



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### **Sixth periodic report submitted by Romania under articles 16 and 17 of the Covenant, due in 2019\***

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\* The present document is being issued without formal editing.



## I. Introductory remarks

1. In its 2014 concluding observations, the United Nations Committee on Economic, Social and Cultural Rights (hereinafter “the Committee”) requested Romania to submit its sixth periodic report by the end of 2019. As a result, and given the minor delay in the transmission, the present National Report covers the period 2014–2019. As the Common Core Document for Romania is under review, the present report is divided into two parts:

- Part I: “General Information”, contains information on the legal framework and policies in the areas covered by the Covenant;
- Part II: “Progress on the implementation of the Covenant”, including the response to the recommendations contained in the Committee’s 2014 concluding observations.

2. The information selected and compiled by the experts of the Ministry of Labour and Social Protection in coordination with those of the Ministry of Foreign Affairs was provided by the various Romanian institutions, as indicated within the sections below. The report was put in public debate before being adopted by the Romanian Government.

## II. General Information

3. This Part will only emphasize the amendments brought to the legislative framework after the period covered by the last reporting exercise (where the constitutional and legislative framework was described in detail).

4. On 23 December 2011, the new Law on social assistance entered into force, marking the reform of the national system of social assistance, with its two components, namely the social assistance benefits and the social services.

5. Among the general values and principles underlying this system are: the respect for human dignity, the right to freely choose the service provider, the respect for the right to self-determination, the participation of beneficiaries, proximity, equal opportunities.

6. Social services are accessible for:

- All Romanian citizens residing on the territory of Romania;
- The citizens of the member States, of the European Union and of the European Economic, as well as the citizens of the Swiss Confederation;
- The foreigners and stateless persons who have their domicile or residence in Romania.

7. The amendment of 15 pieces of legislation followed, reviewing the amounts of most of the social assistance benefits, in order to ensure an adequate standard of living for recipients and their families.

8. Legislation in the field of unemployment insurance and employment stimulation has been amended and supplemented several times during the reference period, in order to make it more flexible to grant active measures and increase their attractiveness for employers and jobseekers.

9. The amendments also aimed at improving the procedure for granting unemployment benefits, by clearly and completely defining all categories of unemployed persons who can be insured in the Unemployment Insurance System, both compulsory and optional, as well as improving services for people looking for a job.

10. Law no. 1/2011 on national education, which repealed the previous Education Law, details the exercise for the rights of the persons belonging to the national minorities – the right to preserve, develop and express their ethnical, cultural, linguistic and religious identity; therefore, a whole Section of the above mentioned law is dedicated to education for persons belonging to national minorities, stipulating the right to study in their mother tongue at all levels and forms of education, forms of support for students, proportional representation of the persons belonging to a national minority in educational management structures.

11. Several legislative amendments brought to GEO no. 137/2000 on preventing and sanctioning of all forms of discrimination eliminated all the references to possible exceptions in the definition of illicit acts manifesting discrimination; a relative presumption was instituted, for the person who produces facts based on which one may assume that a discrimination act has taken place.

12. GEO no. 18/2017 on community health nursing represents an important milestone within the efforts to ensure access to basic integrated healthcare and community services for disadvantaged people, including persons belonging to Roma minority; besides regulating, in a law level act, the activity of community medical assistance (through community medical nurses, sanitary mediators and midwives) along with basic social services (through social workers), it also introduces the concept of integrated community centres. Integrated community centres are financeable through Regional Operational Programme 2014–2020 complementarily to the project concerning integrated community services financeable through Human Capital Operational Programme 2014–2020.

13. Law no. 9/2018 introduced a new field of activity for the Ombudsman’s Institution, namely the Child’s Advocate, coordinated by an Ombudsman’s Deputy. The Child’s Advocate works to promote and protect the rights of children under the age of 18, supports and encourages the observance and promotion of children’s rights.

14. In 2015, the Government approved the National Strategy for social inclusion and poverty reduction 2015–2020<sup>1</sup> (herein the 2015–2020 Anti-poverty Strategy), following a Background Study<sup>2</sup> elaborated with the support of IBRD and WB, in partnership with MoLSP. The current strategic document builds on previous efforts for social inclusion, namely the Anti-Poverty National Program and for the promotion of social inclusion.

15. The Strategy established nine key interventions (defined as a package of measures and initiatives designed to combat one cause of those that create or maintain poverty): employment, social transfers, social services, education, health, housing, social participation, area-based policies and strengthening capacity to promote poverty reduction and social inclusion; nine components of these key interventions were considered flagship initiatives for 2015–2017.

16. A first synthetic report assessing the progress towards the implementation of the measures of the Strategy analyses a selection of data collected to extract overview findings regarding the situation and progress at the sectoral level:

- Both activity and employment rates have increased since 2015, reaching 67.8% and 64.8% respectively in 2018;
- In social services’ sector, the development of an instrument to identify poor villages and marginalized rural communities (the Atlas of Rural Marginalized Areas and of Local Human Development in Romania, WB, 2016);
- Efforts to improve health equity and financial protection can be observed during the analysed period. The number of persons per family doctor/GP has increased from 1,607 in 2015 to 1,619 persons in 2018;
- In the area-based policies, the Strategy’s general objectives are focused on reducing the disparities by area of residence or region and on increasing the quality of life in rural and small urban areas;
- Moreover, MoLSP, together with the NSPAS, in an ESF funded project entitled “*Inclusion and equal opportunities post 2020*”<sup>3</sup>, has elaborated a new background study and a new draft Strategy for Social Inclusion and Poverty Reduction for the period 2021–2027 and a corresponding Action Plan.

<sup>1</sup> Available online at [http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN\\_web.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN_web.pdf).

<sup>2</sup> Available online at [http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN\\_web.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2016/StrategyVol1EN_web.pdf).

<sup>3</sup> INCLUSION AND EQUAL OPPORTUNITIES POST 2020 – National Strategic Policy Framework for Social Inclusion and Equal Opportunities Post 2020 (code SMIS 129157).

17. In order to support the legislative and institutional framework for increasing the employment rate, the Government approved the National Strategy for Employment 2014–2020.

18. This document was based on an integrated vision on the relevant policies, from the perspective of both demand development and supply management on the labour market. The measures envisaged for the implementation of the Strategy for the period 2014–2020 were gathered around 4 specific objectives: increasing the employment for young people and extending the active life of the elderly; improving the occupational structure and participation in the labour market among women and people belonging to vulnerable groups; development of high qualified human resource with competencies adapted to the labour market's requests, and improving the mechanism for substantiating, implementing, monitoring and review of policies impacting the labour market.

19. The 2014–2020 National Health Strategy aims at increasing access to health care services for all, particularly for the vulnerable and disadvantaged ones; the document is patient-centred and strives for a more efficient allocation of financial resources through management decentralization and transfer of competencies towards the local communities, but also through awareness raising within the population as to the illnesses' main determining factors and the importance of adopting healthy behaviours.

20. Specific objectives of the strategy are aiming at improving the situation in areas like health and nutrition status of mothers and children, safe pregnancy, reduction of mortality and morbidity caused by the main infectious diseases (e.g. diseases that can be prevented through vaccination, TB, HIV, hepatitis), blood safety, improving health promotion interventions aiming at main causes of disease, prevention of most frequent cancers, mental health, environmental health, access to treatment of rare diseases, provision of transplants, improving access to health services at all levels (focusing on community health, primary health care, specialist ambulatory care, integrated emergency services, regionalized hospital services, palliative care).

21. The National Strategy for the protection and promotion of Children's Rights aimed at ensuring children's access to quality services, adapted to their specific needs, reducing social disparities between various categories of children, and the number of those belonging to categories currently considered vulnerable (children from poor families, children from rural areas, Roma children, children with disabilities, children victims of violence, etc.), encouraging children's participation in decision-making. The Strategy also rose the minimum age for institutionalization of children and laid the groundwork for the closing of old type residential institutions.

22. The strategy shifted the emphasis from passive assistance to building individual social protection measures around family protection and individual responsibility to focus on the child and family, inclusively by increasing coverage of services at the local level, for an early identification of vulnerable children and a quick intervention.

23. The changes brought by the implementation of the strategy aimed at coordinating the social measures with those in other fields responsible for children's rights, especially education and health.

24. The National Strategy for Prevention of Early School Leaving 2015–2020 was adopted as part of the MoER efforts to reduce school drop-out and early school leaving and consequently, to reach both the national targets as well as those of Europe 2020 Strategy; the Strategy ensures the coordination of all national policies and combines a series of prevention, intervention and compensation measures, focused on school and student-level interventions. It rests on four strategic pillars:

- Fostering access to education and the provision of quality education to all children by developing and consolidating the early childhood education and care system;
- Ensuring that all children complete compulsory education with the support of early warning and intervention mechanisms;
- The reintegration in the educational system of the early school leavers by means of specially tailored programmes (Second Chance programmes);

- The development and the provision of adequate institutional support.

25. In 2014, the 2012–2014 Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority was revised and a new strategic document for the period 2015–2020 was adopted. The new document<sup>4</sup> seeks an active involvement of local and central public authorities, as well as the active participation of Roma civil society in the activities aimed at increasing the socio-economic inclusion.

### **III. Progress on the implementation of the Covenant and responses to recommendations made by the Committee following their 2014 review**

#### **A. Domestic application of UN human rights treaties**

26. The domestic institutions responsible for the initial and continuous trainings of magistrates and lawyers provide specialized training on the international protection of human rights and fundamental freedoms, focused on the substantial elements of human rights protection. As such, the substantive elements contained in various international human rights treaties are presented and examined in the professional legal training.

#### **B. National human rights institutions**

27. Par. 5 of the Concluding Observations referred to three Romanian institutions promoting and protecting human rights and combating discrimination – the Ombudsman, the NCCD and the RIHR, and noted that their areas of competence apparently overlap. *Annex I* provides a short description of these three institutions, to clarify that this overlapping of competencies is only apparent, as these institutions have roles and competencies covering the different facets of human rights protection (protection, promotion, monitoring and sanctioning), that complement each other.

28. As concerns the NCCD and the Ombudsman, their competencies do not overlap, one of them working on special grounds, the other on general grounds. Unlike the Ombudsman, NCCD has jurisdictional administrative attributions, it follows the principles of adversarial and fairness in its procedure and its goal is to issue an administrative legal act liable to the control of courts in the administrative litigation procedure. Thus, the NCCD is qualified to investigate, but in comparison with the Ombudsman, the NCCD can also establish and sanction cases of discrimination. At the same time, the Council elaborates and applies public policies in the field of non-discrimination.

29. RIHR's mandate is focused on the promotion and awareness raising components, without ignoring other aspects, as research or domestic and international cooperation, reporting and information.

#### **C. Maximum available resources**

30. In 2011, all the programs dedicated to families with children or to vulnerable persons were revised.

31. Social assistance benefits, depending on their purpose, are classified as follows: a) benefits for the prevention and combating poverty and social exclusion risk; b) benefits for child and family support; c) benefits to assist people with special needs; d) benefits for special situations.

<sup>4</sup> Presented in greater detail in the periodic report on the implementation of ICCPR, paras. 36–40, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en).

32. During the reference period, since 2014, the budgetary allocation for all the social assistance benefits programs filed has steadily increased and reached 3.48 billion EUR in 2019, as indicated in *Annex 2*.

33. The amounts mentioned in *Annex 2* only refer to the funds' allocation that is included in MoLSP's yearly budget; still, a part of the social benefits are being financed from the local budgets.

34. As regards the resources allocated to the development of the national system for social services and combating poverty and social exclusion, the Law on the State budget stipulates:

- A – Support for the child protection system;
- B – Support for the public centres for adults with disabilities;
- F – Elderly care homes;
- B – Rights for personal care assistance for people with serious disabilities or monthly allowances;
- D – Elderly care homes.

35. MoLSP has also been running, on an uninterrupted basis, since 1998, the subsidy programme for associations, charities and recognized religious groups that establish and manage units providing social assistance. Starting with 2016, this programme is implemented through NAPSİ. The religious groups recognized by law have been eligible since 2018. In 2018, the programme had 8,729 beneficiaries for 17,996,199 lei awarded.

36. During 2011–2019, the fight against poverty and social exclusion has continued to be a national priority and the programs carried out by MoLSP focused mainly on vulnerable persons, and also on families with children. *Annex 2* contains a detailed description of all the programs currently implemented in order to reduce the poverty and promote the social inclusion of all vulnerable groups. The administrative data regarding the number of beneficiaries and the monthly amount paid annually for each social assistance benefit are detailed in *Annex 3*. The figures, as captured by the EUROSTAT, show:

- That the percentage of the people at risk of poverty or social exclusion decreased to 31,2% in 2019 comparing to 40,3% in 2014;
- A decrease of the percentage of the people at risk of poverty or social exclusion after the social transfers from 25.1 % in 2014 to 23.8% in 2019;
- That, in absolute numbers, in 2019, the number of people at risk of poverty or social exclusion registered a noticeable decrease to 6 million people compared to 9.11 million people in 2008.

37. Also, according to the figures in *Annex 3*:

- The monthly number of beneficiaries of the allowance for family support decreased from 277,624 beneficiaries in 2015 to 257,538 beneficiaries in 2017 and 224,437 in 2018;
- The monthly number of beneficiaries of the social aid decreased from 245,545 beneficiaries in 2015 to 233,966 beneficiaries in 2017 and 202,976 in 2018.

38. These decreases were determined by the increase of the wages and the personal work revenue, of pensions, and also due to the activation measures adopted in 2018, based on the amendments to the Guaranteed Minimum Income Law.

