

DOTCOM: The Disability Online Tool of the Commission

Romania

A. UN Convention status

A1. Ratification or conclusion of the UN Convention

Romania ratified the UN Convention on the Rights of Persons with Disabilities in November 2010 (Law no. 221 from 11 November 2010, for the ratification of the UN Convention on the Rights of Persons with Disabilities, published in the Official Gazette no.792 from 26 November 2010).

Links

Law 221/2010 on the ratification of the UN Convention on the Rights of Persons with Disabilities

<http://lege5.ro/Gratuit/geztqnzggi/legea-nr-221-2010-pentru-ratificarea-conventiei-privind-drepturile-persoanelor-cu-dizabilitati-adoptata-la-new-york-de-adunarea-general-a-organizatiei-natiunilor-unite-la-13-decembrie-2006-deschisa-s>

A2. Ratification or accession to the Optional Protocol

Romania signed the Optional Protocol on 25 September 2008, but has not ratified it to date.

Links

The map on ratifications of the Convention on the Rights of Persons with Disabilities or its Optional Protocol

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

A3. Declarations, Reservations and Objections

Romania did not register any reservations or objections during the process of ratification of the UN Convention on the Rights of Persons with Disabilities

A4. Comprehensive review

Romania has not yet done a comprehensive review on the implementation of the UN Convention on the Rights of Persons with Disabilities. In 2016, the Monitoring Committee of the convention was established. In 2018, it released its first activity report. The Institute for Public Policy (IPP) issued several annual shadow reports (in 2011, 2012, 2013, 2014, and 2015) on the CRPD implementation in Romania.

Links

IPP shadow reports

<http://www.ipp.ro/raport-de-monitorizare-a-stadiului-de-pregatire-a-romaniei-pentru-aplicarea-conventiei-onu-privind-drepturile-persoanelor-cu-dizabilitati-editia-a-iii-a/>

Monitoring Committee Report 2018

https://www.senat.ro/UploadFisiere/a1fdcf02-e163-4dbd-a814-a712d5bac559/Raportul_activitate_al_Consiliului_de_Monitorizare_privind_drepturile_pers_cu_dizabilitati.pdf

A5. Focal point

The focal point in relation to the implementation of CRPD in Romania is the National Agency for Persons with Disabilities, governmental body under the Ministry of Labour and Social Justice, set up in 2015.

Links

Website of ANPD (National Agency for Persons with Disabilities)

<http://anpd.gov.ro/web/>

A6. Coordination mechanism

The coordination mechanism for matters relating to the implementation of the UN CRPD is the National Authority for People with Disabilities. It coordinates activities and develops policies and strategies on the rights of persons with disabilities.

Links

Law 221/2010 on the ratification of the UN CRPD

<https://lege5.ro/Gratuit/geztqnzqgi/legea-nr-221-2010-pentru-ratificarea-conventiei-privind-drepturile-persoanelor-cu-dizabilitati-adoptata-la-new-york-de-adunarea-general-a-organizatiei-natiunilor-unite-la-13-decembrie-2006-deschisa-s>

A7. Independent mechanism

On 21 December 2015, the Senate has adopted a bill regarding the establishment of the Independent Monitoring Mechanism (The Monitoring Committee) of the UN Convention.

Links

Emergency Ordinance no 48/2014 for the amendment of Law 35/1997 on the organisation and functioning of the Ombudsman

http://www.dreptonline.ro/legislatie/oug_48_2014_modificare_lege_35_1997_institutia_avocaturii_poporului_acte_normative.php

Law on the establishment of the mechanisms provided by the CRPD

<https://www.senat.ro/legis/PDF/2015/15L303FS.pdf>

A8. Official reporting

Romania has not yet released an official report on the implementation of the UN Convention on the Rights of Persons with Disabilities. The Monitoring Committee released its activity report in 2018 (two years after its foundation). According to the National Disability Strategy, adopted on 14 September 2016, an official report is expected to be issued annually by the National Authority for Persons with Disabilities. The methodology and monitoring tools should be approved by the Order of the Minister for Labour and Social Justice (issued annually, before launching the report).

