools, vocational schools and universities, upon admission to mainstream education, ME and ANDPDCA collaborated to develop the normative act implementing the CNCD decision.

252. Thus, through OMEC No. 4532/2020 was amended and supplemented OMEN No. 4948/2019 on the organization and conduct of admission to state high school education for the 2020–2021 school year, allocating separate places for the individual integration of pupils with CES from mainstream and special education, in high school, vocational and dual vocational education state in the mass education institutions. Situation regarding the number of places allocated for the individual integration of pupils with CES coming from mass and special education, in high school, vocational and dual vocational education of the state in the mass education units: 1985 places in the school year 2020–2021 and respectively, 4525 places in the school year 2021–2022.

253. School segregation in pre-university education units on the basis of ethnicity, disability or CES, on the basis of socioeconomic status of families, residence and school performance of primary beneficiaries of education is prohibited, according to the Order of the Minister of National Education and Scientific Research No. 6134/2016 on the prohibition of school segregation in pre-university education units, with subsequent amendments and completions. Special education is not understood and regulated as a segregated form of education.

254. Moreover, Romanian public education is mixed, without discrimination based on sex. Access is equal for both girls and boys. Kindergartens and special schools, groups of pupils with disabilities integrated in the public school, pupils with disabilities integrated in the mainstream school are no exception to this criterion.

255. Through OMEN No. 3141/2019, with subsequent amendments and completions, the National Commission for Desegregation and Educational Inclusion was established, which functions under the coordination of the Ministry of Education, with the mandate to coordinate the implementation of the Action Plan for school desegregation and increase educational quality in pre-university education units.

256. At the level of each educational unit, it is established on a permanent basis, according to the Framework Regulation for the organization and functioning of pre-university educational units, adopted by OMEC No. 5.447/2020, as subsequently amended and supplemented, the Commission for the Prevention and Elimination of Violence, Corruption and Discrimination in the School Environment and the Promotion of Interculturality, responsible for developing, implementing and evaluating the achievement of the objectives included in the School Operational Plan on reducing violence and segregation. The Commission also has the responsibility to monitor the manner in which the child's rights established by Law No. 272/2004.

257. The teaching staff, as well as the management, guidance and control staff in pre-university education are obliged to regularly participate in continuing education programs.

258. According to art. 118 paragraph (2) of the National Education Law, no discrimination is allowed in higher education, except for the affirmative measures provided by law, and higher education institutions ensure a safe institutional environment for all members of the academic community. Based on the principle of non-discrimination, which regulates the activity of students within the university community, all students benefit from equal treatment from the higher education institution; any direct or indirect discrimination against the student is prohibited.

259. Within universities, policies and actions on gender relations, equal opportunities for men and women, the prevention and elimination of all forms of discrimination and violence are consistently applied. Normative-administrative documents at the level of educational institutions, such as the University Charter, the Code of Ethics and University Deontology, the Internal Regulations, the Internal Rules of Procedure, the Regulations on the professional activity of students, the Regulations for undergraduate studies, Methodology on filling positions vacancies for teaching and research, Methodologies for filling vacancies, Methodology for retaining teachers by retirement age, Strategic institutional development plan, promotes the principles of fairness and non-discrimination, the values of justice, ethics, academic freedom, tolerance, participatory democracy, equal opportunities and sustainability. The phrase "gender relations" is understood in the context of gender equality, also the possibility for women and men to enjoy social goods, opportunities, resources and rewards equally, the aim not being for women and men to become but that their possibilities and chances of life remain equally.

260. Higher education institutions have an obligation to establish equal opportunities measures for persons with disabilities by providing, where necessary, additional support tailored to the needs of adults with disabilities, by supporting their access to higher education institutions³³.

261. Universities can access project-based funds from the institutional development fund for equity and inclusion, for career counseling and guidance, for monitoring graduates and their employment, for internships, etc. At the same time, through the additional funding received by state higher education institutions, which amounts to one third of the institutional funding, universities receive funds to meet the quality criteria, including the criterion of equity and inclusion.

262. Students with severe and accentuated disabilities benefit, upon request, from the reduction of fees for accommodation and meals at student dormitories and canteens [art. 118 paragraph (3) of the National Education Law].

³³ According to OMENCŞ No. 6012/2016 for the approval of the Framework Methodology regarding the organization of the admission in the cycles of undergraduate, master's and doctoral studies, with the subsequent modifications and completions.

263. The law on national education stipulates that students with physical disabilities have the right to have access routes adapted to them in all university spaces, as well as conditions for the normal development of academic, social and cultural activities in higher education institutions.

264. In order to promote inclusive education, a collaboration was initiated in 2020 between MMSS/ANDPDCA and ME, from the perspective of education of children with disabilities/CES. The purpose of the Partnership Agreement is to collaborate between the parties in order to ensure respect for the right of the child/young person to receive a quality education, which will allow the intellectual and psycho-emotional development in an inclusive school environment.

265. One of the national priorities set out in the specific objectives under the European Social Fund funding, in the programming period 2021–2027, is to support the access of children with disabilities to quality education at all levels.

266. During the financial programming period 2014–2020, until the end of 2019, through the Human Capital Operational Program, 2,498 persons with disabilities benefited from measures to promote access to education, of which 1,566 men and 932 women.

267. In 2020, following the declaration of a state of emergency to limit the spread of the SARS-CoV-2 virus, in order to ensure equal access and equal and non-discriminatory participation in education for preschoolers and pre-university pupils who did not have access to ME recommended the collaboration of the County School Inspectorates/School Inspectorate of Bucharest with the county and local public authorities in order to ensure computer equipment and internet connection of schools, as well as collaboration at the level of teachers to identify solutions to take into account the individualized needs of preschoolers/pupils.

268. In the joint order ME/MS No. 5487/1494/2020, Annex 1 Guidance on sanitary and protection measures in pre-university education units during the COVID-19 pandemic Protection measures have been provided in pre-university education units, in the epidemiological context of SARS-CoV-2 infection, eg: “children with disabilities, taking into account the specifics of the condition, will benefit from adapting prevention measures to the specifics of the disability; for preschoolers/students with disabilities, the representatives of the educational units will identify, as the case may be, solutions for ensuring the educational process at a distance or in increased safety conditions”.