39. The authorities will pursue the reform of the social assistance benefits system and its efficiency, especially the reform of the means-tested benefits: *minimum income guaranteed, family support allowance and house heating benefits*, granted for the most vulnerable persons, in order to ensure them a minimum income.

#### **Improving the administrative capacity**

40. Starting with 2012, several programmes were developed, financed through national or European funds, to consolidate the administrative capacity, from the infrastructure

perspective, and also as far as the human resource and the social assistance offered to beneficiaries are concerned.

41. Programmes of National Interest for the development of public home-based community services network for dependent elderly people as well for enhancing the administrative and the response capability of local services for social assistance were implemented from 2018, with a total budget of 114,400.72 thousand lei. Their detailed description is found in *Annex 12*.

42. Funding for investment and overhaul expenses for day care and residential centres (such as filling the file for obtaining the fire authorisation) is also awarded from the State budget.

43. Funding for measures aimed at combating poverty and social exclusion were also made from the European Structural and Investment Funds (ESIF) and technical assistance was provided as part of the Support Programme for Structural Reforms (SRSP).

44. ESIF aim at improving the country's competitiveness by strengthening the links between research, innovation, smart specialisation areas and competitive sectors, increasing the added value in the IT sector, including the use of the e-government systems and promoting investments that address the needs in the field of transport infrastructure, environment, energy and risk prevention at European standards.

45. For the 2014–2020 programming period, EUR 43 billion have been allocated to Romania, according to the EU Multiannual Financial Framework. Out of this amount, the allocation for ESIF is EUR 31 billion. The allocation for the Cohesion Policy (CP), which is financed under ESIF, is EUR 23 billion.

46. Also, FEAD supports the actions of the EU countries to provide material assistance to the poorest sections of the population, including by distributing staple foods, school supplies for children, newborn kits, clothing and footwear and hygiene products.

47. To date, the total amount received from the COM (including pre-financing), for the programmes financed by ESIF is approx. EUR 12.85 billion, representing approx. 42% of total EU allocation of the programmes.

48. In addition, approx. EUR 8.7 billion were received from COM for direct payments in agriculture, providing income support for farmers and promoting competitiveness, sustainability and environmentally-friendly farming practices.

49. As regards the operational programmes financed under the CP and FEAD, following the launching of calls for proposals for approx. 99.8% of the total allocation, the Managing Authorities signed 8,380 financing contracts with the beneficiaries, with a total value of approx. EUR 32.7 billion, out which EUR 26.6 billion EU contribution (approx. 116% of total Operational Programmes' allocation).

## D. Corruption prevention

50. Two strategic documents were adopted in order to strengthen the prevention of corruption, for the period 2012–2015, and subsequently for 2016–2020.

51. The *2012–2015 National Anticorruption Strategy* (2012–2015 NAS) is presented in the 5th periodic report on the implementation of ICCPR.<sup>5</sup>

52. The purpose of the 2016–2020 Strategy is to promote integrity, by rigorously applying the normative and institutional framework in order to prevent corruption. The document preserves the multidisciplinary character and is addressed to all public institutions; it introduced performance indicators of the risks associated with the objectives and measures of the strategy, as well as of the sources of verification, the inventory of measures of institutional transparency and prevention of corruption, the evaluation indicators, as well as

<sup>5</sup> Paras. 14–18, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fROU%2f5&Lang=en).

the standards for publishing information representing the executive, legislative and judicial power, local public authorities, the business environment and civil society.

53. Regarding the corruption prevention mechanisms, the 2016–2020 NAS has preserved the mutual evaluation missions and the trichotomy-based approach of strategic intervention in the field of anti-corruption (namely i. prevention, ii. education and combat, iii. cooperation platforms) from the previous document. The implementation evaluation is done through thematic evaluation missions (peer review), a tool aimed to evaluate and facilitate the exchanges of best practices on the implementation of measures of institutional transparency and prevention of corruption in public authorities and institutions.

54. At methodological level, the Strategy aims at developing a uniform legal framework for the evaluation of corruption risks at central level and for the ex-post evaluation of integrity incidents, through the adoption of methodologies; two such methodologies are already adopted, and they include both procedural and practical instructions each institution can take over and adapt according to their own particularities.

55. In order to support the administrative capacity for the NAS implementation, the project “Strengthening the Administrative Capacity of the Technical Secretariat of the National Anticorruption Strategy 2016–2020”<sup>6</sup> is currently in progress; the project will provide for the opportunity to: raise awareness on anticorruption measures among citizens; carry out an evaluation of the legislation on the protection of public interest whistle-blowers and the migration of public and private employees; organize and conduct 20 peer review missions and develop a general model of good practices for dissemination, as a result of the conducted peer review missions; organize a training session for staff within the MoJ and subordinate units.

56. A study on the system of administrative sanctions and its implementation at the level of central public administration, elaborated within the project “Effective Mechanisms for Administrative Control and Prevention of Corruption” (implemented by GSG and MoJ) will contribute to the implementation of the NAS objective focussing on the strengthening the administrative control mechanisms.

57. Starting July 2017, the remuneration of the personnel paid from public funds is regulated by the Framework Law no. 153/2017; the act aims at eliminating the existing salary dysfunctions in the public remuneration system, while also respecting the principle of financial sustainability and predictability. As such, the basic salaries are established starting from the principle of ranking them both vertically and horizontally, within the same field, depending on the complexity and importance of the activity carried out.

## **E. Measures to combat social exclusion and discrimination against the Roma**

58. In 2011, the Population and Housing Census took place in Romania. While general usual population registered a decrease with 7.2% in 2011 compared to 2002, three ethnic groups recorded an increase of their number: Macedonians (81.9%), Roma (16.2%) and Csangas (21.3%). Each individual participating had the possibility to assume each particular sub-group he/she belonged to, to adequately reflect the existing diversity within the group. A nation-wide campaign in Roma communities contributed in creating public awareness around the population’s census. As a result, the number of self-declared Roma ethnics slightly increased from 535.140 (2002) to 621.573 (2011).<sup>7</sup>

59. The next Population and Housing Census is to be conducted in 2021. It is designed as a mixed census, where the CAWI (computer-assisted web interviewing, consisting of online self-completion of data on census forms) and CAPI (computer-assisted personal interviewing) collection methods will be used, preceded by the taking over of data from administrative sources.

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<sup>6</sup> Funded by POCA 2014–2020.

<sup>7</sup> Detailed information can be seen on the website [www.recensamantromania.ro](http://www.recensamantromania.ro), Results section, Volume II: Stable (resident) population – ethnic and confessional structure.

60. The way in which the census is organised, namely through the online self-registration component, gives individuals the total freedom to fill in the census forms with the answers they want to give, which eliminates any possible interpretation, action or registration error on the part of another person, namely the census enumerator.

61. The future census is to be accompanied by a transparent and integrated communication and promotion campaign, which will run over a long period of time and whose aim will be to provide all persons, through various channels and a multitude of tools, with the most important information on its purpose of the census, its organization and usefulness. An important part of the campaign targets ethnic groups, through advertisements, posters, radio and TV programmes and other promotion tools in minority languages. Certain elements of the campaign will be prepared in English and in sign language.

### **The Strategy for the inclusion of Romanian citizens belonging to Roma minority**

62. The Strategy has a mechanism of monitoring and assessment, through an Inter-ministerial Committee composed by representatives of central public institutions responsible with implementing measures of the Strategy, represented at the level of State secretaries.

63. This Committee is led by a MoEF secretary of State, assisted by a technical secretariat and supported by two experts of NAR, the National Contact Point for Roma within MoEF, appointed through a memorandum of the Prime Minister, as well as a representative of GSG and a representative of the Prime Minister's Chancellery.

64. As the Strategy's implementation period is finishing in 2020, an assessment is ongoing, to be finalized by the end of 2020.

65. NAR already launched a recommendation for public policy in the field of inclusion of persons belonging to Roma community for the period 2021–2027.

66. As already proposed in a public policy document, the future Strategy for 2021–2027 proposes an updated approach of the policies for Roma inclusion, based on data and focusses on the elaboration of national programmes in priority areas, such as education, employment, health, housing, concentrating on combatting anti-Roma attitudes and strengthening the equality and non-discrimination principles culture among public institutions and private providers of public services. These priorities were substantiated on extensive local public consultations with Roma and pro-Roma stakeholders, as well as with the local public authorities involved in Roma social inclusion.

67. The future Strategy has a focus on creating a culture for anti-discrimination and equality principles among all public administration – both central and local levels – in all fields of intervention, as a prerequisite of combating anti-Roma attitudes at all levels of society. Also, the element of novelty in this new strategy is the focus on the local public administration's responsibility for Roma social inclusion, through a participatory mechanism of identifying issues and prioritising measures and allocating budgets, while accessing with priority national programmes, rather than European funds.

### **Providing personal documents, including birth certificates**

68. During the reporting period, various projects were implemented at national and local level in order to provide assistance and to improve the situation of Roma persons with regard to identity documents. The most important ones are listed in *Annex 30 to the 5th periodic report of Romania submitted under article 40 of the International Covenant for Civil and political Rights*.<sup>8</sup>

69. Additionally, an action Plan approved at the level of the Directorate for Population Records and Database Administration listed the demarches that the civil status registries must continue to make in order to ensure that Roma population benefits from the registration both in the civil record and in the national ones. Among these demarches are listed: contacting the

<sup>8</sup> Available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fROU%2f25710&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fADR%2fROU%2f25710&Lang=en).

Roma county and local focal points for support in identifying the potential beneficiaries, the local NGOs in order to identify support for these beneficiaries to go through the administrative procedure; training in preventing and combatting discrimination.

70. Official data show a significant increase in the number of civil status certificates or identity documents issued for Romanian citizens of Roma ethnicity. However, one must emphasize that the Romanian legislation for persons' records and civil status registration strictly respects GDPR, which provides that the processing of data on ethnic origin of persons is prohibited, considering the scope and the objectives of public registries on persons' records. In this context, these persons can be identified as long as they declare the ethnic affiliation before the local public authorities or NGOs involved in the implementation of a specific strategies, which remains a personal choice, but not by registering the information in the official registries. The statistical data for the reporting period show an increase in the new entries by 131% in the civil records and by 48% in the national registry between 2013 and 2019. (see *Annex 13*)

71. In 2016, legislative amendments addressed the situation of children, whose identity could not be proven, allowing for a child's birth to be registered even if, upon hospital admission, the mother could not show an ID document as proof of identity. To this end, even if she has no vital records, the mother can register the new-born child by declaring her identity, which is to be recorded in a report; the procedure looks at the child's best interests and is based on the requirement for every child to have an identity. In addition, State authorities will take the required steps to make sure the mother gets an identity document.

### **Addressing negative prejudices and stereotypes**

#### *The initial and continuous professional training for magistrates, lawyers, police personnel and public servants*

72. Starting with 2006–2007, the 1st year NIM trainee magistrates are introduced to the concepts of prohibition of discrimination and that of an effective remedy and relevant international case law on these matters; the studies are complemented in the 2nd training year with the course "Fight against discrimination".

73. Judges and prosecutors admitted into magistracy following a direct contest also undertake an initial training regarding discrimination and hate crimes in the Human Rights Module and also at seminars on criminal law.

74. Special training events (conferences, seminars) are also constantly organised on the topic of non-discrimination, some of them within programmes or projects implemented in partnership with NCCD or/and with Romani CRISS.

75. The National Institute for Lawyers' Training and Professional Perfecting is offering an initial two-year professional training; the 2nd year includes the study of human rights protection. Also, within the continuous training system, conferences and seminars on human rights protection are offered to lawyers within projects co-implemented by the Institute and governmental or non-governmental organisations.

76. The curriculum of the educational institutions within MoIA includes the necessary and relevant topics that ensure the development of professional competences in the police officers and non-commissioned officers' professional relations with the citizens, so that the latter's rights and interests are observed and promoted according to the regulations in force.

77. Over 2,350 students graduating the "Alexandru Ioan Cuza" Police Academy in the period 2014 – 2019 and over 11,595 graduates from the police and gendarmerie non-commissioned officers' schools benefitted from human rights training.

78. The Institute of Public Order Studies organizes training courses in the field of human rights, attended by police officers from public order structures, criminal investigations, transport police. The purpose of these training programmes is to prevent discrimination/abuse in the interaction between the police worker and the persons belonging to groups at risk of discrimination. In 2014–2019, 2,100 police personnel from public order, criminal investigation and transportation departments participated in these courses.

79. More details on these training programs are presented in *Annex 14*.

#### *Combatting negative prejudices and stereotypes*

80. In the exercise of its main function, the NCCD examined cases concerning alleged discriminatory treatment based on Roma ethnicity against individuals, in multiple spheres of life. The number of cases registered each year indicates the public awareness on the mechanism as well as the substantive use of this type of complaint in various areas of discrimination, with approximately 50 new cases each year (as detailed in *Annex 9*).

81. NCCD also continues its training activities; the Council is implementing, from October 2018 to March 2020, the project “10 Years of Implementation of the EU Framework Directive on Racism and Xenophobia in Romania: Challenges and New Approaches to Hate Crime Actions” – NoIntoHate2018.<sup>9</sup>

82. The project aims at assessing the impact of the EU Framework Directive, while identifying the needs of improvement of the legislation / policies in line with the EU standards, as well as strengthening the capacity of the national anti-discrimination institutions to get involved in the prevention of crimes motivated by hate.