Links

State reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=143&DocTypeID=29

Link to all UN reporting cycle documentation

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=143

Monitoring Committee Report 2018

https://www.senat.ro/UploadFisiere/a1fdcf02-e163-4dbd-a814-a712d5bac559/Raportul_activitate_al_Consiliului_de_Monitorizare_privind_drepturile_pers_cu_dizabilitati.pdf

A9. Shadow reporting

No civil society reports have yet been submitted to the UN Committee. The Institute for Public Policy (IPP) has produced several annual shadow reports since 2011. The fifth edition of the monitoring report on the state of preparedness for the implementation of the UN Convention was published in December 2015.

Links

Civil society reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=143&DocTypeID=14

The IPP monitoring report on the state of preparedness for the implementation of the UN Convention on the Rights of Persons with Disabilities

<http://www.ipp.ro/raportul-privind-implementarea-conventiei-onu-in-romania-editia-a-v-a/>

B. General legal framework

B1. Anti-discrimination legislation

Equal rights for persons with disabilities in Romania, as well as the prevention of any form of discrimination, is ensured through the Constitution (article 16, Equality in rights); Law no. 448/2006, on the protection and promotion of rights of persons with disabilities; Ordinance 137/2000, approved by Law 48/2002 regarding the prevention and sanctioning of all forms of discrimination (as amended); Law no. 202/2002 regarding the equality of chances between women and men. Ordinance 137/2000 was the first legal text used effectively in Romania for sanctioning discriminatory measures in relation with persons with disabilities, well before the release of the specific Law on the protection of the rights of persons with disabilities (448/2006).

Links

Constitution of Romania

<http://www.cdep.ro/pls/dic/site.page?id=339>

Law 448/2006

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

Law 48/2002

http://legislatie.resurse-pentru-democratie.org/48_2002.php#77_2003

Ordinance 137/2000

http://www.dreptonline.ro/legislatie/og_137_2000_prevenire_sanctionare_forme_discriminare_republicata.php

Law 202/2002

http://legislatie.resurse-pentru-democratie.org/202_2002.php

B2. Recognition of legal capacity

Legal capacity is regulated by the Civil Code, which was lastly updated in November 2018. Persons with disabilities whose legal capacity is restricted through court orders do not enjoy full liberties in Romania, in the sense that they cannot vote or sign legal documents, they cannot decide for themselves about a number of juridical and medical matters and they cannot marry or adopt a child. These persons benefit from two possible measures of juridical protection measures: 'tutela' (guardianship) and 'curatela' (trusteeship). The Civil Code introduced in 2011 a new measure called a 'family council', which advises the legal guardian in all matters related to the protection of rights and interests of persons with disabilities. Guardianship is usually a permanent measure, and the law does not mention a regular (mandatory) review of decisions, or the possibility of specific exemptions related to the legal rights of a person with severe intellectual disabilities.

Links

Civil Code of Romania (as amended)

<http://legislatie.just.ro/Public/DetaliiDocument/210104>

B3. Accessibility of voting and elections

The right to vote is guaranteed by the Romanian Constitution (Article 36(1)), for all Romanian citizens over 18 years of age. Persons with intellectual disabilities, who are not accorded full legal capacity (following a court order), do not have the right to vote (Constitution of Romania, article 36(2)). For all persons with disabilities, who are entitled to vote, specific accessibility conditions need to be ensured on voting days such as access ramps within buildings where polling stations are arranged, voting booths with dimensions that allow entry to wheelchairs, tables that have appropriate height for people voting in the wheelchair, curtains covering the voting booths. A mobile team from the electoral bureau may be deployed at the person's home, if the person has mobility difficulties. Actually, during the 2014 and 2016 electoral process, mass media and institutions acting in this field reported very serious problems occurring when people with disabilities wanted to vote because of lack of accessibility.

Links

The Constitution of Romania

<http://www.cdep.ro/pls/dic/site.page?id=339>

Law 448/2006

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

B4. Official recognition of sign language

Sign Language is officially recognised in Romania since 2017 when it was issued the Government Act no 51/2017, following the ratification of the UN Convention.