269. In order to ensure access to education for all pupils in the school year 2020–2021 and taking into account the particularities of the educational act, at the level of ME have been developed methodological guides as support materials for teachers, including work with pupils with CES and/or disabilities in special and integrated education. Also, through the National Center for Policy and Evaluation in Education – Research Unit in Education, the School Counseling Guide was developed, addressed to school counselors (psychologists, psycho-educators, sociologists, etc.) in the pre-university education system in Romania. The guide includes activities and counselling programs for pupils in primary, secondary, high school and vocational education to develop pupils’ social-emotional competences and support them in the context of the pandemic and distance learning.

270. ME has constantly focused on supporting pre-schoolers, pupils and teachers to adapt to the new conditions of teaching-learning-assessment, but also the presence and networking, imposed by the context generated by the COVID-19 epidemic. Thus, CJRAE/CMBRAE school counsellors provide psycho-pedagogical counselling to pupils and parents to help them more easily manage this time when guidance, emotional support and counselling are needed.

271. Between March and April 2020, ME launched the #ImiPASĂ #ScoaladeACASA campaign, with the aim of raising awareness that the learning process must continue through alternative solutions: online support courses, TV lessons, etc. At the same time, through this campaign, public figures sent messages of support and encouragement to pupils, students, and parents suggestions to protect themselves from infection with the new coronavirus.

272. At the beginning of the 2020–2021 school year, ME, through CJRAE/CMBRAE, carried out activities to facilitate accommodation with the new school context, carried out

under the motto “Again, together!”, For the period September 07th–30th, 2020, targeting pre-schoolers and pupils and indirect beneficiaries like parents/guardians and teachers. The purpose of these activities was to facilitate the accommodation/familiarization of pre-schoolers/pupils with the new school context. The activities were mainly aimed at informing about the observance of the hygienic-sanitary rules and the provision of support in the development of positive emotions and behaviors towards the school activity, in the conditions of the pandemic context. Informal and methodological support activities were also carried out for parents/guardians and teachers.

273. At the same time, in order to support schools, teachers and pupils in effectively managing the challenges posed by the pandemic in the context of the opening of the new school year and throughout it, Methodological Guidelines have been developed to consolidate the acquisitions for the 2019–2020 school year. They provided a framework with recommended actions for the disciplines of Personal Development and Personal Counseling and Development, which capitalized on good practices, lessons learned and the immense effort of creative reconstruction from the previous school year.

274. In 2019, the National Audiovisual Council introduced in the Code for the Regulation of Audiovisual Content, the message “For equal opportunities, children with disabilities have the right to learn in any school”, as a message of public interest.

275. In January 2020, ANDPDCA together with ME and UNICEF launched the information campaign “We grow stronger when we grow together”. One of the key messages of the campaign is that the place of children with disabilities is with other children, in the family, in kindergarten and in the community; all children can learn, and the earlier the disability is identified, the better their chances of progressing in development; the younger the age of a child with a disability in enrollment in kindergarten and school, the better his or her chances of development and a better life.

Article 25

Health

276. The right to health care is guaranteed by the Constitution. The state is obliged to take measures to ensure hygiene and public health, and the organization of health care and the social insurance system for illness, accidents, maternity and recovery, control of the exercise of medical professions and paramedical activities, as well as other measures to protect health. physical and mental health of the person are established according to the law (art. 34).

277. Public health care is guaranteed by the state and funded by the state budget, local budgets, the UNFASS budget or other sources.

278. Are insured, according to art. 222 of Law No. 95/2006: a) all Romanian citizens domiciled or residing in the country; b) foreign citizens and stateless persons who have applied for and obtained an extension of the right of temporary residence or have their residence in Romania; c) citizens of EU, EEA and Swiss Confederation Member States who do not hold an insurance policy taken out in the territory of another Member State that has effect in Romania, who have applied for and obtained the right of residence in Romania for a period of more than 3 months; d) persons from EU, EEA and Swiss Confederation Member States who fulfil the conditions of frontier worker, i.e. are employed or self-employed in Romania and reside in another Member State to which they usually return daily or at least once a week. e) pensioners of the public pension system who are no longer resident in Romania and who establish their residence in the territory of an EU Member State, an EEA Member State or the Swiss Confederation, or reside in the territory of a State with which Romania applies a bilateral social security agreement with provisions for sickness and maternity insurance.

279. The objectives of the social health insurance system are to protect the insured against the costs of medical services in case of illness or accident and to provide a package of basic medical services, in a fair and non-discriminatory manner, to any insured. Person with disabilities who do not earn income from work, pension or other sources, receive insurance without paying the contribution.

280. The national health programs represent, according to Law No. 95/2006, a set of multiannual actions, organized in order to evaluate, prevent, ensure the treatment and control of diseases with a major impact on the health of the population. These programs are funded from the state budget, from the Ministry of Health's own revenues, from the UNFPA budget, as well as from other sources, including donations and sponsorships, in accordance with the law. They address the entire population, without discrimination, are aimed at promoting health, preventing disease, prolonging quality of life and responding to identified national priorities (details in Annex II).

281. In Romania, persons with disabilities benefit from free medical care, including medicines covered 100% of the reference price for outpatient treatment, within the social health insurance system, under the conditions established by the framework contract.

282. Persons affected by HIV/AIDS are classified as persons with disabilities and enjoy all the rights and facilities regulated by the Special Law, rights concerning: provision of social benefits, health care, education and training, employment and adjustment of employment, guidance and reconversion professional, social assistance (social services and social benefits), housing, personal living environment, transport, access to physical, informational and communication environment, leisure, access to culture, sports, tourism, legal assistance, tax facilities.

283. Antiretroviral medical treatment is free of charge and is provided by the Ministry of Health through the National Program for the Prevention, Surveillance and Control of HIV/AIDS, within the health units that have in their section sections or compartments of infectious diseases. People affected by HIV/AIDS also benefit from a monthly allowance for food, in order to support the drug treatment (antiretroviral), granted monthly by the County Agency for Benefits and Social Inspection; this is equal to the food allowance in the medical units.