83. The project seeks to use the expertise of some institutional working groups to review the legislative framework by proposing amendments if they are required. Increasing institutional capacity will be achieved by organizing training courses for people directly involved within the process of recording and reporting hate crimes. Between August 2019 and February 2020, experts from the NCCD, the Institute for Public Policies and an international expert in hate crime held 12 training sessions (8 sessions for the professional category of magistrates and 4 sessions for professional police and gendarmerie categories).

84. During 2010–2019, the National Agency for Public Servants implemented 15 projects with a training component, focusing on equal opportunities and gender equality, as well as sustainable development. The Agency also implemented or participated in projects including human rights training. (see *Annex 14*)

## **F. Achieving gender equality**

85. The adequate representation of women in public offices is a constant concern for the authorities. As such, NAEO – the specialized public administration body responsible for promoting the principle of equal opportunities and treatment between women and men in view of eliminating all forms of discrimination based on sex criteria, in all national policies and programs –, is annually collecting data regarding women and men in decision position from the central public administration, which are sent to COM.

86. In order to adequately evaluate the situation of women in decision-making positions and to identify the necessary measures to be adopted in order to improve the representation of women, NAEO performed several studies:

- “Situation of women and men in decision-making positions in the central public administration 2019”;<sup>10</sup>
- Women’s and men’s representation in the elections for the local public authorities in 2016”;<sup>11</sup>
- “Women’s and men’s representation in the parliamentary elections in 2016”.<sup>12</sup>

<sup>9</sup> In partnership with the Institute for Public Policies and funded by the EU Program “Rights, Equality, Citizenship 2014–2020”, according to the Grant Agreement no. 809349 – NoIntoHate2018 – REC-AG-2017 / REC-RRAC-HATEAG-2017.

<sup>10</sup> Available at <https://anes.gov.ro/wp-content/uploads/2020/01/Analiza-Situatia-femeilor-si-a-barbatilor-in-pozitii-de-decizie-in-administratia-publica-centrala-2019.pdf>.

<sup>11</sup> Available at <http://anes.gov.ro/wp-content/uploads/2018/05/ANALIZA-ALEGERI-LOCALE-2016.pdf>.

<sup>12</sup> Available at <http://anes.gov.ro/wp-content/uploads/2018/05/ANALIZA-ALEGERI-PARLAMENTARE-2016.pdf>.

87. According to these data, at the level of the central public administration, the decisional level (starting with deputy director up to the position of secretary general) is occupied by 46,5% men and 53,5% women.

88. As for the elected positions at local level, in 2016, a slight increase in the number of women elected as mayors and country counsellor was recorded. (see *Annex 8*)

89. The representation of women and men in the two chambers of the Parliament, for the last three elections, show a net increase in 2016, compared to the previous 2 parliamentary elections (See *Annex 8*). It is to be noted that, in 2016, from the total number of candidates to parliamentary elections, 27.75% were women.

### **Measures aimed at achieving a more balanced sharing of professional and family responsibilities between women and men**

90. The social assistance benefits programs for families with children were diversified during 2011–2019. One of the programs targeting parents active on the labour market combines parental leave and child raising indemnity with the indemnity for monthly insertion incentive.

91. The minimum amount of child raising indemnity has been increased from 600 lei in 2011, to 85% of the average professional net income earned by the parent during the last 12 months from the last two years prior to the childbirth (the maximum amount is limited to 8,500 lei per month).

92. The legislation regarding parental leave also stipulates other measures of job protection for persons who are entitled to this leave, such as:

- The interdiction for the employers to dismiss the persons who are requesting the parental leave or who are already in parental leave or receive the payment of the insertion incentive; this interdiction is extended, only once, with 6 months after the persons returns to work;
- At the end of the parental leave the employee has the right to return in equivalent working conditions to those prior to the leave and also to benefit from any improvement in working conditions they would have been entitled in this period.

93. Persons who are entitled to receive child raising indemnity, but still work, earning professional incomes subject to income taxation, have the right to a monthly incentive insertion. The monthly insertion incentive is granted until the child reaches the age of 3 years in a monthly amount of 650 lei (starting from 1st of April 2017), if the parent decides to come back to work 60 days before the child fulfils the age of 2 years old.

94. Accommodation leave and benefit is granted since 2016 for accommodation with an adopted child. The adoptive parent or, optionally, any of the spouses from the adoptive family, who earn incomes subject to income taxes, as subsequently amended and supplemented, from wages and assimilated incomes, from self-employed activities and agricultural activities, can benefit from an accommodation leave of up to one year, which may include also the period of custody of the child for adoption, as well as a monthly allowance. The monthly amount of the accommodation benefit is 1.700 lei.

95. Benefits and aids are granted to parents of children with disabilities, up to the age of 7 years old or to persons with disability who became parents. The amount of the child raising indemnity, for parents who take care of a child with disability, aged between 3 and 7 years old, who are entitled to parental leave, has been increased from 600 lei to 1.250 lei (representing 93% of the net minimum wage), starting from January 2018.

96. A new type of benefit, for parents who take care of a child with disability and who are active on the labour market, having a part time contract, has also been set up, amounting to 50% from the minimum child raising indemnity (650 lei); the benefit can be cumulated with the salary.

97. The evolution of the amounts of the benefits presented above, is included in *Annex 2*.

## G. Measures to reduce unemployment, in particular unemployment among young people, Roma, and persons with disabilities

98. As part of the efforts to support the integration into the labour market of people belonging to disadvantaged groups, especially of young people from the NEETs category, the Government resorted to a dedicated instrument, namely the *Youth Guarantee Implementation Plan* (adopted initially for 2014–2015 and then for the period 2017–2020). Through this Plan, all young people aged below 25 years, who lost their job or were no able to find job after graduation, were to receive, in 4 months after their registration before the agencies for employment an offer for a good quality employment, for a trainee program of for an internship.

99. A project implemented starting with 2018 by NEA identified 105,320 young NEETs, with 95,036 newly registered in NEA's databases; 1,277 apprenticeship contracts were concluded in the first 4 month on the project's implementation, while 256,424 persons under age 25 benefited from employment, trainee or apprenticeship programs.

100. The results obtained by the implementation of these measures, as well as those of the assessment studies of the effects of the active measures, showed the incentives offered to be insufficient, mainly from the perspective of the amounts granted to the beneficiaries – employers or unemployed persons registered with the employment agencies.

101. The Law on the unemployment insurance system and the stimulation of employment (the main normative act that regulates the measures for the implementation of strategies and policies developed in order to protect people from the risk of unemployment, to ensure a high level of employment and to adapt the labour force to the demands of the labour market) was amended and supplemented, in order to include measures to:

- Increase the chances of employment for people looking for a job;
- Stimulate employers to provide employment opportunities to unemployed people from different target groups.

102. The details of these measures are presented in *Annex 4*.

103. The reform of the Law regarding the unemployment insurance system was accompanied by the *reform of the Law on apprenticeship at work and the Law regarding internship*. The amounts granted to employers who conclude apprenticeship or internship contracts for the higher education graduates have been increased, in 2017 and 2018, as detailed in *Annex 4*.

104. The general results of these reform measures show that the employment rate has increased steadily over the last years, to 70.9% for the age group 20–64 years, by the end of 2019.

105. In 2019, the employment rate for women increased less than the employment rate for men, which led to an increase in the labour market participation difference, of 19 percentage points for the age group 20–64 years.

106. The unemployment rate continued its downward process reaching the value of 3.9% at the end of 2019, 2.9 percentage points lower than the value registered in 2015. Thus, in 2019, the difference between the unemployment rate for women and the unemployment rate for men was 0.9 percentage points (4.3% for men versus 3.4% for women).

107. The rate of NEETs registered in Romania continues to be high compared to the average at European level, even if it is on a downward trend. Thus, according to the data provided by Eurostat, the NEETs rate has decreased by 3.4 percentage points over the last 5 years, respectively from 18.1% in 2015, to 14.7% at the end of 2019.

108. The long-term unemployment rate was 1.7% in 2019, 1.3 percentage points lower than the value registered in 2015.

109. The right to work for persons with disabilities is guaranteed by law. At the end of 2017, 25.89% of the persons with disabilities were employed, with 28.52% of the total number of persons with disabilities employed in the public system.<sup>13</sup>

110. Also, Law no. 448/2006 regulates the obligation of public authorities and institutions, legal public or private entities, which have at least 50 employees, to employ persons with disabilities in a percentage of at least 4% of the total number of employees.

111. According to the information provided by MoPF, which monitors and controls compliance with these provisions, at the end of 2017, 11.42% of persons with disabilities were employed in entities with more than 50 employees, and at the end of 2018, their percentage was 20.32%.

112. The specific objectives related to employment in the Strategy for the inclusion of the Romanian citizens belonging to the Roma minority 2015–2020 are increasing the number of:

- Persons active on the labour market;
- Roma women, active on the labour market.

113. In addition, NAE developed a *Special Employment Program for communities with large numbers of Roma ethnic persons*, as part of its annual National Employment Program. Implemented yearly since 2006, the special program covered 145 localities in 2019.

114. Measures included in the special program target developing professional skills, including evaluating knowledge, as appropriate, the means and methods for promoting and improving professional skills and qualifications. The program is backed by actions specific to the public employment service, such as:

- Dissemination of information among the employers, as well as among the Roma jobseekers, regarding the measures to stimulate employment that they can benefit from;
- Organizing job fairs;
- Collaboration with Roma representatives.

115. Specific focus is put on personalized actions, especially on labour mediation services, knowing that, according to the legal provisions, employment can be realized based on the vacancies declared by the employers and on professional counselling services, whose quality is given by a proper guidance provided to the jobseekers either directly to the available jobs, or in association with other employment supporting measures.

116. The results of the measures implemented by NEA through the National Employment Program, in the period 2012–2019, are also presented in the *Annex 5*, showing their impact on target groups.

117. The participation of people belonging to disadvantaged groups (long time unemployed, persons with disabilities, persons under age 25 etc.) in vocational training programs organised by NEA is presented in *Annex 6*. In 2019, 7,137 persons belonging to disadvantaged groups participated in such programs, representing 34.28% of the total unemployed attendants.

## H. Measures consolidating the protection of asylum seekers

118. The legal framework on asylum, amended in December 2015 and January 2016, provides that:

- During the asylum procedure, the protection seeker has the right to receive access to the labour market under the conditions provided by law for Romanian citizens, after the expiry of a period of 3 months from the date of submission of her application, if

<sup>13</sup> The percentages are related to the number of people with disabilities of working age, between 18–60 years old, people with disabilities having the right to retire earlier, according to the legal regulations in force, which does not include persons receiving invalidity pension.

no administrative decision has been taken and the delay cannot be imputed to him, as well as during the judicial phase of the asylum procedure;

- Asylum seekers who, when submitting an asylum application, have a right of residence on the territory of Romania and are legally employed, can continue to carry out their lucrative activity;
- The protection seeker who does not have maintenance means, has the right to benefit, upon request, for the entire duration of the asylum procedure, of material reception conditions, which guarantees the subsistence and protects her physical and mental health.

119. Material reception conditions consist of accommodation, food, maintenance and hygiene materials, clothing and footwear, transportation, which may be granted in kind, in the form of financial allowances or vouchers or through a combination of these 3 elements.

120. At present, the food allocation is in amount of 10 lei/person/day and the clothing allocation is in amount of 67 lei/person/summer and of 100 lei/person/winter; the allocation for other expenses (such as local transport, cultural services, press, repair and maintenance services, personal hygiene products) is 6 lei/person/day. The accommodation is either offered in one of the 6 regional centres for the reception of asylum-seekers or either is subsidised in the amount of 450 lei/person/month (the maintenance expenses are also subsidised in the amount of 120 lei/summer month and 155 lei/winter month). These amounts are subject to periodical indexation, based on data on the quality of life provided by NIS.

## **I. The measures of social protection through the minimum wage**

121. The minimum gross basic wage guaranteed in payment, according to the normal work program, is established by Government decision, after consulting the unions and employers.

122. Its value knew a constant progressive increase from 2011 to the present days, from 670 lei in 2011 (approx. 160 EUR) to 1,900 lei (approx. 410 EUR) in 2018. At the end of 2019, the minimum wage was 2,080 lei (approx. 440 EUR),<sup>14</sup> respectively 2,350 lei for the one-year senior personnel occupying posts requiring higher education and 3,000 lei for the field of constructions.

123. Several elements corroborated to support the decision taken in 2018 to increase the level of the minimum gross basic wage, namely: the effect of the increase on reducing the number of employees at risk of poverty and social exclusion; the reduction of the difference between the minimum and the medium wages; the requirements of economic development, productivity and the goal to attain and maintain a high level of employment.

## **J. Guaranteeing the respect for trade union rights**

124. The law on labour and social dialogue guarantees the right of association, establish the obligation to recognize the employee right to unionisation at the level of all employers and prohibit the employee from renouncing his legal rights to be assisted by a third party (lawyer, trade union) in the negotiation of the individual employment contract.

125. The law prohibits antiunion discrimination and allows workers fired for union activity to request their reinstatement in court.

126. The law also provides legal means for reporting and filing a lawsuit against abuses. The situations of violation of trade union rights and/or of conditionality in the exercise of trade union rights and freedoms can be notified administratively to the Labour Inspection, to NCCD or/and to a tribunal which has labour jurisdiction.

<sup>14</sup> Starting with January 1st, 2020, the new amount of the minimum gross basic wage was increased at 2,230 lei.

127. The labour legislation guarantees the protection of the union leaders, the representatives of the employees and the union members against dismissal on union grounds, harassment, and ill treatment.