According to Law 448/2006 (article 61(f) and article 69), public authorities, as well as public and private organisations and institutions have to make sure that interpreters for Sign Language are available in all situations that require translation for persons with hearing disabilities. The process for authorising Sign Language interpreters is regulated by the Order of the Minister of Labour and Social Justice, the President of the National Authority for Persons with Disabilities and the Minister of National Education no. 671/1640/61/2007 (updated in 2010) that was published in the Official Gazette no.662/27.09.2007, Part I.

Links

Law 448/2006 (articles 61 and 69)

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

Recognition of Sign Language - Government Act 51/2017

<http://www.mmuncii.ro/j33/images/Documente/Legislatie/OUG51-2017.pdf>

B5. National disability strategy and action plan

The National Disability Strategy 'A society without barriers for people with disabilities, 2016 - 2020' was adopted on 14 September 2016, after three years of public

consultation. The National Action Plan on implementation of the Strategy was adopted the same day.

Links

The National Strategy 'A society without barriers for people with disabilities', 2016 - 2020

<http://anpd.gov.ro/web/wp-content/uploads/2016/09/MO-nr-737Bis-din-22-septembrie-2016.pdf>

C. Accessibility

C1. Transport accessibility

Accessibility measures for transportation of persons with disabilities in Romania are included in Law 448/2006, on the protection and promotion of the rights of persons with disabilities (Chapter IV – Accessibility, Article 64). According to this law, all new means of public transportation have to be accessible for persons with disabilities. Old forms of public transportation must be adapted progressively within a specified time scale. In practice, despite two deadlines set for these adaptations - one in 2007 and another in 2010 - this timeframe has not been entirely met. Parking places, as well as bus and tram stations, have to be adapted for all persons with disabilities. A blue parking card was introduced in Romania in 2006, giving persons with disabilities access to special parking places. Persons with severe disabilities, as well as their personal assistants, may benefit from a specific number of free train and intercity tickets per year. Trains must have at least one carriage adapted for wheelchair users. Taxis are obliged to transport persons with disabilities at their request. All taxi operators have to have at least one adapted vehicle for persons with reduced mobility or who are wheelchair users. According to the National Disability Strategy adopted in 2016, local and national public transport services have a low level of accessibility, with the railway transport being the least accessible. The most accessible is air transport, as a result of the

implementation of the regulations and standards that apply to all EU Member States.

The monitoring report of 2017 has demonstrated that 78% of the airports in Romania and 89% of Romanian air carriers comply with the provisions of Regulation (EC) No. 1.107 / 2006 of the European Parliament and of the Council on the rights of disabled persons and persons with reduced mobility during the journey by air.

Links

Law 448/2006

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

Monitoring Report 2017 on the implementation of the Regulation (EC) No. 1.107 / 2006 of the European Parliament and of the Council on the rights of disabled persons and persons with reduced mobility during the journey by air

http://anpd.gov.ro/web/wp-content/uploads/2018/02/Raport-monitorizare-aplicare-regulament_2017-pentru-anul-2017.pdf

C2. Built environment accessibility

Accessibility measures related to public buildings and roads in Romania are included in Law 448/2006 on the protection and promotion of the rights of persons with disabilities (Chapter IV – Accessibility, Article 62 and 63). All new public buildings have to be accessible for persons with disabilities, including public or private buildings (that are improved or renovated with public funds). Authorisations for construction cannot be given unless the accessibility conditions are in place. The accessibility standards for public buildings were issued in 2001 (NP 051/2000 regarding the adaptation of public buildings and urban spaces for persons with disabilities, approved through the Order of the Ministry of Public Works no.649/2001) and updated in 2013 (NP 051/2012 adopted in Regulation no 189/2013). In practice, despite the deadline for these complex adaptations measures set for 2007 and 2010, this timeframe has not been fulfilled entirely. Many public buildings and means of access remain inaccessible for wheelchair users or persons with sensory disabilities. The problem was also addressed by the National Disability Strategy stated that: "most housing and public utility buildings remain inaccessible to people with disabilities due to lack of ramps, inaccessible doors and sanitary." The Strategy also states that the main reason for these issues is the lack of a firm commitment to ensuring accessibility of local and central authorities.