284. According to art. 58 paragraph (2) of the Special Law, children with HIV/AIDS benefit from a monthly food allowance, calculated on the basis of the daily food allowance established for collective consumption in public health units.

285. Services to prevent the risk of other disabilities, medical and care services provided to persons with disabilities are provided under the social health insurance system.

286. According to Law No. 95/2006, the family doctor provides care to individuals in the context of the family and, respectively, to families within the community, without discrimination. It is the first point of contact in the health system, providing non-discriminatory access to patients and dealing with all their health problems, according to the training curriculum in the specialty.

287. According to Article 9 para. (1) of the Special Law, for the protection of the physical and mental health of persons with disabilities, public authorities are obliged to take the following specific measures: to include the needs of persons with disabilities and their families in all regional, county or local development policies, strategies and programs, as well as in government health care programs; to create conditions for the availability, i.e. transport, infrastructure, communication networks, of medical and socio-medical services; establish and support rehabilitation centers specializing in different types of disability; create conditions for the provision of assistive technology and access; develop programs to prevent the onset of disability; support access to spa and rehabilitation treatment; include and recognize sport as a means of rehabilitation by developing specific programs.

288. By Law No. 487/2002 regulated an important component of public health, namely the maintenance and promotion of individual mental health and the protection of persons with mental disabilities, as well as the role of competent bodies in promoting and controlling these activities. According to this law, a person with a mental disorder means a mentally ill person, a person with a mental imbalance or underdeveloped mentally or addicted to psychoactive substances, whose manifestations fall within the diagnostic criteria in force for psychiatric practice.

289. Based on the provisions of Law No. 487/2002, a person may be admitted to a psychiatric hospital against his or her will only if a qualified psychiatrist decides that the person suffers from a mental disorder and considers that: (i) because of this mental disorder

there is an imminent danger of harm to or (ii) non-hospitalization could seriously impair his or her condition or prevent him or her from receiving appropriate treatment.

290. Following the revision of the civil law, following the Decision of the Constitutional Court of 16 July 2020 on the declaration of unconstitutionality of the regulations on judicial interdiction and the establishment of the guardian, the provisions of the Mental Health Law on involuntary detention will be extensively reviewed.

Article 26

Empowerment and rehabilitation

291. According to art. 11 paragraph (1) of the Special Law, in order to ensure recovery/rehabilitation assistance, persons with disabilities have the right to: free outpatient medical devices, according to the list and under the conditions provided in the Framework Contract and its implementing rules; free accommodation and meals and for the companion of the child with severe or accentuated disability or of the adult with severe or accentuated disability in the sanitary units with beds, sanatoriums and spas, at the recommendation of the family doctor or specialist, provided by FNUASS, according The framework contract; a free one-year spa treatment ticket, based on the individual rehabilitation and social integration program and the recommendation of the family doctor or specialist.

292. In the system of social health insurance, an insured person benefits from medical services of physical medicine and rehabilitation provided in the spa sanatoriums according to a rhythm established by the doctors specialized in physical medicine and rehabilitation, for a maximum duration of 14–21 days/year/provided in a single episode.

293. Insured persons may also benefit from the following in the social health insurance system: specific physical medicine and rehabilitation procedures for a period of 21 days/year/insured person for both children and adults, with the exception of children aged 0 to 18 with a confirmed diagnosis of cerebral palsy, when specific medical rehabilitation, physical medicine and balneology procedures are granted for a maximum of 42 days/year/insured person, these periods may be divided into a maximum of two fractions, depending on the underlying condition on the recommendation of the specialist rehabilitation, physical medicine and balneology doctor; rehabilitation services in hospitals or rehabilitation wards (if hospitalization is required) in accordance with the advice of the attending physicians, with no limit on the number of admissions or the number of days of hospitalization.

294. The evaluation of adults with disabilities is a complex and continuous process through which the particularities of their development, integration and social inclusion are estimated and recognized, which involves collecting as complete information as possible and interpreting them in order to guide the decision and intervention.

295. The assessment is subject to the principle of the interest of the person with a disability, according to which any decision or measure is taken only in the interest of that person, being unacceptable approaches based on pity and the perception of persons with disabilities as helpless.

296. The mandatory areas in which the evaluation takes place are: social evaluation, provided by social workers; medical evaluation, provided by specialized doctors; psychological evaluation, provided by psychologists; vocational or professional skills assessment, provided by psycho-educators, education instructors or recovery pedagogues; evaluation of the level of education, provided by psycho-pedagogues, education instructors or recovery pedagogues; assessment of skills and level of social integration, provided by psychologists, psycho-educators, recovery pedagogues or social workers.

297. Grade and type classification disability of children and adults is made according to art. 85 of the Special Law, by the child protection commission³⁴, respectively the evaluation

³⁴ The Commission for Child Protection, provided in art. 104 of Law No. 272/2004 on the protection and promotion of children's rights, is the specialized body, without legal personality, of the county council, with decisional activity in the matter of protection and promotion of children's rights.

commission for adults with disabilities³⁵, commissions organized at the level of each county and having a decision-making role.

298. In the case of adults, the certificate of inclusion in the degree of disability is accompanied by the individual program of rehabilitation and social integration, a document prepared by the evaluation commissions, which specifies the activities and services that the disabled adult needs in the process of social integration. In the case of children, the certificate of classification of the child with a degree of disability is accompanied by the rehabilitation plan of the child with disabilities.

299. Medical recovery is a complex and interdisciplinary activity that aims to fully restore the lost functional capacity, as well as the development of compensatory mechanisms to maintain the person's ability to work or self-service.

300. In the social health insurance system, in order to ensure quality in the provision of medical services, medical service providers in specialist care for clinical specialties may employ persons authorized by the MS, other than physicians, to exercise the professions listed in the Nomenclature of Functions of the MS. In order to carry out its activity, a clinical health care provider may have contractual relationships with one or more providers of allied health care services.

301. Medical services related to the medical act are provided by psychologists in the specialty of clinical psychology, psychological counseling, psychotherapy and special psycho-pedagogy (speech therapists and physiotherapists/physical education teachers/physio-kineto-therapists) and are reported by specialist doctors who requested them, with a view to settling the health insurance companies with which they have a contractual relationship.