128. In accordance with the law, the following behaviours are considered administrative offences (misdemeanours) and are sanctioned with administrative fines:

- The infringement of the interdiction to interfere in the exercise of the rights of trade unions to freely adopt their regulations, elect their representatives, organise their management and activity and elaborate their own action plans; the fine amounts vary between 15,000 lei and 20,000 lei;
- The employer's refusal to start the negotiation of the collective labour agreement, the fine is comprised between 5,000 and 10,000 lei;
- The employer's refusal to receive and register the notification on the employees requests, their justification and the proposals for solving the potential labour conflict, with a fine between 1,000 to 3,000 lei;
- Preventing the access of the labour inspector for ascertainment of an administrative offences.

129. The administrative offences will be established by the Labour Inspectorate (relevant statistical data are provided in *Annex 7*).

130. Some of the violations of the legal provisions are qualified as criminal offences, punishable with imprisonment from 3 month to 2 years or with a criminal fine:

- Preventing the striker employee from participating in the strike or compelling her to work while on strike;
- Restricting or conditioning, in any way, the exercise of attributions by the elected members of the union's management body.

131. The employee, the trade union or its elected representatives who consider themselves victims of a discriminatory act or of a violation of their rights can either notify the NCCD or lodge a judicial complaint. The law guarantees free access and use of any legal way of appeal.

132. The NCCD practice in the 2014–2019 span shows that the institution received each year over a dozen complaints. (*Annex 9*)

## **K. Measures to consolidate social security**

133. The quality of social assistance benefits depends to an important degree on the capacity of recipients to obtain the benefits they are entitled to in a timely manner, but also on the adequacy of the social assistance benefits in relation to socio-economic changes (e.g. inflation rate).

134. In 2011, the new law on social assistance introduced the reference social indicator (RSI), a reference amount, expressed in domestic currency, for the calculation of the levels of social benefits; the social assistance benefits, paid from the State budget, are calculated by reference to this value.

135. Thus, the unemployment allowance, the minimum income guaranteed, the family support allowance, the child placement allowance, the employment bonus for graduated who are hired, the child support allowance, the allowance for persons with disabilities, the food allowance for persons with HIV/AIDS are calculated by reference to RSI.

136. The amount of the reference social indicator was established in 2012 at 500 lei. During the reference period, 2011–2019, the amounts of the social assistance benefits were revised by increasing the coefficients for each of the benefit, even if the social reference index was not updated.

137. Aware of the need to improve the efficacy of social assistance benefits by establishing a mechanism of indexation that will determine the revision of the social assistance benefits in a predictable manner, the MoLSP started in 2019, with the aid of external consultants, a

new project, “*Support for developing an Indexation mechanism and piloting a new payment method for social assistance benefits in Romania*”; the adoption of such a mechanism needs an assessment and justification in terms of cost effectiveness, budgetary predictability and adequacy of benefits.

138. As indicated in previous periodic report (p. 29) the benefit of the minimum guaranteed social pension, introduced in 2009, ensures, for the retired persons who have their residence in Romania, a minimal amount to be received and complements the amount of the retirement payment if this is below the minimum. This benefit is, since 2010, considered a social allowance for retirees and its amount grew constantly, from 350 lei in 2009 to 704 lei in September 2019. Approx. 970,000 retirees benefited from this allowance by the end of December 2019.

139. The evolution of the amount of the child allowance increased in the period 2009–2020, in three stages; the exact sums are presented in *Annex 2* to the present Report.

140. The present amounts range between 150 lei (32 EUR or 12% of the net minimum wage for 2019<sup>15</sup>) and 300 lei (63 EUR or 24% of the net minimum wage for 2019), depending on the child’s age and if she has disabilities.

141. This allowance is a family benefit with a major impact on poverty reduction among families with children. It is a universal right, granted by the State for all children up to age 18, without discrimination. Young people, after age 18, attending high school or professional school, are entitled to State allowance for children up to the completion of these studies.

142. Families with children, who are in difficulty, can also apply for other types of social assistance benefits (means-testing benefits) if the eligibility conditions provided by the law are met. These programs are also presented in *Annex 2*.

143. Protecting the purchasing power of retirement income is achieved by periodical indexation of the pension point, taking in consideration the economic-financial situation of the country, in compliance with the provisions of the Law on fiscal-budgetary responsibility, and in line with the corresponding fiscal-budgetary strategy.

144. From September 1st, 2019 the pension point’s value increased to 1,265 lei; the evolution of the pension point’s value, starting with April 2001, is presented in *Annex 11*.

## **L. Measures to consolidate the adequate provision of social services**

145. Social services are delivered by public or private providers, accredited by the MoLSP according to the relevant legal provisions.

146. The social services provided are subject to licensing by the MoLSP or the agencies/authorities with responsibilities in the field (NARPDCA, NAEO, etc.), according to the legal provisions and to the minimum quality standards set by MoLSP Order for each type of social service.

147. The minimum quality standards used for the licensing of social services mainly concern the following aspects:

- The purpose of the social services and the specific of the activities carried out;
- The basic needs of the beneficiaries;
- The quality of life and the safety of the beneficiaries (the right to self-determination, the right to choose services, the right to be informed and consulted in decision making, etc.);
- The quality of the management and the competence of the specialized personnel;
- Respecting the economic-financial discipline.

<sup>15</sup> 1,263 lei.

148. As regards the records of social providers and services, MoLSP manages and permanently updates the Register of Accredited Providers and Licensed Social Services, called the Unique Electronic Register of Social Services, whose content is regulated by law.

149. An already finalised project allowed the MoLSP to map both the territorial distribution of existing social services and their related infrastructure and the need for social services and infrastructure, as well as the relative poverty rate and the in work poverty rate, for a individual-oriented decision. (see *Annex 12*)

150. Regarding the supervision, monitoring and evaluation of the quality of social services, the Social Inspection is the main control mechanism of MoLSP, with a role in identifying, evaluating, detecting, discouraging and remedying irregularities and deficiencies in the field of social assistance.

151. The controls of the social inspection are planned yearly in the field of social services but can also be triggered as a result of the petitions and notifications of the interested citizens / institutions. The Social Inspection makes the evaluation in case the evaluation/re-evaluation of a social service or its classification is requested. (See *Annex 7*)

152. Depending on the seriousness of the facts found during the inspections of social services, the social inspectors may order, as follows:

- Remedial measures, which are monitored until implementation;
- Suspension of the accreditation of the social service which represents the prohibition of its functioning for a determined period of maximum 3 months;
- Withdrawal of the accreditation of the social service which represents the prohibition of its functioning;
- Contravention sanctioning;
- Referral to other competent control institutions or criminal investigation bodies.

## **M. Fighting poverty**

153. As the current Strategy is approaching its term, MoLSP, together with the NSPAS experts (as part of an EU funded project) started in 2019 preparations for the design of a new Strategic Framework for social inclusion and poverty reduction for 2021–2027. Thus, MoLSP and NSPAS have performed a diagnostic analysis based on statistics, which represents the basis for a better support for public policies in this area. Based on this analysis, a new Strategy and Action Plan for Social Inclusion and Poverty Reduction for 2021–2027 had been drafted, which will be submitted for approval by Government Decision.

154. The national strategic documents adopted for the protection and promotion of children's rights or for the inclusion of persons belonging to Roma community also include measures to foster social inclusion and eliminate poverty; thus, the Action Plan corresponding to the National Strategy for Children's Rights includes a general objective dedicated to the promotion of social inclusion of children in vulnerable situations.

155. This implies increasing the access of poor children to basic services, understood to refer not only to social services but also to the educational and medical ones. Such inter-sectoral approaches include targeted measures addressed to children from vulnerable areas and also help decreasing the disparities between children from rural and urban areas.

156. Significant improvements were also brought to the legal framework dedicated to the social services; the introduction of provisions on the regulation, licencing, functioning and financing of the social services, of new minimum quality standards for all the social services contributes to preventing marginalization and social exclusion.

## N. Ensuring adequate housing for disadvantaged and marginalized groups, including Roma

157. Ensuring both access to adequate housing and standard living conditions is a permanent objective of the Romanian authorities, expressed constantly in their strategies for social inclusion and fight against poverty.

158. This objective is implemented through different programmes that the MoPWDA has started or has continued during the reporting period, respectively:

- The social housing construction program (carried out according to Housing Law);  
Access to renting social houses is granted to families or persons having a monthly net revenue below the average wage established at national level; the law provides the benchmarks in establishing the criteria by the public local authorities and explicitly prohibits segregation on any grounds, including race, and forbids forced evictions without due guarantees. Given that the implementation of the eligibility criteria, which is decentralised at the local administration level, can encounter inconsistencies, the reform in this field is also focusing on revisiting the eligibility criteria;
- Construction of rental housing units for persons under 35 years;
- Social housing construction program for the tenants evicted from nationalized houses;
- The pilot program “Social housing for Roma communities”, funded from the State budget for building 300 housing units for the Roma people in 11 localities from all eight development regions of Romania;
- Investments in housing units for vulnerable persons.

159. Details about these programmes are presented in *Annex 10*.

160. In this programming period 2014–2020, fighting against poverty and social inclusion has become much more pragmatic. Thus, the Regional Operational Program (ROP) 2014–2020, managed by MoPWDA as management authority, implements the Local Development under the Responsibility of the Community (Community-led Local Development – CLLD) mechanism, which finances investments in housing infrastructure, social economy, integrated community centres, education and degraded urban territory equipment for disadvantaged communities from the urban marginalised areas. The types of actions financed include building/rehabilitation/modernization of social houses. The budget allocated to Priority Axis 9 (ERDF + national contribution) is 79,05 million EUR.

161. MoPWDA, as the domestic competent planning authority in the field of regional and territorial development, took several steps in order to substantiate the directions in the field of housing.

162. The project “Efficient and transparent coordination and selection of infrastructure projects financed from structural instruments and from the State budget for the period 2014–2020”, carried out with the support of the WB, elaborated three reports on housing, namely : “Towards a national housing strategy”, “Coordination of governmental funds with European funds” and “Prioritization of programs and projects”. The reports make recommendations to address the gaps in the housing sector in Romania, to complement State investments with EU ones in this sector and propose a reform of the existing housing programs, as well as new ones.

163. The findings revealed that the reported stock of social housing in the responding municipalities was 29,167 social housing units (in legal terms), and 47,507 units, if also including public housing units with social character. Less than two thirds of responding municipalities (57%) report having any stock of social housing. Less social housing is registered in smaller cities. The presence of social housing correlated also with the level of development of the respondent cities.

164. Social housing registers, generally, full occupation (the total occupancy rate being 96–97%): 56–57% are rented to low-income families, with the other 40% being rented to other

target groups. 30% of social housing units was reported to have overdue utility bills, estimated at about EUR 2.8 million.

165. The recommendations made within the project described at paragraph 160, were included by MoPWDA in the draft of the National Housing Strategy.

166. Currently in internal approval process within MoPWDA, the draft proposes, among other things:

- The adoption of a general legislative framework, clarifying the eligibility criteria for accessing a social house (taking into account the income of the beneficiary);
- The use of public funds to aid those with insufficient income to cover their housing needs;
- The regulation of a minimum mandatory percentage of dwellings suitable for persons with disabilities and the elderly, from the total number of dwellings built by the local authorities;
- The prohibition of forced evictions from public property buildings without prior consultation of those evacuated and without the provision of alternative housing;
- Strict and transparent regulation of the modalities in which local public administrations can benefit from financial support from the State budget in order to ensure access to adequate housing for socially marginalized persons;
- Clarification on the obligations of the local administrative authorities to ensure the access to adequate housing for the socially marginalized persons, including by positive measures;
- Rulemaking necessary to establish a system for collecting periodic data by MoPWDA (transmission, collection, analysis) in order to substantiate the future policies and programs for financing social housing;
- Monitoring the need of different categories of people for different housing solutions.

167. To the latter end, MoPWDA will create a monitoring platform in the field of housing, which will oversee public investments in the housing sector as well as data on the existing housing stock and housing needs.

168. The authorities of the local public administration will have the obligation to make public, by displaying in a place accessible to the public, and / or on the institution's website, data on the number of dwellings that they own and manage, according to their destination, their degree of occupation, as well as the decisions by which the lists of the applicants who benefit of the respective public houses was approved.

### **Investments in standard living conditions**

169. Investments in the educational, sanitary and environmental infrastructure are carried out through the National Program for Local Development (NPLD), approved through GEO no. 28/2013. (See *Annex 10*)

170. According to statistics provided by MoPWDA, for the territorial units where the Roma population represents or exceed 20% of the population, the funds allocated through NPLD for the period 2013–2020 (phase I) are 661.188.076 RON for 206 objectives and for the period 2017–2020 (phase II) 988.624.869 RON for 270 objectives.

171. NAR setup a Task Force in the field of Roma Housing, in December 2018; this task force, functioning under the coordination of the Agency's President, is composed from representatives of central administrative authorities and institutions with attributions in the Roma inclusion field. The goal in establishing this Task Force is to develop, through it, tools and working methods with a view to contributing to an effective access to decent housing for Roma vulnerable communities, to assisting local authorities in their intervention missions during evictions and to offer technical assistance in implementing programs for the rehabilitation of housing facilities and for access to public utilities in Roma Communities.

### Informal settlements

172. In 2019, through an amendment to the Law on territorial planning and urbanism, the concept of “informal settlements” was legally regulated; the public administrative authorities, be they central or local, are under the obligation to identify such settlements and to make them a priority in their public policies on housing, access to infrastructure, public health and on personal security.