Links

Accessibility Norms NP 051/2012

<http://www.infocons.ro/wp-content/uploads/2014/08/NP-051-normativ-privind-acesibilizarea-spatiului-urban.pdf>

Law 448/2006 (articles 62 and 63)

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

C3. ICT and Web accessibility

In Romania, the Law 448/2006, on the protection and promotion of rights of persons with disabilities sets out rules for accessibility regarding ICT and Web sites. By 31 December 2007, all websites and communication supports of the public institutions had to become accessible for all persons with disabilities (Chapter IV – Accessibility, Article 66-71). In

practice, this deadline was not respected. Methodological Norms for implementation of the Law were released through the Government Decision no1147/2012. The Social Inspection is the agency responsible for applying sanctions in this sense.

Links

Methodologic Norms for the implementation of the Law 448/2006

http://www.legenet.net/?page=view_act&actiune=view&idact=MjEyMzMzMg%3D%3D&art=0&refact=&tematici=&tip_doc=&form_action=&ln2iss=ennoxxv39leirml1gyv23ccdkkpcs53d0g7bqfin

Law 448/2006

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

D. Independent living

D1. Choice of living arrangements

Persons with disabilities may choose their living arrangements in Romania, according to the Law 448/2006 on the protection and promotion of rights of persons with disabilities (article 6 and article 20). They benefit from several types of facilities for renting apartments or houses, as well as from a range of services (including residential services) in their communities.

Links

Law 448/2006

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

D2. De-institutionalisation

The National Strategy 'A society without barriers for people with disabilities 2016 - 2020' mentions that de-institutionalisation of people with disabilities is the priority for Romania, alongside with the development of measures to prevent the institutionalisation and to support social inclusion. With public money and financial assistance from the Structural Funds during 2014 - 2020, the Romanian Government plans to extend the infrastructure that supports people with disabilities to live in the community. Romania made a commitment to ensure the transition from the residential system to an alternative community-based services system. In July of 2018, the national Government adopted a series of modifications to Law 448/2006, through Emergency Ordinance (No 69/2018), aimed at de-institutionalisation/transition from residential to community-based services as per its commitments within the 2020 European Semester framework. No residential centre will have more than 50 beneficiaries or otherwise local authorities will be sanctioned through the annual budget.

Calls for proposals in this respect were launched late in 2018 (Operational Programme Human Capital, with funding from the European Social Fund) and early 2019 (Operational Regional Fund, through funding from the European Regional Fund). The National Authority for People with Disabilities launched in February 2018 a methodology for financing NGOs' projects, which aim at developing social services such as daycare centres, ambulatory neuromotor recovery service centres or sheltered homes, corresponding to the individual needs of disabled people (Regulation no 1085/2018).

Links

The National Strategy 'A society without barriers for people with disabilities 2016 - 2020'
<http://anpd.gov.ro/web/wp-content/uploads/2016/09/MO-nr-737Bis-din-22-septembrie-2016.pdf>

Emergency Ordinance No. 69/2018

<http://www.mmuncii.ro/j33/images/Documente/Legislatie/OUG69-2018.pdf>

Regulation No. 1085/2018

<http://www.mmuncii.ro/j33/images/Documente/Legislatie/O1085-2018.pdf>

D3. Quality of social services

Currently, all social service providers have to be accredited by a centralised structure at the level of the Ministry of Labour and Social Justice and by a local Commission of Accreditation (at county level, as well as Bucharest Municipality). A general set of quality standards is mandatory in Romania for all social service providers and the accreditation process is done in compliance with these general standards (they are very closely related to, and inspired by, the EQUASS quality system). In addition, social services for children and for persons with disabilities have to be also licensed, and they benefit from specific quality standards, equally mandatory. The licensing procedure certifies that each service for children, respectively each service for persons with disabilities complies with specific quality standards in these areas. The licensing procedure is ensured by the General Directorate for Social Assistance and Child Protection, respectively the National Authority for People with Disabilities. The legislative document on the minimum quality standards for social services for people with disabilities was approved in January 2019 by Order no. 82/2019.