302. In 2006, ANDPDCA developed the Program of National Interest "Development of specialized social services for adults with disabilities: neuromotor recovery centers – outpatient type" which resulted in the establishment of 31 social services equipped with technical recovery equipment. In 2021, there are 24 such services that benefit, monthly, approx. 1100 people, according to statistics.³⁶

Article 27

Work and employment

303. Article 41 of the Constitution guarantees the right to work. The choice of profession, trade or occupation, as well as job is free.

304. The Labor Code prohibits the employment of persons placed under interdiction by court decision [art. 13 para. (4)].

305. According to the Labor Code, the principle of equal treatment of all employees and employers applies in labor relations, and any direct or indirect discrimination against an employee based on sex, sexual orientation, genetic characteristics, age, nationality, race, color, ethnicity, religion, political choice, social origin, disability, family situation or responsibility, trade union membership or activity is prohibited. Acts and deeds of exclusion, distinction, restriction or preference based on one or more of the aforementioned criteria which have as their purpose or effect the denial, restriction or withdrawal of recognition, use or exercise of rights provided for in employment law shall constitute direct discrimination.

306. The Labor Code prohibits the dismissal of employees on the grounds of disability and, for employees with disabilities, regulates the granting of an additional rest leave of at least 3 working days.

³⁵ The evaluation commission for adults with disabilities, established by Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities, is the specialized body without legal personality subordinated to the county councils, respectively to the local councils of the sectors of Bucharest.

³⁶ http://mmuncii.ro/j33/images/buletin_statistic/dizab_III_2021.pdf.

307. Directive 2000/78/EC of the Council of the European Union establishing a general framework for equal treatment in terms of employment and occupation was transposed by the provisions of Government Ordinance No. 137/2000. The provisions of GO No. 137/2000 applies to all natural or legal persons, public or private, as well as to public institutions with responsibilities regarding employment conditions, recruitment, selection and promotion criteria and conditions, access to all forms and levels of employment. vocational guidance, training and development; social protection and security.

308. According to the Special Law, persons with disabilities have the right to work and earn an income in accordance with the provisions of labor law, and may be employed in accordance with their professional training and work capacity. Three forms are defined in which the person with disabilities is employed: a) on the free labor market, b) at home and c) in protected forms. There are two categories of protected forms of employment: protected employment and the authorized protected unit.

309. Persons with disabilities employed at home benefit from the employer from the transport to and from home of the raw materials and materials needed in the activity, as well as the finished products made.

310. According to Art. 83 of the Special Law, persons with disabilities who are seeking employment or are employed are entitled to the following rights: vocational training courses; reasonable accommodation in the workplace; counselling prior to and during employment, as well as during the probationary period, by a counsellor specialized in labor mediation; a paid probationary period of at least 45 working days upon employment; a paid notice period of at least 30 working days, granted upon termination of the individual employment contract at the employer's initiative for reasons not attributable to the employer; the possibility of working less than 8 hours a day, under the conditions laid down by law, if so recommended by an assessment committee; exemption from payroll tax for persons with severe and severe disabilities; the granting of an allowance and supplementary personal budget for disabled people in employment.

311. For the work carried out by persons with severe and severe disabilities, within the normal working hours, Framework Law No. 153/2017 on the remuneration of staff paid from public funds, as subsequently amended and supplemented, provides for an increase of 15% of the basic salary.

312. According to art. 23 lit. b) of the Youth Law No. 350/2006, with subsequent amendments and completions, the state has the obligation to ensure appropriate conditions for the professional integration of young persons with physical disabilities.

313. In order to stimulate the employment of persons with disabilities, the Special Law establishes the obligation for all public authorities and institutions, public or private legal persons with at least 50 employees to employ persons with disabilities in a percentage of at least 4% of the total number of employees. As an alternative to this obligation, it provides for the possibility to choose: a) to pay, on a monthly basis, to the state budget an amount representing the minimum gross basic salary per country guaranteed in payment multiplied by the number of jobs in which they have not employed disabled persons; b) to pay, on a monthly basis, to the state budget an amount representing the equivalent of at least 50% of the minimum gross basic salary per country guaranteed in payment multiplied by the number of jobs in which they have not employed disabled persons, and the amount representing the difference up to the level of the amount provided for in lit. a) to purchase, on a partnership basis, products and/or services produced by the own activity of disabled persons employed in approved sheltered units (Art. 78(3)).

314. According to Art. 84 of the Special Law, employers of disabled persons are entitled to the following rights: a) deduction, in the calculation of taxable profit, of the amounts related to the adaptation of sheltered workplaces and the purchase of machinery and equipment used in the production process by the disabled person; b) deduction, when calculating the taxable profit, of the costs of transporting the disabled person from home to work and the costs of transporting raw materials and finished products to and from the home of the disabled person employed for work at home; c) deduction from the unemployment insurance budget of the specific costs of vocational training, education and guidance and employment of the disabled person; d) a subsidy from the State, under the conditions laid

down in Law No. 76/2002 on the unemployment insurance system and employment stimulation, as subsequently amended and supplemented.

315. With regard to the protection of persons with disabilities who are already in the field of employment, the specific legislation on occupational safety and health in force contains a set of provisions, such as: assessment of the risks of accidents and occupational diseases taking into account the presence at work of workers belonging to groups sensitive to specific risks (persons with disabilities), including the reassessment of risks when using the workplace by a worker belonging to groups sensitive to specific risks (Law No. 319/2006³⁷ and GD No. 1425/2006³⁸); the choice, granting and use of personal protective equipment, as well as the choice and introduction of work equipment, taking into account the presence at work of workers with disabilities (GD No. 1048/2006³⁹ and GD No. 1146/2006⁴⁰); surveillance of workers' health, including special (medical) surveillance of persons with disabilities (GD No. 355/2007⁴¹); arrangement of places and jobs, including on temporary or mobile construction sites (GD No. 300/2006⁴² and GD No. 1091/2006⁴³).

316. Another important normative act for facilitating the access of persons with disabilities to the labor market is the Law No. 76/2002 on the unemployment insurance system and the stimulation of employment, with subsequent amendments and completions. According to art. 80 and 85, employers who employ indefinitely, graduates of the disabled, or persons with disabilities, receive monthly, through the county employment agencies, for each graduate or person with disabilities, an amount, for a period of 18 months, provided that the employment or service relationship is maintained for at least 18 months.