173. The amendment introduced a timetable for the authorities, to identify the land occupied by informal settlements and to elaborate the cadastre formalities; to update the database referring to the number of persons inhabiting the informal settlements, the immovable occupied by these persons and the typology of the settlements; and to inform the inhabitants of the settlement on the content of the law and consult them in establishing the responses adapted to the specific of the settlement and the needs of its inhabitants. In order to support the local authorities, a working tool designed to facilitate and order the collection of data on informal settlements, for a better knowledge, quantification and monitoring of their situation, was introduced.

174. After this phase, the next step consists of : clarifying the legal and economic regime of the plot of land occupied by the settlement, as well as the possibilities to regulate its situation; in case the regulation implies the settlement’s complete or partial dismantling, the local authorities must ensure the relocation of the inhabitants, through housing alternatives or support for the rebuilding of the housing units on plots of land made available by the public authorities that are equipped with utilities; the relocation process must be conducted with the inhabitants’ prior consultation on all possible relocation alternatives and with their approval.

175. In order to limit the expansion of informal settlements, the authorities must identify plots of land suitable for future inhabited areas or alternative housing solutions and inform the inhabitants of informal settlements on these options. In case the informal settlement is to undergo urban restructuring or regeneration, the authorities must initiate and coordinate the necessary actions to equip the settlements with access to public utilities.

176. At the same time, the projects and programs for informal settlements will be correlated with the social assistance programs that can target either an area affected by insalubrity, lack of services and poverty, or one or more categories of beneficiaries of social assistance measures, largely present in the informal settlement.

177. It is to be mentioned that, even before the concept of “informal settlement” became a legal one, in 2014, the MoPWDA funded a study<sup>16</sup>, which clarified the characteristic of an informal settlement and also mapped the existing such settlements in Romania.

178. According to the study, in 2014 there were approximately 1,198 informal settlements in Romania, out of which 953 (79.54%) were located in rural areas, and approximately 245 settlements (20.46%) in urban areas. Out of the 3,181 administrative-territorial units existing at national level, about half (49.5%) responded to the request to complete the questionnaire, while about 35% of them declared the existence of areas with informal settlements on their administrative territory.

179. These 1,198 informal settlements identified in the study at national level, concentrated 49,338 homes, occupied by 63,492 families. At the level of a territorial administrative unit, an average of two informal settlements was identified, and their territorial distribution at the county level varies insignificantly (between 1 and 3 informal settlements at each administrative-territorial unit level).

180. Moreover, also before 2019, an amendment brought in 2016 to the Law on cadastre and real estate provided the legal framework for allowing policy interventions in informal settlements for the benefit of inhabitants.

181. These new provisions introduced the gratuity of the initial registration in the Land Registry (which is free of charge) and the possibility to register the possession over an immovable property, in the absence of a formal title. This amendment created the legal

<sup>16</sup> Analysis of informal settlements in Romania – Assessing the current situation and the formulation of rules and tools of intervention.

framework necessary for formally considering, in technical documents, the possession right of buildings and/or land, including those in urban and rural informal settlements. Thus, legal mechanisms and steps are available, by which informal settlers (that lack the legal right of ownership), that meet the legal requirements, can become formal possessors of land/buildings and afterwards request access to public utilities.

## **O. Consolidating the domestic legal framework to provide minimum degree of security in case of forced evictions**

182. At part “Informal settlements” above (para 170–179), the Government presented the progress in regulating both the situation of informal settlements as a whole and the individual situation of their inhabitants.

183. In the following submission, the Government will present the essentials of the general normative framework regulating the eviction of tenants and the demolition of erections built without any authorization on land pertaining to State property.

184. Under civil law, unless otherwise provided by law, the eviction of the tenant is carried out according to a court decision, following an adversarial procedure. While the law distinguishes two cases for evacuation (namely the situation where a lease contract is, at least apparently, ongoing from the case where there is no or not anymore a title for the use of the immovable), and the procedure is simplified in the second hypothesis, for all the situations, the eviction can be decided only by a court, and an opposition to execution can be lodged. The former tenant can request the suspension of the eviction (in the simplified procedure, only after depositing a financial guarantee).

185. Regarding the eviction of tenants from the buildings dedicated to housing, according to the Civil Code, *no evacuation from the buildings dedicated to housing can be made from 1st of December until 1st of March of the next year, unless the creditor makes the proof that, for the purposes of the provisions of the housing legislation, he and his family do not have an adequate housing or that the debtor and his family have another suitable housing where they can move right away.*

186. This provision does not apply to the evacuation of persons who abusively occupy, without title, housing or of those found to put in danger the relations of cohabitation or seriously disrupt the public order.

187. In both hypotheses of eviction of tenants and former tenants, a judicial review is performed and judicial guarantees against an abusive eviction are stipulated.

188. In case a dwelling, shelter or other improvised structure is erected without any authorizations on land pertaining to State property, the said erection is to be demolished, without prior judicial authorization and other formalities, upon decision of the local administration. The decision to demolish the said erection can be challenged before the tribunals, in accordance with the law on administrative disputes.

189. In case of a complaint lodged against an administrative act, the interested party can request, from the moment she has challenged the act before the issuing authority, the suspension of the said act. Such a request can be presented before a court even before a judicial complaint is lodged.

190. The prefect of a county, as representative of the Government at local level, is empowered to verify the legality of the administrative acts of the county council, local council or of the mayor; to this effect, the decisions of the local council are communicated immediately to the prefect and to the mayor, but no later than 10 working days from the adoption date.

191. The prefect has the possibility to challenge before a court for administrative disputes the legality of the decisions of the local public administration; the formulation of such a challenge has an automatic suspensive effect.

192. Moreover, as the case-law of the ECtHR confirms, the domestic legal system offers access to justice and due process guarantees in case of a forced eviction from an informal

settlement, from alternative housing following an eviction of an informal settlement or from risky buildings.<sup>17</sup>

193. Special measures are taken by the local authorities in case of such an eviction:

- Providing solutions that offer the possibility of reasonable housing terms (keeping families together, preventing school dropout of children), in case the evacuation is caused by the necessity of demolishing building (and using the land for a different purpose);
- The inclusion of several provisions in local county decisions in order to establish measures to be taken in this type of cases and allocating a necessary budget for rent payment/financial support for families/evicted persons;
- Early communication of such decisions and facilitating dialogue between authorities and civil society through the active organisations in this field.

## **P. Access to water and sanitation**

194. From 2012 to 2018, the number of individuals having access to public water supplies grew with 1,412,000 persons and the number of individuals having access to sewage grew with 1,703,084 persons; the total length of the water supplies pipelines expended with 23,7%, from 68,299.3 km (in 2012) to 84,504.4 km (in 2018), with a 33% growth in the rural area. At the same time, the total length of the sewage pipelines expended with 55% and doubled in the rural area during the relevant period.

195. In 2013, the Government initiated the NPLD, coordinated by MoLPDA; the programme offers the legal framework for the implementation of projects of national importance, respectively projects supporting the regional development by carrying out infrastructure works, including water supply and sewage. (See *Annex 10*)

196. The program has covered, until present, two stages:

- The first stage was initiated in 2013, and starting with 2015 the investment objectives were financed by a multiannual programme; 1,629 investment projects, with a financed investment value of 5,574 million lei (over 1,1230 million EUR) covered the areas of water supply, sewage or integrated projects (for water supply and sewage). From them, 976 are already finalised;
- In 2017, a second stage of the programme was launched, with new investment objectives (separate from the first stage) and a larger financial envelope. 1,319 projects, with a financed investment value amounting to 8,578 million lei (over 1,842 million EUR) are being developed in the areas of water supply and sewage, from which 116 are already finalised.

## **Q. Progress in ensuring non-discriminatory access to an affordable, good quality and timely health-care system**

### **General remarks on the structure and financing of the health system**

197. The construction of the health social system in Romania was presented in greater detail in our previous periodic report.

198. People not insured benefit from the minimum service package, granted depending on different medical care tiers, package which consists of and includes primary medical care,

<sup>17</sup> Decision on admissibility in the cases of: *Cazacliu and others v. Romania* [Farkas and others v. Romania  \[and \\*Memet and others v. Romania\\*\]\(https://hudoc.echr.coe.int/eng#{\)](https://hudoc.echr.coe.int/eng#{)

outpatient specialist medical care for clinical specialties, as well as in-hospital medical care. Details on the content of the health minimum package. (*Annex 15*)

199. The medical service providers in contractual relations with health insurance agencies have the obligation not to cash in amounts for the medical services provided included in the service packages expensed from the Fund and for the documents issued as a result of granting these services.

200. In 2016, the Minister of Health approved the regional Plans for health services; their main goal is to ensure a fair and efficient distribution of outpatient and in-hospital services throughout the country, in order to improve the access to health services and reduce regional and county discrepancies. Following the collection of fresh data in 2017 and 2018, and after consultation with local administration representatives, the Minister created two working groups to update the regional Plans; for one region the updated Plan was already approved and for one other region the updated draft is about to be finalized.

201. The financial resources allocated for the health system increased yearly, as the table below show:

	2014	2015	2016	2017	2018	2019
The resources allocated to the health system (Million lei)	3 143 6	3 758 5	4 086 6	4 537 1	6 060	9 394 1

202. The MoH Order no. 1501/2016 introduced a feedback mechanism for patients in public hospitals; free of any charge, the randomly selected already discharged patients are requested to anonymously complete a form, on their satisfaction with the material conditions and the medical treatment received, as well as on the potential allegation of bribe request. If the response to the latter is positive, the individual is asked if she wants to press charges or complaint and MoH will contact her directly in order to clarify the case and notify the competent authorities. In 2016, ethical commissions were established in every public hospital, including in their composition civil society's representatives. The commissions would notify the competent authorities in case an offence was committed or the Medical College in case of potential *mal praxis*.

203. The domestic judicial authorities continued their efforts to combat corruption in the health sector, as proven by the number of criminal cases dealing with corruption offenses in this field and registered yearly before the prosecutor offices (252 case in 2014, 378 case in 2015, 392 cases in 2016, 310 cases in 2017, 290 cases in 2018 and 298 cases in 2019).

### **Rendering the access to health services accessible for all the population without discrimination**

204. Romanian health legislation provides that health care facilities must guarantee equal access of patients to medical care, without discrimination on grounds of race, gender, age, ethnicity, nationality, religion, political affiliation or personal aversion.

205. The NCCD practice shows a reduced number of complaints filed yearly on alleged discrimination in access to public health files; *Annex 9* details this practice and the solutions adopted by the institution.

206. Health represents one of the main intervention areas of the 2015–2020 *Romanian Government Strategy for the inclusion of Romanian citizens belonging to Roma minority*. The Strategy seeks to improve the access to basic, preventive and therapeutic medical services; to prevent sickness situations contributing to the morbidity and mortality levels affecting the Roma population and the diminution of risks thereof; to improve the local authorities capabilities in order to identify the needs and to address them; to prevent the discrimination of Roma in the health system.

207. Furthermore, the Strategy includes a component of information campaigns, in order to increase the use of family planning, especially by young Roma women and to implement women and child health interventions.

208. Every year, within the framework of the National Health Promotion Program of MoH, with the occasion of World Day of Contraception in 26 August, dissemination activities were carried out by the Public Health Directorates and implemented in collaboration with local partners. Through the support of community nurses and health mediators those activities targeted also women from vulnerable population.

209. Starting with 2016, each year the community nurses and the health mediators were trained for healthy eating and nutrition in vulnerable Roma communities; 4,500 kits, containing methodological instruments and covering 7 health promotion themes implemented in Roma population communities were distributed and 108,500 persons belonging to Roma minority benefited from a project developing the inter-sectoral collaboration for a better health status of the population, especially vulnerable groups.

210. The Roma health mediators are also contributing to the dissemination of basic notions on a healthy lifestyle, of information on the access of community members to health care and medico-social services and on public health campaigns (such as immunisation programmes, identifying transmissible diseases).

211. Another important vector in dissemination the essential information on the basics of child care and the benefits of breast feeding and vaccines, the advantages of the health insurance system, on healthy eating, in presenting the benefits of family planning and facilitating the communication with healthcare professionals is the community team. This team, consisting of a community nurses and a health mediator, monitors and supports, for medical or/and social issues, the most vulnerable persons.

212. The number of health mediators grew from 391 in 2014 to 456 in 2019 and of community health nurses from 982 in 2014 to 1694 in 2019.

213. These professionals assisted a constantly growing number of beneficiaries, as the table below indicates.

<i>Year</i>	<i>Total number of beneficiaries, out of whom:</i>	<i>Pregnant women and recent mothers</i>	<i>Children (aged below 18 years)</i>
2017	618 380	31 750	135 500
2018	665 412	30 950	147 443
2019	765 232	27 650	299 100

214. In order to consolidate this tool, MoH implemented several projects, complementing the national health mediation program, in 84 communities from 7 counties; these communities received support from a team composed of a health mediator and a community nurse, employed by the local authorities; their activity made possible an accurate assessment of the basic health needs of the community. Within the project already finalised, almost all the community teams were employed by the local mayoralty with salaries paid by MoH, securing the sustainability of the project and the community health centres were equipped with IT and basic medical equipment.

215. MoH implemented a project delivering guidelines for healthy nutrition and physical activity for children in schools and kindergartens, implemented through the community nurses, schools nurses and Roma health mediators who received special training. These activities were further implemented annually within the framework of the National Health Promotion Program.

216. Also, through a project ongoing until 2022 in 139 rural and small urban communities, with medium or severe marginalisation, persons affected by poverty will benefit, for 28 months, from medical-social-educational services, tailored to their identified needs (health, social assistance and protection, education, employment, housing and identity documents). The project is interrelated to another financing program, aiming at regional development, as the later one will finance the building or renovation and the equipment of the integrated community centres, the headquarters for the integrated community teams.