Links

Order no. 82/2019 on approving minimum quality standards for social services for adults with disabilities

https://www.servicii-sociale.gov.ro/source/Standardde/Ordin_82_2019.pdf

D4. Provision of assistive devices at home

Persons with disabilities can benefit from assistive devices at home in accordance to Law 448/2006 (Article 11(1)). The Methodological Norms for the Implementation of the Law 448/2006 describe the types and value of these assistive devices, which are free of charge, depending on the degree of disability and the needs of the person. These costs are also regulated by the Contract with the National Health Insurance Agency ('Contractul-cadru privind condițiile acordării asistenței medicale în cadrul sistemului asigurărilor sociale de sănătate și a normelor sale de aplicare').

Links

Methodological Norms for the implementation of Law 448/2006

<https://www.dasiiasi.ro/h-q-268-2007-privind-protectia-si-promovarea-drepturilor-persoanelor-cu-handicap--dtl-51.html>

Law 448/2006

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

D5. Availability of personal assistance schemes

Personal assistance schemes in Romania are covered by the municipalities, through the national budget. The Romanian Law 448/2006 on the protection and promotion of rights of persons with disabilities mentions two types of personal assistants: those who include family members (Section 2) and professional personal assistants (Section 3). Both groups benefit from work permits as personal assistants, as well as from working conditions that are regulated under the same rules as for other workers (including annual leave, health and social insurances, etc). People with disabilities do not have yet the legal basis for employing personal assistants themselves. However, the law also mentions the possibility for people with disabilities to make a request for a so-called ‘assistance indemnization’, instead of personal assistants. This is a cash benefit, approximately equivalent to the net salary of a personal assistant, however it does not cover the seniority, health and social insurance of this assistant.

Links

Law 448/2006

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

D6. Income maintenance

All cash benefits for persons with disabilities are regulated by Law 448/2006 (Section 5) on the protection and promotion of the rights of persons with disabilities. The specific financial benefits and the entitlements for disabled persons are generally managed in Romania at three levels:

1. at national level by the National Authority for People with Disabilities;
2. at county level by the General Directorate for Social Assistance and Child Protection which is a decentralised agency of the Ministry of Labour (in Romania there are 41 counties and six sectors of Bucharest Municipality assimilated with six counties); and
3. at local level by the Public Service for Social Assistance, within the municipality.

Disability-related benefits are not available under more general schemes in Romania.

Links

Law 448/2006

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

D7. Additional costs

Persons with disabilities in Romania, as well as their careers (depending on the degree of disability) benefit from a series of so called ‘facilities’ in terms of financial deductions for certain costs (transportation, utilities etc) or more advantageous conditions for real estate loans/credits.

Links

Law 448/2006, Chapter II, Section 7

http://www.dreptonline.ro/legislatie/lege_persoane_handicap.php

D8. Retirement income

The retirement income for persons with disabilities, as well as the invalidity pensions for persons who have lost their working capacities following accidents at work, are regulated by the Pension Law no. 263/2010 with all its amendments (latest amendment as of 2019).

Links

Law on Pensions no. 263/2010

<http://legislatie.just.ro/Public/DetaliiDocument/124530>

E. Education

E1. Special schools

Special schools, as well as special education classes within mainstream schools, are organized for all levels of education (primary and secondary education) and are regulated by the Law on Education no.1 of 5 January 2011 (amended in 2019). The special education system uses special curricula and is provided by special education teachers (usually graduates of Psychology and Educational Sciences; section of Special Psycho-pedagogy). The main types of special educational settings in Romania are the following: special kindergartens/ schools/ high schools; special classrooms for children with autism/ deaf-blindness / behavioural problems; day centres; centres of curative pedagogy; centres for special education. The enrollment of students with disabilities in special schools is decided through a specific commission (the Complex Evaluation Service). The Complex Evaluation Service makes an assessment, using methods approved by the Ministry of Education, in cooperation with the General Directorate for Child Protection. According to the Law, parents have the right to make the final decision about where their child will pursue education, and they also have a duty to ensure a child's attendance during compulsory schooling.