317. In order to ensure the observance of the right to work, the actions deriving from the project "Facilitating the insertion of persons with disabilities on the labor market", mentioned in para. 210, are important. In the context of employment, persons with disabilities between the ages of 18 and 65 who are looking for a job, including pupils, benefit from assistive technology. At the same time, employers who employ persons with disabilities can benefit from a subsidy for job adjustment. By the end of 2021, a number of 650 persons with disabilities will benefit from assistive technology.

Article 28

Adequate living standards and social protection

318. The Constitution obliges the state to take measures for economic development and social protection, in order to ensure a decent standard of living for its citizens. Citizens have the right to a pension, to paid maternity leave, to medical assistance in state health facilities, to unemployment benefits and to other forms of public or private social insurance, provided

³⁷ Law No. 319/2006 on safety and health at work, [Official Gazette, Part I](#) No. 646 of July 26, 2006, as subsequently amended and supplemented.

³⁸ GD No. 1425/2006 for the approval of the Methodological Norms for the application of the provisions of the Law on safety and health at work No. 319/2006, [Official Gazette, Part I](#) No. 882 of October 30, 2006, as subsequently amended and supplemented.

³⁹ GD No. 1048/2006 on the minimum health and safety requirements for the use by workers of personal protective equipment at work, published in [Official Gazette, Part I](#) No. 722 of August 23, 2006, as subsequently amended and supplemented.

⁴⁰ GD No. 1146/2006 on the minimum safety and health requirements for the use of work equipment by workers at work, [Official Gazette, Part I](#) No. 815 of October 3, 2006, as subsequently amended and supplemented.

⁴¹ GD No. 355/2007 on surveillance of workers' health, published in [Official Gazette, Part I](#) No. 332 of May 17, 2007, as subsequently amended and supplemented.

⁴² GD No. 300/2006 on minimum safety and health requirements for temporary or mobile construction sites, [Official Gazette, Part I](#) No. 252 of March 21, 2006, as subsequently amended and supplemented.

⁴³ GD No. 1091/2006 on the minimum safety and health requirements for the workplace, [Official Gazette, Part I](#) No. 739 of August 30, 2006.

by law. Citizens also have the right to social assistance measures, according to the law (art. 47).

319. According to art. 52 of Law No. 127/2019 on the public pension system, with subsequent amendments and completions, persons with disabilities who have completed a certain contribution period depending on the degree of disability benefit from the reduction of standard retirement ages.

320. At the same time, art. 53 regulates the right of persons with severe visual impairment to receive an old-age pension, regardless of age, if they have achieved in these conditions at least 1/3 of the full contribution period.

321. GEO No. 111/2010 on leave and monthly allowance for raising children, as subsequently amended and supplemented, regulates the granting of rights for persons earning income in the form of leave and monthly child-raising allowance. In the case of a child with a disability, the leave period is up to 3 years. For a child with a disability who has reached the age of 3, either parent is entitled to childcare leave until the age of 7, under certain conditions. Also, the person with a severe or severe disability who has a dependent child receives a monthly financial support, until the child reaches the age of 7, under certain conditions.

322. According to the Fiscal Code, income from pensions earned by individuals with severe or severe disabilities is exempt from tax. They also benefit from exemption from income tax, respectively independent activities, intellectual property rights, from salaries and assimilated to salaries, agricultural activities, forestry and fish farming, as well as those carried out from the transfer of the property right and its dismemberments with the title of inheritance, regardless of the moment of debating the succession (art. 60).

323. Other facilities for persons with severe or severe disabilities, based on the Fiscal Code: tax exemption for the building used as a home and for the land belonging to it located in their property or co-ownership, respectively legal representatives, during the period they have them in care, supervision and maintenance [art. 456 para. (1)]; exemption from the payment of the tax for the means of transport owned or co-owned by persons with disabilities, respectively of legal representatives, for the period in which they have them in care, supervision and maintenance [art. 469 para. (1)].

324. According to the Housing Law No. 114/1996, republished, with the subsequent amendments and completions, the persons with disabilities benefit from priority in the granting of a social housing by the local public administration authorities that have them in administration (art. 43). At the same time, according to art. 20 of the Special Law, in order to ensure the access of persons with disabilities to obtain housing, public authorities have the obligation to take measures to introduce a priority criterion for renting, at lower levels, housing belonging to the public domain of the state or administrative-territorial units of it. Persons with disabilities benefit from: a) the granting of a living room, in addition to the minimum living norms provided by law, on the basis of rental contracts for dwellings belonging to the public or private domain of the state or of its administrative-territorial units; b) the exemption from the payment of the rent for the residential areas destined for dwellings owned by the state or by its administrative-territorial units and which are in the use of these persons.

325. Infrastructure development programs and socio-cultural and sports programs aimed at developing, modernizing, rehabilitating the road network of local interest, rehabilitating water supply systems, water supply, in urban or rural areas, construction of sports facilities or gyms etc. aims at improving the social, economic and cultural-sporting situation of the inhabitants of the targeted areas, without discrimination, including persons with disabilities.

Article 29

Participation in political and public life

326. The Constitution guarantees the equal rights of all Romanian citizens, without privileges and discrimination. The Constitution stipulates that all Romanian citizens who have reached the age of 18 have the right to vote and that Romanian citizens with the right to

vote in the country may be elected, if they are not prohibited from associating in political parties (art. 36 and art. 37).

327. Citizens without legal discretion, placed under interdiction by a final court decision, do not have the right to vote and, implicitly, do not have the right to candidate. However, by Decision No. 601/2020, the Romanian Constitutional Court held that the measure of judicial interdiction regulated by the Civil Code is not accompanied by sufficient guarantees to ensure respect for human rights and fundamental freedoms (see the section on Article 12 of the Convention, of this report).

328. Regarding the active participation of persons with disabilities in the activities and administration of political parties, both the Constitution and Law No. 14/2003 of the political parties, with the subsequent amendments and completions, ensures a non-discriminatory legal framework for all Romanian citizens.