217. More details are presented in *Annex 15*.

### Preventing infant and maternal mortality

218. The National Health Strategy lists as its first strategic general objective the improvement of the health and nutrition of mother and child and reducing the risk of maternal and infant death. As such, pregnant women and young mothers (as well as children under 18 years old and other categories) are automatically insured in the healthcare system.

219. In the implementation of the Strategy, the National Institute for Mother's and Child's Health (NIMCH) partnering with UNICEF Romania, evaluated the social and medical causes for the infant and maternal mortality, identifying in particular premature births, small weight at birth for new-borns if the pregnant women, mostly socially vulnerable, did not monitored their pregnancy.

220. The basic services package available for the pregnant woman and the young mother are detailed in *Annex 15*.

221. These medical services provided during day outpatient admissions are available for every pregnant woman that is directed by the general practitioner to seek out an appointment with a hospital medical services provider in Romania that has a contractual relation with a health insurance agency, for the types of services that she needs.

222. According to the National Reproductive Health Survey (2016) – 2016 NRHS, 92,9% of pregnant women had prenatal care during pregnancy with 2% higher for women coming from the urban residence area. 74,8% of pregnant women had their first prenatal care visit in the first trimester of pregnancy, 11,4% in the second and 1,3% in the third trimester of pregnancy.

223. There is a positive trend of prenatal care in the first trimester of pregnancy for women coming from the rural area, from 54% in 1999 to 66% in 2004 and 71,5% in 2016.

224. MoH recommends a total of 10 or more prenatal care visits for a pregnant woman with a normal pregnancy. According to the 2016 NRHS, 30,9% of women reported 10 or more prenatal care visits in 2016, a percentage similar to 2004 ( 30,6 % ). There is an increase in pregnant women resident in the rural area who had 10 or more prenatal care visits comparing to 2004 (30,4% in 2016 vs 22% in 2004).

225. 86,5% of pregnant women received prenatal care from the OG specialist, 58,2% from the family practitioner, 10,3 from nurses and 4,7 % from midwives. There is a decrease in differences urban versus rural in prenatal care, staff offered services and number of services provided.

226. As genetic malformations is the third cause of death in children, MoH has organized 6 regional centres of medical genetics, financed from the government funds, through the national health programs, in order to increase the prenatal diagnosis and genetic counselling capacity.

227. The hospital medical services for giving birth are provided irrespective of the patient's insurance status or the existence of a sending medical note and are covered from the National Single Fund for Health and Social Insurance.

228. For the medical assistance of the premature children, MoH introduced a regionalized system of care in order to guarantee each neonate is born in a medical unit that can provide appropriate services, in order to reduce this significant part of the infant mortality. Training programs for professionals involved in mother and child care, including the establishment in 2016 of a centre of excellence for prenatal pathology within the National Institute for Mother and Child Health from Bucharest, are targeting the same objective.

229. As the most serious risk for the life of new-borns (0–3 month old) was identified as being the small weight at birth, and in order to standardise the medical care for this age group, since December 2017, NIMCH carries out, together with the CRED Foundation, the project "Hospital – Community, a continuous care flow for the new-born and infant presenting a higher risk of illness and death", with a budget of 2,065,619.45 EUR and an implementation period of 36 months. Within the project, 810 professionals from the medical field are benefitting from training sessions in order to develop their competence and offer adequate

medical services for new-borns and infants, so as to reduce the death toll and improve child health indicators; 5 clinical guidelines are to be written or updated on the topic.

230. In 2016, MoH implemented the “Mother and Child” national program with a budget of over 2.5 million EUR, designed to equip 123 hospital units (9 hospitals subordinated to the Ministry and 114 local hospital units) with 634 medical incubators. This program continued the achievements of the *Health Care Reform — Phase 2 Project*, implemented by MoH with the financial support of the International Bank for Reconstruction and Development (IBRD) and the European Investment Bank (EIB), targeting the renovation of maternity hospitals and neonatal health care facilities, the provision of medical equipment and technical assistance, and the training medical staff on delivering modern obstetrics, gynaecology and neonatology services.

231. Infant mortality rate in Romania constantly decreased from 2011 onward and registered in 2019 a significant drop, with more than one third compared to 2011 both in rural and urban communities. Statistical data broken down by gender and residence are presented in *Annex 15*.

232. Maternal mortality rate in Romania also decreased and halved in 2019 (10.6) compared to 2011 (25.5). (See statistical data in *Annex 15*)

233. The new born, as well as its mother, benefit from medical monitoring; regular visits from the medical staff at the residence of the child until he/she reaches one year of age are compulsory. The purpose is to closely monitor the child’s growth and development, train mothers to provide optimal conditions for the growth and development of the child, prevent abandonment, abuse, and neglect which would have negative consequences in the harmonious development of the child. According to the 2016 NRHS, 42,9% (a positive trend from 38% in 2004) of mothers received postnatal home care in the first 6 weeks after delivery, with no differences in urban or rural areas. During the home visits mothers receive information and counselling linked to nutrition, baby care and family planning issues.

## R. Sexual and reproductive health

234. The National Health Strategy, adopted in 2015, includes among its strategic goals the prevention and reduction of unwanted pregnancies, voluntary pregnancy termination and maternal death due to abortion. Measures aim at integrating family planning as part of the basic package services, free distribution of contraceptives programs and awareness campaigns.

235. The Strategy identifies the national family planning programme as one of its essential tool and lists the following priority measures in order to support this goal:

- The increase of the program’s planning and prognoses capacity and of the monitoring in the distribution of free contraceptive products, including the electronic evidence and reporting of existing stocks through centralised acquisition, ensuring the continuity in acquisition and distribution, diversification of the available contraceptive methods;
- Ensuring the access of eligible beneficiaries to contraceptive products distributed free of charge;
- The expansion of the territorial coverage of providers of integrated family planning services, particularly by training general practitioners working in the disadvantaged areas or with disadvantaged or vulnerable groups and by developing the family planning centres or practices’ activity and giving them supplementary competencies in the reproductive health’s field;
- Increasing the public’s awareness and knowledge about the reproductive options, particularly within the vulnerable groups with a higher risk of unwanted pregnancies.

236. The main objectives of the national family planning program was reducing the high number of abortions and abortion caused pathology, reducing maternal mortality, respecting the fundamental rights of women and improving the role of women in society, including

through providing free contraceptives. According to the 2016 NRHS, 38,7% of fertile women are using a modern method of contraception. There is a positive trend in current modern contraception use among fertile women starting with 23% in 1999 to 34% in 2004 and 38,7% in 2016. There is also an increase in modern contraceptive use among women in couple from 14% in 1993 to 30% in 1999, 38% in 2004 and 43,6% in 2018.

### **Prevention of mother to child HIV transmission**

237. The HIV surveillance system in Romania is carried out by nine Regional HIV Centres, which provide the clinical and biological assessment for all patients in active surveillance, as well as the establishment of the treatment schemes. The specific antiretroviral therapy is provided to patients through 51 infectious diseases hospitals and wards.

238. HIV pregnant women are provided with specific cares and services offered by the nine regional centres and by infectious diseases hospitals and wards that refer these patients to maternities in order for them to give birth properly and in safe conditions. New-borns to HIV positive mothers are under surveillance and monitoring for 18 months, via the nine Regional HIV Centres that ensure clinical and biological assessment, prophylaxis and treatment for those who remain with detectable viral load after the prophylaxis period.

239. In terms of monitoring instruments, starting with 2013 Romania has implemented the National Registry of HIV infected pregnant women and of HIV perinatally exposed new-borns. The Registry stores data on mothers and children, in dynamics, among which: maternal time of HIV diagnostics, virological and immunological evaluations close to the time of delivery, disease and therapeutic history, maternal coinfections, risk factors; evaluation in children consists in data on birth, baseline CD4 count and HIV-RNA and in dynamics and diseases progression under treatment (for those with detectable viral load).

240. Antiretroviral treatment for HIV women and pregnant women is provided based on the recommendations of the European AIDS Clinical Society's recommendations through EACS Guidelines. Prophylaxis in children exposed to HIV is given based on the national Surveillance Protocol for HIV exposed children, based on the recommendations released by the Paediatric European Network for treatment of AIDS (PENTA).

241. The latest national report on the status of the HIV epidemic in Romania, at the end of 2019, released by the Compartment for Monitoring and Evaluation of HIV/AIDS Data, highlighted a decrease in number of children born to HIV positive mothers, with 1.6 % of them exposed and infected. More detailed data are contained in *Annex 15*.

242. The methodology regulating the provision of healthcare services in the health social system includes, as preventive health services, services dedicated to pre-teenagers and teenagers, which comprise, besides preventive consults on the child's health, counselling and screening for STDs, for those with risk behaviour; laboratory tests for syphilis, information of the benefits of the optional vaccination against HPV or indication for HPV vaccination; counselling for family planning (for the teenagers who are sexually active).

243. The preventive consults for adults aged 18–39 include a family planning component, oriented depending on the expressed desire of the patient. For all patients, the practitioner will counsel on responsible sexual behaviour (protected intercourse). The objectives of identifying some significant risks related to reproductive health are to:

- Avoid unwanted pregnancies in women of childbearing age (18–39 years old);
- Plan wanted pregnancies for women of childbearing age (18–39 years old);
- Avoid risks of infections with sexually communicable diseases in high risk population.

244. The laboratory investigations that the insured can benefit from within the basic medical services package in the out-patient specialised health care for laboratory specialties include tests for determining a potential infection with hepatitis B or C, HIV testing for pregnant women; syphilis tests; tests on vaginal discharge; cervical-vaginal cytology Babes-Papanicolau.

245. NIMCH partnered with PartNET Association, SAMAS Association and the Association of Independent Midwives in the program RENASC [Reborn], implemented through June 2018–October 2019; the program made possible the building of a national network for promoting the reproductive health through integrated public policies, gathering 700 relevant persons from over 45 organisations, NGOs and public or private institutions. The program also includes insuring a better access to information and sexual education, as well as expanding the preconception and prenatal screening. The result of the program, namely the Action Plan for increasing the access to family planning services, was endorsed by MoH and will serve as a model for the next strategic policy framework and an operational plan for sexual and reproductive health in Romania 2020–2030.

246. The topics pertaining to sexual education are taught within mandatory school subjects such as *Biology, Civic education, Counselling and guidance*, or within corresponding optional school subjects provided at national, regional and local level or included in the educational offer of schools.

247. As of 2004, the optional school subject *Education for health* was introduced in all educational establishments. Some of the topics covered include: “Life plans: family, social relations, the impact of sexual life on the future”, “Reproductive health and the health of the family”, “Conception and pregnancy: the risks of pregnancy in puberty and adolescence for mother and child”, “Unwanted pregnancy and abortion: risks, family planning, counselling services”, “Responsible sexual behaviour”, “Sexually transmitted diseases”, “Violence in sexuality, sexual abuse”, “Forms of domestic violence (physical, emotional, sexual, social)”, “Pornography and prostitution”, “Legislation on sexuality” etc. During the period covered by the report, the optional school subject *Education for health* was taught on average in 2,300 schools annually, while the annual number of pupils who attended varied between approx. 110,000 and 246,000.

248. A 2020 recent legislative amendment of the law on the protection and promotion of the rights of the child introduces the obligation for all entities (be they within the central or the local administration, public or private) that have competencies in the field of health and education to take the necessary measures for the systematic implementation, at least semi-annually, of life education programs, including sexual education programs for children, to prevent the contraction of STDs and the teenage pregnancies. MoER has the corresponding obligation to facilitate the access of all students enrolled in undergraduate education to such life education programs.

## **S. Measures to improve effective access to primary and secondary education for all children**

### **General remarks on financing the education system**

249. The Law of national education introduced a minimum level for financing of the national education, set at 6% of the annual GDP, which was to be assigned yearly by Law. However, given the imperative of a maximal budget deficit and the need to balance all the expenses from the state budget, the implementation of this provision was postponed until 2021; the amounts have constantly grown, as indicated in the table in *Annex 16*. Additionally, the educational establishments (both of preuniversity and university level) may obtain and use autonomously their own revenues.

250. The financing of the national education is made both from the State budget and the budgets of the local public administrative authorities. The funding of the pre-university educational establishments has three components – basic, complementary and additional. The funding is made on the basis of the standard cost per pupil/ pre-school child, which is determined for each level of education, route and specialization/field; the value increase during the reference period, as well as details on the content of the 3 types of funding are shown in *Annex 16*.

251. The increases in teachers' salaries between 2014/15 and 2018/19 were of 181 % for pre-primary and primary teachers and 164 % for secondary teachers<sup>18</sup> (one of the highest percentages in EU).

#### **Access to free and quality education for all children**

252. The Education Law clearly prescribes that public education is free of charge (Art. 9) and that pupils and teachers in public education benefit from school textbooks free of charge, both for education in the Romanian language and for education in the languages of the national minorities, pursuant to law.

253. The *Framework Regulation on the organisation and functioning of pre-university educational establishments* provides that the committee of parents may decide to support financially the class or the school; this decision is not mandatory for the parents and can be put in practice only through the parents' legally constituted association. Moreover, the Regulation forbids the involvement of the pupils or the school staff in fund raising/management; the violation of the prohibition shall be considered a disciplinary offence.

254. A survey from 2018 conducted by Save the Children Romania<sup>19</sup> showed over 81% confirmation from the respondent parents that contributing to the school or class money is not mandatory; 72% of the parents were not making any voluntary payment to the school money and 44% to the class money.