Links

Law on Education, no.1 of 5 January 2011

<http://legislatie.just.ro/Public/DetaliiDocument/125150>

E2. Mainstream schools

Children with disabilities have free and equal access to mainstream schools, according to the Law on Education, no. 1 as of 5 January 2011 (amended in 2019) and to Law 448/2006 (Section 2) on the protection and promotion of the rights of persons with disabilities, in relation to their needs and options. All schools should benefit from adaptation measures, funded from the State budget. On 8 December 2016 the Government adopted an Emergency Ordinance to amend the Law on Education with the provision of 'special integrated education'. The legislative document stipulates that 'special integrated education' is organised in regular education, by including every pupil with disabilities or special educational needs in mainstream groups, classes or study formations. The length of schooling of children with special educational needs may be extended in relation to that as stipulated by Law and is determined according to individual needs, degree and type of

disability, as also regulated by the Order of the Minister of Education. By exception, special groups/classes with disabled students can be organised in schools with the approval of the County School Inspectorate/ISMB, in accordance with the methodological norms approved by Order of the Minister of Education.

Links

Law on Education, no.1 as of 5 January 2011

<http://legislatie.just.ro/Public/DetaliiDocument/125150>

Law 448/2006, Chapter II, Section 7

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

Emergency Ordinance to amend the Law on Education

https://www.edu.ro/sites/default/files/Proiect%20OUG_final.pdf

E3. Sign language and Braille in school

Sign Language is used in all special schools for children with hearing impairments. Sign Language was officially recognised in 2017 through the Ordinance no. 51/2017. A specific programme of training for teachers was developed in Cluj (2010-2013), with the support of European Structural Funds, for the general use of Sign Language in schools. Braille is used in all special schools for children with sight impairments. Sign Language and Braille are not yet used on a large scale in mainstream schools. The Law on Education no.1/2011 (amended in 2019) mentions that all pupils with disabilities may benefit from adequate support for inclusion in mainstream schools and that these support measures shall be coordinated by the local Resource Centres and Educational Assistance (Articles 50 and 51 of Law no. 1/2011). The methodological norms for the organisation and functioning of these Resource Centres were released on 7 October 2011. Pupils with sensory disabilities shall benefit as well from the exam facilities (including provision of interpreters, adjustment of examination times, etc.) in all cycles of education, allowing them to pass the general examinations while using Braille or Sign Language.

Links

Law on Education no.1 of 5 January 2011

<http://legislatie.just.ro/Public/DetaliiDocument/125150>

Regulation for the Organisation and Functioning of the County Resource Centres for Educational Assistance

<https://lege5.ro/Gratuit/gi3deoiggy/regulamentul-privind-organizarea-si-functionarea-centrelor-judetene-al-municipiului-bucuresti-de-resurse-si-asistenta-educationala-din-07102011>

Recognition of Romanian Sign Language - Ordinance 51/2017

<http://www.mmuncii.ro/j33/images/Documente/Legislatie/OUG51-2017.pdf>

E4. Vocational training

Initial vocational training is free of charge, under the compulsory educational system, and students with disabilities can choose either a mainstream or a special vocational school (as regulated by Law on Education 1/2011 of 5 January 2011, amended in 2019). Vocational training can be also ensured under the form of requalification, specialisation and continuing training. Law 448/2006 stipulates the right of disabled people who are 'looking for a job' to

be placed in training courses and to be funded through the unemployment insurance budget. There are specific provisions that clarify when persons can benefit from training free of charge (Law 76/2004, amended by Law 107/2004, correlated with the definitions of Ordinance 144/2005). Persons with disabilities who are entitled to receive training free of charge should come under the following categories, according to the law: (a) they have become unemployed (as legally defined); (b) they were unable to find a job after graduating from education institutions; (c) when employed, they have resumed work following the recovery of work capacity after benefiting from invalidity pension (in this case, training services have to be agreed with the employer or the employer requires such services and the application is made only once within 12 months after resuming work); (d) they are in rural areas and have no monthly income, or the monthly income is lower than the unemployment benefit level; (e) they earn less than the gross minimum wage in the country (GEO 144/2005); (f) they are employed immediately after school graduation. When an employer organises training courses, the necessary training costs may be supported, at the request of employers, by the unemployment insurance budget. Law 107/2004 in Article 27 defines specific requirements that apply to free training services. The provider of free training is supposed to ensure for trainees: the provision of theoretical and practical training; the supply of training materials; protective equipment during practical training; free transportation, medical consultation, medical tests and tests for attending courses; and cover accommodation and meals costs.