329. According to Articles 90 and 91 of Law No. 115/2015 on the election of local public administration authorities, amending Local Public Administration Law No. 215/2001 and amending and supplementing Law No. 393/2004 on the Statute of Local Elected Officials, as amended, persons with disabilities have several options for exercising their right to vote. E.g.: they have the possibility to go in person to the polling station they belong to and vote; in the polling station, the voter who, for justified reasons, ascertained by the president of the polling station electoral bureau, is unable to vote alone, has the right to call an accompanying person chosen by him/her to assist him/her in the polling booth, who cannot be an observer or a member of the polling station electoral bureau; request for a special ballot box by persons who cannot go to the polling station for health reasons.

330. According to Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority, with subsequent amendments and completions, AEP develops programs and establishes unitary procedures on the exercise of voting rights by persons with disabilities 103).

331. The AEP has established a series of requirements that ensure adequate conditions for the exercise of the right to vote and the observance of the official and solemn character of the electoral process. Thus, the Decision of the Permanent Electoral Authority No. 44/2016 on the set of minimum conditions that must be met by the locations where the polling stations operate, as well as their minimum equipment, with subsequent amendments and completions, according to which the principle of accessibility is one of the principles of establishing polling stations [art. 3 para. (1) letter d.), Art. 3. para. (2), art. (4) para. (1) lit. k)]: to benefit from special ramps for the access of persons with locomotor disabilities; to ensure accessibility, according to the provisions of the law and Norm NP051-2012.

332. Based on the communications made by the mayors regarding the fulfillment of the accessibility requirements, AEP prepared, in 2019, the Report on the centralized situation of the polling stations that can ensure the access of voters with reduced mobility, brought to the public's notice by posting on the institution's website.⁴⁴

333. In its decisions, the EPA shall consult with associations of persons with disabilities. In 2014, AEP entered into a partnership with the National Association of the Deaf in order to improve the communication and information of persons with hearing impairments.

334. Starting with 2014, within the voter information campaigns carried out by AEP in the years: 2016, 2019, 2020, informative videos dubbed in sign language were made and broadcast, in order to facilitate the exercise of the right to vote by persons with hearing disabilities.

⁴⁴ Available at <http://www.roaep.ro/management-electoral/management-electoral/evaluare-monitorizare-planificare-strategica/>.

Article 30

Participation in cultural life, recreational activities, leisure and sports

335. Art. 33 of the Constitution guarantees access to culture, the freedom of the person to develop his spirituality and to access the values of national and universal culture. The state must ensure the preservation of the spiritual identity, the support of the national culture, the stimulation of the arts, the protection and preservation of the cultural heritage, the development of the contemporary creativity, the promotion of the cultural and artistic values of Romania in the world.

336. The special law obliges the competent authorities of the public administration to take measures to facilitate the access of persons with disabilities to the values of culture, to the objectives of heritage, tourism, sports and leisure [art. 21 para. (2)].

337. In order to ensure the access of persons with disabilities to culture, sports and tourism, among the specific measures that public administration authorities can take are: to support the participation of persons with disabilities and their families in cultural, sports and tourism events; to organize, in collaboration or partnership with legal, public or private persons, cultural and sports events and leisure activities; to ensure conditions for the practice of sports by persons with disabilities; to support the work of sports organizations for persons with disabilities.

338. The child with a disability, as well as the person accompanying him, benefits from free tickets to shows, museums, artistic and sporting events. Adults with disabilities receive tickets to shows, museums, arts and sports events under certain conditions.

339. Law on physical education and sports No. 69/2000, as subsequently amended and supplemented, obliges the public administration authorities to ensure conditions for the practice of physical education and sports by persons with disabilities, in order to develop their personality and integration into society, as well as the means to allow athletes with disabilities to participate in national and international competitions.

340. Law on physical education and sports No. 69/2000 was amended in September 2016 to eliminate discrimination and inequity against athletes with special needs, by awarding prizes equal to those of able-bodied athletes, for the same type of performance obtained at official national and international competitions. Thus, persons with disabilities are encouraged to practice sports and strive for national and international performance.

341. In order to support sports for persons with disabilities, the Romanian society and the institutions of the statute strive to solve problems such as the accessibility of sports facilities, the social integration of persons with disabilities, equal opportunities.

342. MTS annually supports the program of activities of the National Paralympic Committee. At the same time, it develops and finances projects of the national sports federations through the “Pierre de Coubertin” program, which aims at actions of selection, preparation and realization of competitions of persons with disabilities, on principles of equal treatment, equal opportunities, transparency and non-discrimination. In 2014, through the “Pierre de Coubertin” program, the practice of a new sport was established – Archery for persons with disabilities.

343. Through projects funded under the Youth Support Program, both at central and local level, as well as through projects funded through project competitions (national and local), projects are also being implemented that also address young persons with disabilities. The projects aim at the participation of young people in all aspects (economic, civic, cultural), as well as providing opportunities to spend their free time in an educational-non-formal way that contributes to mitigating risk factors leading to marginalization and social exclusion of young people.”

344. MTS organizes, annually, camps for children with disabilities. Thus, children with disabilities, accompanied by personal assistants/qualified staff, can participate in free camps, organized in leisure centers administered by MTS through the county directorates for sports and youth. In the period 2015–2019, 12,425 beneficiaries participated in this recreational

activity. Leisure centers have sufficient accommodation capacity but budgetary issues limit the increase in the number of beneficiaries.

Article 31

Statistics and data collection

345. The collection and interpretation of statistical data falls within the remit of ANDPDCA, through DGASPC. At the same time, ANDPDCA manages the National Electronic Register on Persons with Disabilities, a computer application that aims to integrate in a central data warehouse all the existing information in the DGASPC databases, in order to provide unitary information support for decisions and policies with impact on activities.

346. The central level IT application represents, in the whole ANDPDCA – DGASPC statistical data collection/reporting system, the managerial analysis component and ensures, through a complete set of tools and functionalities, the consolidation of the operational data at DGASPC level, for analysis and making decisions. The application includes a report generator, multidimensional analysis tools and simulation.