255. Law no. 1/2011 provides that the education establishments may extend the educational activities for pupils through *School after school* programmes. The activities offered through this type of services include activities for strengthening the acquired competences or for accelerating learning, as well as remedial teaching activities. It also provides pupils with a safe space as an alternative to spending their free time in environments with harmful potential.

256. The funding of this program can be ensured from multiple sources, including from local authorities' budgets, and in the case of pupils from disadvantaged groups, from the State budget. (Details are presented in *Annex 16*)

#### **Access to primary and secondary education for all children, and measures to guarantee access for disadvantaged children, particularly Roma children and children with disabilities**

257. Additionally to the social support measures previously started, devoted to vulnerable groups<sup>20</sup>, the authorities identified new incentives to increase access and school attendance. These measures include:

- *Social vouchers* to stimulate the participation of children from underprivileged families in preschool education (kindergarten), starting from 2015 (50 lei / month, for a school attendance greater than 50%.);
- *Free school supplies* for children from socio-economic disadvantaged families: the project *School supplies for pre-schoolers and pupils – equal opportunities to*

<sup>18</sup> See [https://eacea.ec.europa.eu/national-policies/eurydice/sites/eurydice/files/teacher\\_salaries\\_2018\\_19.pdf](https://eacea.ec.europa.eu/national-policies/eurydice/sites/eurydice/files/teacher_salaries_2018_19.pdf) . The gross amount includes the contribution to the health system, social security and pension scheme.

<sup>19</sup> <https://www.salvaticopiii.ro/sci-ro/files/7d/7da9f60a-0725-43a7-b04b-a717ca489210.pdf>.

<sup>20</sup> free transportation (by school buses) for students from isolated communities to school / reimbursement of transportation expenses for student shuttle for distances up to 50 km;  
 - financial incentives for pupils who cannot receive education in their home towns;  
 - daily snacks for children in pre-primary, primary and lower secondary schools consisting of fruits, vegetables, milk and dairy products to pre-schoolers and to the students from the educational units;  
 - special scholarships for children from disadvantaged groups for stimulating the attendance of high school (180 lei/month); special scholarships for children who attend professional schools (200 lei/month);  
 - special financial support for children from disadvantaged groups to purchase a personal computer (200 lei);  
 - classes with reduced number of students in rural areas and in communities with minority population.

*education*, implemented between 2017 and 2019 by MoER offered school supplies packages to 51,539 pre-schoolers and school backpacks to 308,611 pupils in primary and gymnasium education (grades II-VIII). This project was a complementary support for the National School Supply Program, launched in 2002, and offering primary and gymnasium pupils attending fulltime classes in state educational establishments, school supplies packages at the beginning of each school year;

- From 2016, MoER implemented, in 50 State pre-university education units, a pilot program *Hot meal for students*, providing food support for pre-schoolers and students, with 54,709 beneficiaries in the 2018–2019 school year. Starting with February 2020, it was further extended to 150 schools.

258. Affirmative measures targeting the Roma pupils and youth previously launched have been continued, such as: the annual granting of distinct places for Roma pupils/students for admission in high schools / universities; the annual training of school mediators (generally, Roma ethnics); initial training of Roma youth through open distance learning / reduce frequency courses in order to become teachers in Roma communities, the annual training through intensive courses of teachers in the field of Roma history and language with UNICEF's support; annual support for providing education in Romani language in pre-primary and primary schools, as well as the teaching of History, Culture and Romani language at primary and secondary level.

259. Within the EEA Grants 2014–2021, the programme Education, Scholarships, Apprenticeships, Youth Entrepreneurship Programme – ESAYEP, which includes a component targeting Roma pupils (with a total budget of EUR 1,411,756) allowed for the funding of 7 projects on inclusive school and education, tolerance, multicultural environments, anti-discrimination and democratic citizenship, as well as training of teachers on related issues. Each of the funded projects includes the following activities which are to be carried out in the partner schools:

- The training of teachers working with Roma children on how to facilitate the inclusion of these children (pupil-centred teaching approaches, the inclusive school and the teaching in a multicultural environment, democracy and active citizenship education, human/ child's rights, tolerance, anti-discrimination);
- The elaboration of curricula and educational materials on multicultural and inclusive environment;
- Learning and awareness activities on the issue of anti-discrimination, as well as awareness and skills development activities on inclusion, jointly organised with the Roma and non –Roma parents.

260. The authorities continued the implementation of *the school mediation program*, dedicated to facilitating vulnerable/Roma children in education. In order to ensure the necessary number of such professionals, about 30 to 60 mediators are trained each year by MoER, through the Teacher Training Houses or in partnership with established NGOs. In the last four years, for example, 284 persons have been trained as school mediators. Currently, there are about 450 school mediators (from whom 75% are of Roma ethnicity) working annually in the educational system, in all counties.

261. Moreover, teachers, irrespective of their specialization, are offered yearly accredited trainings and courses on topics such as equal chances in education, interculturality and inclusion in and by education, human rights and child's rights. These courses and trainings also approach the topic of how to prevent and combat the discrimination and segregation of Roma people in education.

262. In 2016, the reform of the legal framework concerning school inclusion and desegregation was carried out. One of the outcomes was the adoption of the *Framework Order no. 6134/2016 on the prohibition of school segregation in pre-university education*, amending the previous ministerial regulation in this field.

263. The Order provides for the interdiction of all forms of school segregation, that is segregation based on educational performance, the socio-economic status of families, residence, disabilities, special education needs, besides the ethnical criterion. The order also

supplemented the existing legal framework by introducing relevant indicators on quality education and specific and relevant sanctions and stipulates the elaboration and the approval by ministerial order of the *Methodology on the monitoring of school segregation* for all the criteria mentioned above and of the *Methodology for the prevention and intervention in school segregation cases*, respectively.

264. The Order no. 6134/2016 set up the *National Committee for Desegregation and Educational Inclusion* – a specialized structure of MoER, whose general aim is to prevent school segregation and whose task, among others, is to endorse the two above mentioned methodologies. The *Methodology on the monitoring of school segregation* was endorsed in 2019.

265. The Order also strengthens the role of county school inspectorates in preventing and eliminating all forms of school segregation, as well as the role of the *Commissions for the prevention and elimination of violence, corruption and discrimination in the school environment and for the promotion of interculturality*, which function in each educational establishment. These commissions are laid down in the *Framework regulation of the organization and functioning of pre-university educational establishments*, and function on a permanent basis since the school year 2016–2017.

266. Affirmative measures implemented on an ongoing basis include: the creation of mixed groups / classes in pre-primary, primary and lower secondary school (the creation of Roma groups/classes/schools on grounds related to the study of Romani language and/or the Roma history and traditions is prohibited); the collaboration with school mediators or other community representative for carrying out school censuses, while encouraging Roma parents to enrol their children in school each year; the reservation of a number of places in all classes, in order to accommodate the late school enrolment of children; the prohibition of enrolling Roma pupils in special education groups/classes and special integrated education schools, by means of abusive and unprofessional diagnosis of Roma pupils as having learning difficulties; the sharing of school premises and facilities by all students, regardless of their ethnicity.

267. From the school year 2017–2018, the methodology concerning the enrolment of children in primary education, provides that the county school inspectorates may decide upon the reconfiguration of school districts to eliminate the possibility of school segregation based on the place of residence.

268. Taking into consideration the early childhood education’s fundamental role in developing children’s readiness for school, the authorities concentrated part of their efforts in ensuring that children are enrolled in kindergartens. After the completion of the 2007–2013 *Inclusive Early Childhood Education Project*<sup>21</sup> and of the “*All in kindergarten, all in first class! – Integrated programs to increase access to education and the educational level of children in deprived communities, especially Roma*”<sup>22</sup>, and building on the 2010–2015 “*Every Child in Kindergarten*” program<sup>23</sup>, the Government proposed a new incentive to stimulate the access of children from disadvantaged or vulnerable groups to education – the social ticket for the kindergarten.

269. A 2019 amendment to the Law of National Education provides that the upper group in pre-school education will become mandatory by 2020 at the latest, the middle group by 2023 at the latest, and the lower group by 2030, respectively.

270. In addition, other types of educational support programmes are being implemented in disadvantaged communities, including Roma communities, in partnership with NGOs (*Each child deserve a story and Șotron Summer Programs* – OvidiuRo Association and *Romania Grows with You Program* – Centre for Education and Professional Development Step by Step, ISSA, UNICEF, Jacobs and Botnar Foundation).

<sup>21</sup> funded by WB and the Government of Romania and reaching out to 2,000 children, 1,500 parents and 2,500 teaching and medical staff.

<sup>22</sup> that ensured the participation of over 8,400 children from rural areas, at risk of early school leaving in the activities of the 423 summer kindergartens in 2010.

<sup>23</sup> piloted between 2010–2015, by the OvidiuRo Association in partnership with More.

271. The County Inspectorates for Education, in cooperation with schools, town halls and NGOs implement annually, since 2000, the Programme *Summer Kindergartens*, targeting children from disadvantaged groups, in particular Roma children who have not attended kindergarten. During the activities offered, the focus is on ensuring the school readiness of children and on improving their language proficiency in Romanian. Complementary social measures are also ensured during the programme, such as the provision of meals, school supplies, and occasionally, clothes and footwear.

272. With a view to improving the quality of pre-school education and of developing the corresponding necessary infrastructure, in 2009 MoER started the implementation of the *Project on the Reform of the Early Childhood Education in Romania* (PRET), which is to be completed in December 2021. The Project's objectives include the training of pre-school teachers and staff, and the provision with education materials and the building of new establishments for 400 kindergartens. The training of over 60,000 pre-school teachers, carers/assistants and principals was completed in March 2019; 7 specific training modules were elaborated, a network of 325 Resource Centres for Education and Development was set up and 12,500 educational units organising preparatory classes were provided with teaching materials.

273. The component concerning the infrastructure rehabilitation and the development is to be completed by 31 December 2021. At present, 229 kindergartens have been finalized, while 139 are under construction.

274. In August 2019, a new *Curriculum for early childhood education* (covering the age range 0 to 6 yrs.) was approved. The new curriculum ensures an updated and improved vision on early childhood education, and has an explicit focus on developmental domains (cognitive, physical, language and literacy, socio-emotional and capacities and attitude in learning) and on free play and individual support for development and learning.

275. In order to further support the secondary school students from vulnerable groups, MoER implements, during 2015–2022, the *Romania Secondary Education Project* (ROSE) (with an estimated cost of 200 million euros, financed entirely through a loan from IBRD). (presented in greater detail in *Annex 16*)

276. The project aims at reducing the school drop-out in secondary and tertiary education and at increasing the passing rate of the Baccalaureate exam and covers two types of interventions: *i.* Systemic and school level interventions and *ii.* university level interventions (for public higher education institutions).

277. Within the first component, 728 grants are currently under implementation, amounting to 333,530 mil lei; starting 2017, over 143,653 students (out of which 74,801 girls) from the beneficiary high schools participated in the pedagogical, support and extracurricular activities organized in order to support students' transition from upper secondary to tertiary education, the increase of school attendance, and the graduation and baccalaureate passing rate.

278. The analysis of the project development indicators collected at the end of academic year 2018–2019 (2nd year of implementation) shows progress in many of the project supported institutions:

- The dropout rate in the project-supported schools diminished from 6.5% to 3%;
- The percentage of high schools with dropout rate above 7% diminished from 23,1% to 15.52% in project-supported schools;
- The average graduation rate increased from of 86.9% to 95.57% in project-supported schools;
- The average baccalaureate passing rate, increased to 62.93% in project-supported high schools (from 49.6%).

279. The sub-component targeting systemic interventions supports all high schools in improving the transition rate to higher education, by reviewing the upper secondary school curriculum and updating the assessment and evaluation tools. The participation of Romanian

pupils to the international assessment TIMSS in April-June 2019, as well as the participation of Romanian students in PISA 2022, are financed through this sub-component.

280. The component dedicated to university level interventions supports activities that respond to the needs of students at high risk of dropping out of university during their first year of study, especially those from disadvantaged groups.

### **Preventing dropout and combating its negative effects**

281. Although the targeted reduction of the early school leaving (ESL) rate, set by the National Strategy to 11.3% for 2020, was not met, the evolution of this indicator has been downward in the period 2015–2019. Thus, the early school leaving rate has decreased from 19.1% in 2015, to 15.3% in 2019.

282. To date, the implementation of the Strategy has been evaluated during three monitoring exercises, conducted in 2017 (which also covered the years 2015 and 2016), 2018 and 2019. (see *Annex 16*)

283. In 2017, MoER launched the large-scale project *Relevant Curriculum, Open Education for All (CRED)* (see *Annex 16*), within the ongoing curricular reform. Its general objective is to prevent early school leaving by means of systemic measures targeting the innovative and sustainable implementation of the new curriculum. The project will provide in-service training for 55,000 primary and secondary school teachers on the methodological approach focused on key competencies, in line with the new curriculum and adapt learning activities to the specific needs of each student, including those at risk of dropping out of school. An area that MoER constantly paid due attention to is the improvement and further development of *Second chance programmes*, targeting children/youth/adults who have not completed their compulsory education. Annually, the number of beneficiaries ranges between 5,000 and 7,000, of whom about 60% are Roma ethnics: 2015 – 12,597 participants in 287 schools: 2016 – 4,983 beneficiaries for primary education and 8,366 beneficiaries for the lower secondary one; in the 2017–2018 school year – 2,130 young people benefited of primary education and 3,525 young people benefited of lower secondary one.