Links

Law 107/2004, amending Law 76/2002 on unemployment insurances and incentives for employment

<https://lege5.ro/Gratuit/heztknbt/legea-nr-107-2004-pentru-modificarea-si-completarea-legii-nr-76-2002-privind-sistemul-asigurarilor-pentru-somaj-si-stimularea-ocuparii-fortei-de-munca>

Law 76/2002 on employment insurances and incentives for employment

http://www.anofm.ro/files/html/juridic/acte_normative/1lege_nr_76_2002.htm

Law 448/2006

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

Law on Education 1/2011

<http://legislatie.just.ro/Public/DetaliiDocument/125150>

E5. Higher education

Higher Education providers, as with all other public or private institutions, organisations and companies, are subject to non-discrimination law. Students with disabilities benefit from a certain number of facilities and adaptations in universities, according to Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, in relation with their needs and options. For example, students with severe disabilities can benefit from a 50% deduction of fees for accommodation and meals, if they use the university accommodation facilities. The universities are obliged to provide educational support and full accessibility (physical and informational accessibility, manuals, ICT, etc.) for students with disabilities in their locations. Students can also benefit from free of charge places in holiday camps. Still, physical accessibility remains one of the main problems for students with disabilities in higher education.

Links

Law 448/2006, Chapter II, Section 7

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

F. Employment

F1. Non-discrimination in employment

Persons with disabilities have the right to work (as for all Romanian citizens), according to the Law 448/2006 on the protection and promotion of rights of persons with disabilities (Chapter V, Article 75(1)). They may be hired in the open labour market, as well as in supported employment settings and sheltered employment. All persons with disabilities, regardless of their degree of disability, have an equal access to the labour market, if they want to work. Institutions and companies have to ensure equal access and treatment for disabled people.

Links

Law 448/2006, Chapter V

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

F2. Public employment services

The main public service for promoting and mediating employment in Romania is the National Agency for Employment (Agentia Nationala pentru Ocuparea Fortei de Munca), with corresponding agencies (deconcentrated) at local level (county level). Under its coordination, there are also 8 county agencies for vocational training for unemployed persons, as well as 8 regional centres for adult training.

Links

National Agency for Employment

<http://www.anofm.ro/prezentare-general-a-actualizat>

F3. Workplace adaptations

The Law 448/2006, on the protection and promotion of rights of persons with disabilities (Chapter V) sets out all mandatory measures for workplace adaptations, as well as incentives for employers. A quota system for the employment of persons with disabilities (4% of positions have to be occupied by disabled persons, in the case of companies with more than 50 employees) is in place for both public institutions and private companies.

Employers of disabled people benefit from the following rights, according to the provisions of art. 84 of the Law:

- a) the deduction, in the calculation of the taxable profit, of the amounts related to the adaptation of the protected jobs and the purchase of special equipment and/or equipment used in the production process by a disabled employee;
- (b) the deduction, when calculating the taxable profit of the costs of transportation for disabled persons between home and work and the cost of transportation of raw materials and finished goods to and from home of disabled person working from home;
- c) the disbursement from the unemployment insurance budget of the specific expenses of

training and professional orientation and employment of disabled persons;

d) a subsidy from the state under the conditions provided by Law no. 76/2002 on the unemployment insurance system and the stimulation of employment, with the subsequent modifications and completions.

Links

Law 448/2006, Chapter V

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

Law 76/2002

<http://legislatie.just.ro/Public/DetaliiDocument/33919>

F4. Financial incentives

Law 448/2006 on the protection and promotion of the rights of persons with disabilities (Chapter V) sets out all mandatory measures for workplace adaptations, as well as incentives for employers. Employers are offered a deduction of tax on profits when they adapt workplaces for persons with disabilities, equal to the amount invested in (a) this adaptation of the workplace; (b) the transportation of persons with disabilities to/from the work place; and (c) the cost of on-the-job training of the person. They are also offered a subsidy from the State budget, according to the Law 76/2002 (Law on the unemployment insurance system and the stimulation of employment).