347. The National Electronic Register on Persons with Disabilities has been in operation since 2014 and has become a single national point for aggregating data, informing and covering the many forms of reporting activities on the protection and promotion of the rights of persons with disabilities.

348. ANDPDCA implements, between July 2019 and December 2022, the project “National Disability Management System” – SNMD, funded by the Competitiveness Operational Program, which aims to develop and implement a centralized national platform for collection from central public authorities and storage and distribution of information on persons with disabilities.

349. SNMD will be used to improve and streamline the way in which ANDPDCA and DGASPC communicate, in a bidirectional way, with direct beneficiaries (citizens) in the field of protection of adults with disabilities and will ensure both functionalities of IT management specific to/to citizens, environment private and other institutional partners and automatic document flows as well as interoperability with other databases other public institutions (National Agency for Payments and Social Inspection, National Agency for Fiscal Administration, Labor Inspection, County Pension Houses, etc.).

Article 32

International cooperation

350. Through the European Commission’s High-Level Group on Disability (DHLG), consisting of disability experts from all EU Member States as well as representatives of civil society, ongoing cooperation on disability issues in general is achieved, and Convention, in particular. DHLG meets twice a year, at Brussels. ANDPDCA is also liaising with the bodies responsible for implementing the Convention in the other EU Member States, for the exchange of experience in the protection and promotion of the rights of persons with disabilities.

351. Romania participated in the project “Ensuring mobility for persons with disabilities in Romania and Europe”⁴⁵ whose general objective was to facilitate transnational mobility, through the European Disability Card for persons with disabilities, as well as the recognition of benefits in Romania for persons with disabilities from other EU member countries participating in this pilot project, namely: Slovenia, Cyprus, Belgium, Italy, Estonia, Finland and Malta). Each of the seven countries in the project has its own benefit package. In Romania, the benefits consist of free access to cultural, sports and leisure events. These are presented on the project website <http://dizab.eurocard.gov.ro>.

⁴⁵ <http://anpd.gov.ro/web/cardul-european-pentru-dizabilitate-fara-bariere-prin-europa-2/>.

352. Regular meetings are organized at European Commission level to which representatives of national bodies designated for the verification of compliance and enforcement of Regulation (EU) No 181/2011 and other stakeholders are invited.

353. In January–June 2019, Romania held the Presidency of the Council of the EU, during which two important events took place: on 11 April 2019, with the support of the Directorate-General for Employment, Social Affairs and Inclusion, the Seminar on “Transition to independent living and community care for adults and children with intellectual disabilities in Romania” was organized. It was attended by representatives of MMSS, ANDPDCA, non-governmental civil society organizations as well as persons with disabilities. The seminar was an exchange of experience between Romania, Belgium, UK. The seminar aimed to identify the main challenges and potential solutions for the transition of persons with intellectual disabilities to independent living and to empower them to take an active role in creating the services they need. It also aimed to improve capacity at local, county and national level to develop measures to support the transition from institutional to community-based care, using EU and national funding instruments.

354. In January–March 2019, ANDPDCA participated in the Working Party on Sport (WPS) sessions held in Brussels, providing support in drafting the conclusions of the EU Council and Member States’ representatives on access to sport for persons with disabilities (EYCS in 22–23 May 2019), for adoption and subsequent publication in the Official Journal of the EU.”

355. Also in the context of the activities carried out during Romania’s term of office as President of the EU Council, Romania supported the European Disability Forum, in organizing and holding in Bucharest, on March 22–23, 2019, the seminar on “Young persons with disabilities and employment”, preceded by the interactive seminar “Your rights in the European Union”.

356. Since 2021, the president of ANDPDCA has been a member of the Disability Platform, the new expert group that replaces HLGD. The platform consists of experts responsible for implementing the Convention and civil society. In April 2021, as a member of the expert group, the President of ANDPDCA had a speech on the European Disability Card in the High Level Video Conference on the European Disability Strategy 2021–2030. Also in November 2021, the ANDPDCA leadership participated in the PRES SI Conference (Slovenian Presidency of the EU Council) on supporting the participation of persons with disabilities in society by ensuring mobility and accessibility.

Article 33

National implementation and monitoring

357. By Law No. 221/2010, Romania ratified the UN Convention on the Rights of Persons with Disabilities, representing the commitment made by the Romanian Government to the importance of promoting, protecting and ensuring the full and equal exercise of all fundamental human rights and freedoms, to all persons with disabilities, as well as to increase the quality of life of persons with disabilities in Romania. On September 25th, 2008, Romania signed the Optional Protocol to the Convention, which has not been ratified so far.

358. The deposit of the instrument of ratification of the Convention by Romania was communicated by the Secretary-General of the United Nations on January 31st, 2011. In accordance with the provisions of art. 45, para. 2, it entered into force for Romania on the 30th day after the deposit of the instrument of ratification, respectively March 2nd, 2011.

359. According to art. 15 of Law No. 8/2016, ANDPDCA has been designated as the central coordinating authority for the implementation of the Convention. Currently, ANDPDCA⁴⁶ coordinates at the central level the activities of protection and promotion of the

⁴⁶ ANDPDCA was established by GEO No. 68 of November 6, 2019, as a specialized body of the central public administration, with legal personality, subordinated to the Ministry of Labor and Social Protection, by taking over the activities, attributions and structures of the National Authority for Persons with Disabilities and the National Authority for Child Rights and Adoption . By GEO

rights of persons with disabilities, elaborates policies, strategies and standards in the field of promotion of the rights of persons with disabilities, ensures the follow-up of the application of regulations in its field and control.

360. According to Law No. 8/2016, in order to implement the provisions of art. 33 from the Convention, Contact Points have been established for the implementation of the Convention in the following ministries: Ministry of National Education and Scientific Research/Ministry of Education, Ministry of Justice, Ministry of Health, Ministry of Communications and Information Society/Ministry of Research, Innovation and Digitization and Ministry of Funds European Union/Ministry of Investment and European Projects.

361. By the same normative act, the Council for monitoring the implementation of the Convention was established, an autonomous administrative authority with legal personality, under parliamentary control which, among other things, regularly examines the observance of the rights of persons with disabilities in “public or private residential facilities. to serve persons with disabilities, as well as from hospitals/psychiatric wards” [art. 2 paragraph (2)].