284. Also, during 2019, two calls for projects of *second chance* education type were launched:

- The *Second chance education measures* will finance projects for appropriate Second Chance educational programmes, with a total financial allocation of EUR 163,454 mil., of which EUR 144,995,431 for the projects dedicated to less developed regions;
- The call *Second chance education measures for NEETs young people* is dedicated to projects supporting them to graduate compulsory education, with a special focus on people from rural areas and those belonging to Roma minority, with a total allocation of EUR 122,5 million (out of which EUR 118,6 million for the less developed regions).

285. In 2016, MoER launched two calls for competitive projects which support the *National Strategy for the Reduction of Early School Leaving*, aimed at reducing and preventing early school leaving and promoting equal access to quality education, namely “*Motivated teachers in disadvantaged schools*” and “*School for all*” (see *Annex 16*). Their implementation focuses on providing support to pupils and teachers faced with school dropout and started in 2018.

### **Linguistic and cultural rights of national minorities**

*Enabling national minorities to express and develop their culture, traditions and customs in their own language*

286. During 2014–2019, several laws introduced celebratory days for the majority of minority languages (Slovak, Czech, Bulgarian, Hungarian, Serbian, Turkish, Yiddish, Macedonian, Ukrainian, Greek, and Romani). In celebration of these days, cultural events take place in villages and towns inhabited by persons belonging to national minorities and the public radio or television broadcasting companies are encouraged to include in their programmes dedicated shows or transmissions from these events.

287. Moreover, DIR organises yearly events to celebrate the minorities' languages and their study: the International Mother Language Day, the *LiguaFEST* event, the Ethnic Diversity Stand (during the International Educational Book Fair "*GAUDEAMUS*" and dedicated to national minorities' literature, press and traditions).

288. The support to national minorities' organisations continued to be significant and is focused on two major goals, namely to stimulate dialogue and cooperation among all ethnic groups and also between the majority and national minorities, and to ensure international participation in the intercultural dialogue, promoting the expertise Romania acquired in this field.

289. In the period 2016–2019, 15,5 million lei were allocated to finance inter-ethnic activities and projects, promoting the cultural, linguistic and religious identity as well the rights of persons belonging to national minorities to combating the intolerance. These projects aimed mainly at:

- Promoting inter-cultural dialogue nationally and abroad, consolidating the cooperation between national minorities and the majority;
- Advertising enhancing the material and spiritual cultural heritage of national minorities; and
- Championing the inter-cultural education through informal methods and through cooperation with the public education system.

290. DIR implemented by its own 59 projects, cooperated with other institutions and with NGOs on 50 projects and financed, through non-reimbursable funds, 206 projects submitted by NGOs.

291. Moreover, DIR supports the 18 organisations of national minorities by allocating funds to finance some of their activities, in relation to publishing books, textbooks, schoolbooks in the minority language or bilingual, promoting broadcasts via radio or television, organising cultural, scientific events in Romania or abroad; the Department also finances the national contribution to European funded programs implemented by the organisations of national minorities and aiming at developing the community. For the period 2016–2019, the financial support amounted to over 456 million lei. The organisations retain the liberty to decide on the particular purposes and on the amounts spent on each category of activity.

292. As far as access to mass-media and expression by the persons belonging to national minorities of their culture and traditions, in their own language, are concerned, the Audio-visual Media Law stipulates the obligation of broadcasters to provide space for broadcasts targeting the 20 minorities recognised in Romania, so that their language, faith, traditions and customs should be representative in the audio-visual media.

293. The programmes produced and broadcasted by the Romanian Television Corporation (TVR) play an important role in disseminating the identity message. According to the TVR Activity Report for 2018, the TVR sets in the country and the one in Bucharest allocated slots for programmes for minorities.

294. The TV programme services broadcast materials in national minority languages, mainly in Hungarian – in localities from the counties of Covasna, Harghita, Mureş, Cluj, Maramureş, Satu Mare, Bihor, Braşov, Arad. There are also programmes for the Roma, German, Serbian, Turkish, Ukrainian, Russian-Lipovan, Czech, Slovak, Bulgarian, Croatian, Tatar and even Italian population.

295. Mention should be made that, among private broadcasters, 29 TV programmes broadcast only programmes in Hungarian (of which 3 are videotext only), and 13 TV programmes broadcast materials in the languages of national minorities: Hungarian – 13, German – 6, Bulgarian – 1 and Roma – 1. There is also a niche Italophone channel, bilingual for Romania – Telestar 1, with national and international coverage.

296. As for the radio programmes, the National Audio-Visual Council granted 36 audio-visual licences for broadcasting Hungarian-only programmes in localities from 9 counties. Also, 33 radio programmes broadcast materials in the languages of national minorities, as

follows: Hungarian 24, German 2, Romani 9, Aromanian 4, Serbian 2 and Turkish 1. To these, we add the radio programmes produced and broadcasted by the Romanian Radio Broadcasting Corporation (SRR) through the “*Hungarian-German Programme*”, in Hungarian and German, and through the regional sets, which broadcast radio programmes for the local communities, in 17 minority languages.

297. DIR also finances, on a recurrent basis, various projects initiated by NGOs or cultural associations, for the training of editors of the national minorities’ mass-media, for the promotion of cinematographic creation and of contemporary art in an interethnic environment.

298. In 2014–2019, through the Programme for Priority Projects and the Programme for Urgent Cultural Needs, MoC supported the implementation of about 110 cultural projects which had as overall objective to gain knowledge about and to promote traditional folklore, festivals and other forms of expression and specific initiatives in or related to regional or minority languages.

299. The financial component for the implementation of such projects under the Programme for Priority Projects and the Programme for Urgent Cultural Needs of MoC is presented below:

Year		2014	2015	2016	2017	2018	2019
Amount	LEI	380 000	280 000	441 097	420 000	355 000	535 000
	EUR *)	85 500	63 000	98 220	92 000	76 295	112 745

\*) At the annual average currency exchange rate.

300. Many of the cultural events implemented provide a creative and comprehensive reflection of the vision to promote dialogue between cultures, ethnic diversity and interdisciplinary interaction in promoting ethnic identity by capitalising on the movable and immovable cultural heritage and by using both contemporary and traditional means of expression.

*Measures to encourage knowledge of the history, traditions and culture of various groups through education and access to information*

301. As indicated in Section I, the legal framework recognizes the right of every person belonging to a national minority to study in their mother tongue at all levels and forms of education; amendments brought to the law in 2018 consolidated the organisation of education for pupils studying in their mother tongue or studying their mother tongue as a school subject. In this respect, the standard cost per pupil/ pre-school child used when granting the basic funding to the pre-university education establishments where the teaching is done the languages of national minorities, is calculated according to an increased coefficient based on correction factors which take into account the teaching in the national minority language or of the national minority language.

302. The reorganisation or the dissolution of any study groups, including those belonging to the education in mother tongue, can only take place with the approval of MoER, the Education Commission of the National Minorities’ Council and the organization representing the national minority in the Romanian Parliament.

303. Within the national curriculum reform started in 2012, the school syllabus for the discipline History for the 4th grade (primary education) was revised in order to better reflect the different dimensions of diversity, including the ethnic one and includes topics such as: “*Peoples yesterday and today: “Dacians, Romans, Greeks, Gauls, Slavs, Turks, Romanians, French, Hungarians, Germans, Russians, Serbs, Bulgarians”*”.

304. At the same time, the school syllabi for the school subject History, studied during the lower secondary education (grades 5–8) was also revised and now include history elements related to the national minorities: “*Ethnic and religious diversity in Romanian territories*”, “*National minorities in Romania*”, “*Holocaust in Romania: Jews and Roma*”. Pupils learning in schools/sections teaching in their mother tongue, or who study their mother tongue as a school subject in schools where teaching is provided in Romanian, have in the core

curriculum for grades 6 and 7 the school subject *History and Traditions of Minorities*, corresponding to each national minority.

305. The *Intercultural education* school subject was introduced in the 6th grade curricula, focusing on the values and principles of an intercultural society and classroom practices that enable students to capitalize on their own culture and of appreciating other cultures (minorities, migrants, etc.).

306. Pupils also have the opportunity to choose from the Curriculum at the school's decision (CDS) for secondary education level, disciplines as: *Oral history – Lived History – Narrated History, Intercultural Education, History of National Minorities, and History of Jewish People. The Holocaust*, etc.

307. According to the Law, teachers who teach in the language of national minorities have the right to training and development in the language of instruction, in the country or abroad.

308. The continuous training of teachers is ensured by means of trainings provided by school inspectorates, Teacher Training Houses, universities, as well as with the support of national minority unions or national minority teacher unions. In 2018, the *Continuous Teacher Training Centre in Hungarian* was set up in Oradea, providing upgrading activities and continuous training for teachers and auxiliary staff teaching in Hungarian.

309. Within the CRED project, one of the guidelines for the implementation of the new curriculum is dedicated to the History and traditions of minorities. In order to support history teachers teaching this optional course, a teacher handbook was elaborated, at the initiative of *Project on Ethnic Relations* and of DIR.

310. DIR developed projects to support the training on multicultural education for teachers as well – a guide on intercultural education for trainers and teaching staff, interactive training sessions approaching non-discrimination, human rights.

311. Moreover, DIR partnered with MoER and with the national minorities' organisations in an online campaign to facilitate access of parents and students to education in a language of a national minority and to develop the communication skills in the mother language. Thus, practical information on necessary documents, enrolment schedule, the educational units teaching in mother languages are posted on the Department and on the MoER sites.

*Measures to encourage knowledge of the history, traditions and culture of the Roma community, living in the State party*

312. Regarding the learning of Romani language and of the specific history and traditions as factors enabling inclusion, Roma pupils have the possibility to study in the Romani language (primary and lower secondary level) in certain counties, as well as the possibility to study the Romani language, history and culture, as additional school disciplines, in 39 counties.

313. During the last three years (2017–2019), between 7 and 10 preschool groups, offering bilingual teaching, have been organised annually in eight counties, totalling 210–225 children each year.

314. Regarding the teaching of Romani language, courses on Romani language and their corresponding teaching methodology took place constantly, as well as teaching the Romani language or in this language, including the Romani History and the Traditions school subject. The courses for romanipen on education are constantly offered by the Teacher Training Houses. For example, in 2019, 16 such courses were provided, which were attended by approximately 600 teachers.

315. Furthermore, in the implementation of the National Strategy for Roma inclusion, DIR started in 2016, in cooperation with MoER, a project platform focusing on the Romani language: *The Romani mother tongue, Roma history, traditions and customs in the intercultural educational context of the undergraduate education*.

316. DIR also co-organised the National Conference of Roma Youth, an event offering to young Roma students the opportunity to get acquainted with the Roma history, traditions and ethos, and to familiarise themselves with modern leadership knowledge, in order to stimulate

young representatives of the community to assume the position of community representative at local/county/national level.

## **IV. Other recommendations addressed to the State Party**

### **A. The development assistance offered by Romania**

317. As a European Union (EU)'s member State, Romania committed to provide official development assistance in an amount that is to reach 0.33% of its gross national revenue by 2030; this commitment derives from the collective engagement within the European Council, that established for the States adhering to EU before 2002 a 0.7% threshold and for those adhering after a target of 0.33% by 2030. As such, at present, Romania is at a 0.11% level, but registered a net growth in the amount of official development assistance of 1.075 billion lei in 2019 (with a net amount of 980.9 billion lei in 2018 and 889.7 billion lei in 2017).

318. The projects implemented in 2011–2019 for the benefit of developing countries, through training and expertise transfer, had all a human rights component: the reform of the penitentiary system in Libya (2013–2014), protection of children's rights in R. Moldova and Georgia (2014), youth's rights in R. Moldova (2014, 2016) women's rights and peace and security issues (2017, 2019).

319. Social rights were at the heart of a series of projects implemented by domestic authorities for the benefit of third countries:

- College doctoral/postdoctoral scholarships, fees exemptions and Romanian learning courses for students from developing third countries (these scholarships and educational benefits represented 80% of the bilateral development assistance); rehabilitation of educational buildings in R. Moldova (2014–2018);
- Realisation of a decent standard of living through access to drinkable water for Syrian refugees in Iraq, feasibility studies for the operationalisation of purifying water stations, food aids;
- Financial contributions to WHO, UNFPA and SEEHN, as well as rehabilitation of regional hospitals in Ukraine and R. Moldova and their equipment with medical apparatus.

### **B. Dissemination of the concluding observations**

320. The Concluding Observations from 2014 had been disseminated to the national authorities, and, as indicated in the first part of this report, a large range of institutions contributed to this report.

321. In 2020, MFA signed a Memorandum of Cooperation with the European Institute in Romania, an institution with extensive expertise in legal international and European translation, to begin the translation into Romania of the most relevant documents from the monitoring process at UN level; as such, concluding observations, general comments, thematic reports, UPR recommendations will be gradually translated into Romanian and made available online, on the Institute's website. Moreover, they will be forwarded to the national authorities for implementation.

### **C. Ratification of additional human rights treaties at UN level**

322. Regarding the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families, we note that the basic principles expressed in the text are comprised in the existing national legislation which is in line with EU regulations in this area. Romania remains fully committed to the protection of rights of members of all vulnerable groups, including migrants.

323. As far as the Optional Protocol to the Covenant is concerned, the Romanian party is still in the process of evaluating the changes such ratification would imply, from the domestic remedies perspectives and given the complex character of the obligations entailed by the Covenant.

324. Romania initiated the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the process is still in its early stages, therefore it is not possible to provide a calendar for the deposit of the instrument of ratification.

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