Links

Law 448/2006, Chapter V

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

Law 76/2002

<http://legislatie.just.ro/Public/DetaliiDocument/33919>

G. Statistics and data collection

G1. Official research

The official sources of data related to persons with disabilities in Romania are the Ministry of Labour and Social Justice and the National Authority for Persons with Disabilities. A quarterly statistical bulletin is released by the National Authority for Persons with Disabilities based on data collected from 41 county General Directorates for Social Assistance and Child Protection, as well as from six sectors of the Bucharest Municipality. The last bulletin was issued in March 2019 and contains data related to the number of persons with disabilities, the type and degree of disability, residence, age, sex, types of service from which these persons benefit, and their employment.

Links

Quarterly Statistical Bulletins issued by the National Authority for People with Disabilities

<http://anpd.gov.ro/web/transparenta/statistici/trimestriale/>

G2. Census data

The last census in Romania took place on 29-31 October 2011 and it included 8 questions related to disability, mainly focusing on the following categories of difficulties that a person

might have in daily activities: sight, hearing, memory and concentration, walking or climbing stairs, personal care and communication. For each of these questions, the form included an item related to the level of difficulty and the perceived causes of this difficulty. Those persons who answered positively to the questions above were also asked about whether they had a personal assistant. This is the first time that Romania has included data about persons with disabilities in a census

Links

National Institute of Statistics, Page 4 of Form P (Persons)

<http://www.insse.ro>

G3. Labour Force Survey

Disability issues are not yet included in the Labour Force Surveys in Romania. The Ministry of Labour and Social Justice is currently recording the number of employed persons with disabilities (per type of disability) and the number of sheltered workshops.

Links

Quarterly Statistic Bulletin on the situation of persons with disabilities, Ministry of Labour and Social Justice

<http://anpd.gov.ro/web/transparenta/statistici/trimestriale/>

G4. Disability equality indicators

In Romania disability equality indicators have not yet been created and are not used. .

H. Awareness and external action

H1. Awareness raising programs

Most initiatives aimed at raising awareness on the equality and right of people with disabilities belong to independent entities (mostly civil society organizations). However, a prominent and proactive role has been assumed starting in 2015 by the National Council for Combating Discrimination in the field of disability, the Council having applied several sanctions to public authorities and private entities for infringements of the rights of persons with disabilities.

Links

National Council for Combating Discrimination

<http://www.cncd.org.ro/>

H2. Training for teachers

General teachers have a basic training in relation with disability, as part of their compulsory pedagogy curriculum. Special education teachers are trained within a specific university discipline (psycho-pedagogy/ psihopedagogie speciala) and they are usually graduating the Faculty of Psychology and Educational Sciences. Each main University in Romania has such a Faculty and a department of psycho-pedagogy. Special education teachers usually work in: (a) special schools, (b) resource centres and educational assistance and/or disability issues, (c) as support teachers in mainstream schools or (d) as professionals in the speech therapy

centres (centre logopedice). For special education teachers, each main University in Romania (in the big cities) has a Department of Psychology and Educational Science.

H3. Training for lawyers

No specific training issued by national authorities exists for lawyers in Romania with regards to the UN CRPD or to disability-related issues, despite that in 2015 the President of the Romanian National Union of Magistrates publicly mentioned that "magistrates must receive special training to deal with issues concerning persons with intellectual disabilities." Over the past years, only some NGOs organized such trainings with lawyers or magistrates.

Links

Interview with Dana Garbovan, the President of the Romanian National Union of Magistrates
http://adevarul.ro/news/politica/dana-garbovan-magistratii-trebuie-saprimeasca-training-special-privinta-persoanelor-dizabilitati-intelectuale-1_56697cdd7d919ed50e15d85b/index.html

H4. Training for doctors

No specific training exists for doctors in Romania, with regards to the UNCRPD or to disability-related issues. However, all medical doctors benefit from a university curriculum (compulsory) in which all types of impairments are studied.

H5. Training for engineers

No specific training with regards to the UNCRPD or to disability-related issues (accessibility norms etc.) exists for engineers in Romania.

H6. International development aid

No specific training exist for the Romanian workers involved in the international development aid with regards to the UNCRPD or to disability-related issues (accessibility norms etc.). There is also no specific document (law, strategy, set of rules etc) that mentions the inclusion of disabled persons in international aid activities. The institutions involved in such activities are, however, submitted to the anti-discrimination legislation in Romania.