362. Other autonomous state authorities, with the role of independent mechanisms, are: CNCD and the People’s Advocate.

363. In Romania, the CNCD is the guarantor of the respect and application of the principle of non-discrimination, in accordance with the domestic legislation in force and the international documents to which Romania is party. The CNCD is an autonomous state authority, under parliamentary control, which is active in the field of discrimination and exercises its powers in the following areas: prevention of acts of discrimination by carrying out information and awareness-raising campaigns on human rights, the effects of discrimination, the principle of equality, training and information courses, projects and programs at local, regional and national level, studies, reports, etc. ; mediation of discrimination cases by the parties involved in discrimination cases; investigation, detection and sanctioning of discrimination cases; monitoring of discrimination cases; providing expert assistance to victims of discrimination by explaining the law to those concerned, providing guidance on the submission of the petition form and further information.

364. The People’s Advocate aims to protect the rights and freedoms of individuals in their dealings with public authorities, acting in five areas, including “rights of persons with disabilities” and “prevention of torture in places of detention”, in which it regularly monitors the treatment of persons in places of detention.

365. In 2019, the People’s Advocate published, for the first time, two special reports in the field of rights of children and adults with disabilities: one on the situation of respect for human rights in psychiatric hospitals in Romania⁴⁷ and the second concerning the outcome of investigations into the prescribing of psychotropic substances for children in residential centers⁴⁸, including 25 visit reports and recommendations on the situation in residential centers for minors and adults with disabilities and psychiatric hospitals.

No. 121/2021, (1) The National Authority for the Rights of Persons with Disabilities, Children and Adoptions is reorganized by partial division, by detaching a part of patrimony corresponding to the activities and personnel in the field of protection and promotion of persons with disabilities and transferring this part to the Protection Authority. Persons with Disabilities that are being established. The Authority for the Protection of Persons with Disabilities takes over the activities, positions, related staff and the corresponding patrimony in the field of protection and promotion of persons with disabilities.

⁴⁷ https://avp.ro/wp-content/uploads/2020/07/raport_special_2019_3.pdf.

⁴⁸ https://avp.ro/wp-content/uploads/2020/07/raport_2019_avp.pdf.

Annex I

Funding that contributed to deinstitutionalization

I. Programs of National Interest

1. The Program of National Interest in the field of protection and promotion of the rights of persons with disabilities “Establishment of social services such as day centers, respiro centers/crisis centers and sheltered housing for the deinstitutionalization of persons with disabilities in old-type institutions and for the prevention of institutionalization of persons with disabilities in the community” – approved by GD No. 798/2016, with subsequent amendments and additions aims at: reducing the number of persons with disabilities institutionalized as well as preventing institutionalization by creating specialized services in the community. The program runs from 2018 to 2022 and has the following physical indicators:

- Reduction by 700 in the number of institutionalized adults with disabilities;
- Increase the number of sheltered housing by 89;
- Increase the number of day centers by 69;
- Increase in the number of respiro centers/crisis centers by 8.

2. The program of national interest in the field of protection and promotion of the rights of persons with disabilities “Establishment of social services to ensure the transition of young persons with disabilities from the child social protection system to the system of protection of adults with disabilities” – approved by GD No. 193/2018, with subsequent amendments and additions aims to: develop social services leading to full participation of young persons with disabilities in society. The program runs from 2018 to 2022 and has the following physical indicators:

- Increase the number of sheltered housing by 52;
- Increase the number of day centers by 19;
- Prevention of institutionalization of at least 300 young persons with disabilities from the special child protection system.

II. Regional Operational Program 2014–2020 – vulnerable group “persons with disabilities”

3. The ROP 2014–2020 proposes the establishment of social services for persons with disabilities of type:

- Day centers for the benefit of adults with disabilities who will be deinstitutionalized from residential centers, as well as persons with disabilities in the community.
- Sheltered housing that facilitates the process of integration into the community, through the acquisition of skills, competences and abilities necessary for integration into the community.

4. ROP indicators: deinstitutionalization of 516 beneficiaries.

III. Human Capital Operational Program 2014–2020

5. The projects contribute to the deinstitutionalization of adults with disabilities in residential institutions and to the prevention of re-institutionalization/institutionalization of adults with disabilities through the provision of services in sheltered housing and day centers set up through projects funded by ROP 2014–2020 or other sources.

6. For the 2014–2020 programming period, Romania is committed to ensure the transition from residential institutions to community-based services. Program specific indicators: 50 persons with disabilities previously institutionalized benefit from services in the community.

Annex II

National Health Programs

1. In the years 2017–2020, the following public health programs financed from the budget of the Ministry of Health were implemented:

I. National communicable disease programs:

1. National vaccination program;
2. National program for surveillance and control of priority communicable diseases;
3. National HIV/AIDS prevention, surveillance and control program;
4. National tuberculosis prevention, surveillance and control program;
5. National program for surveillance and control of healthcare associated infections and microbial resistance and monitoring of antibiotic use;

II. National monitoring program on determinants of living and working environment;

III. National program for blood safety;

IV. National non-communicable disease programs:

1. National program for active early detection of cancer through organized screening;
2. National program on mental health and prophylaxis in psychiatric pathology;
3. National program for transplantation of organs, tissues and cells of human origin;
4. National program for the assessment of vitamin D status;
5. National dietary treatment program for rare diseases;
6. National program for the management of national registers;

V. National health assessment and promotion and health education program:

VI. National program for women's and children's health.

2. In addition, in 2017–2020, the following national curative health programs were financed from the UNFASS budget:

1. National oncology program;
2. National diabetes program;
3. National program for the transplantation of organs, tissues and cells of human origin;
4. National treatment program for rare diseases;
5. National treatment program for neurological diseases;
6. National program for the treatment of hemophilia and thalassemia;
7. National program for the treatment of deafness with implantable hearing aids (cochlear implant and hearing aids);
8. National program for endocrine diseases;
9. National orthopedics program;
10. National program for intensive care of liver failure;

11. National cardiovascular disease program;
 12. National mental health program;
 13. National program for diagnosis and treatment with high performance equipment;
 14. National program for the supplementation of renal function in patients with chronic renal failure.
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