

Report on the social inclusion and social protection of disabled people in European countries

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Background:

The [Academic Network of European Disability experts](#) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network will support the future development of the EU Disability Action Plan and practical implementation of the United Nations Convention on the Rights of Disabled People.

This country report has been prepared as input for the *Thematic report on the implementation of EU Social Inclusion and Social Protection Strategies in European countries with reference to equality for disabled people*.

The purpose of the report ([Terms of Reference](#)) is to review national implementation of the open method of coordination in Social inclusion and social protection, and in particular the National Strategic Reports of member states from a disability equality perspective, and to provide the Commission with useful evidence in supporting disability policy mainstreaming.



PART ONE: SOCIAL INCLUSION PLANS (GENERAL)

1.1 Please describe how and where disabled people are included in your country's published plans for social inclusion and protection?

Accession to the EU and therewith the harmonisation of Romanian law with the *acquis communautaire* confronts Romania with the necessity to improve the access to education for disadvantaged groups. In the National Programme for Accession of Romania to the European Union, under the chapter regarding human rights and the protection of minorities, measures like the following ones have been envisaged:

- Restructuring/closing of large old-style child protection residential institutions, including those for handicapped children by creating alternative social services;
- Continuation of the process, started in 2001, of integration of children from the special education system into regular schools and, at the same time, prevention of unjustified entrances into the special education system, when other forms of education, responding to the special needs of the child, are available;
- Development and promotion of programmes for handicapped children, aimed at
- encouraging their integration into social life, as well as their integration in common schools and kindergartens.

1.2 In reality, what major actions has your country taken and what are the positive or negative effects on disabled people? (policy or practical examples)

The situation of the education of children and youths with SEN has changed and further developed since the late nineties. The legal framework for integration and inclusion of children with SEN has been created. New schools have been established in different counties in Romania, existing schools took over new tasks and developed integrative structures and offered access to education for children and youths with SEN. Partly, this development led to good results – however, as regards contents and structures the implementation of integration varies considerably from county to county and also from school to school.

Furthermore, the existing legal provisions regarding special needs education have been translated and analysed. The main outputs of the assessment can be summarised as follows:

- Integration and inclusion of children and youths with SEN in mainstream schools has been the concern of politics as well as of many teachers, schools and parents. Almost one third of all children and youths with SEN in Romania attend mainstream schools. They are mainly children and youths with a low or medium extent of SEN whose integration appears possible without the schools taking construction measures or providing particular equipment. In cases where children and youths with severe and multiple SEN attend special schools or mainstream schools this has often been made possible with the support given by NGOs. Good models have been devised and likewise the legal provisions for the further development of integration and inclusion have been set.
- Teachers of mainstream schools are not sufficiently prepared for integrative teaching; they are not trained in teaching in the frame of differentiated and individualised lessons. A co-operation in lessons between itinerant teachers and teachers of mainstream schools does not take place.
- A considerable number of children with severe and multiple handicaps does not attend school at all. For lack of transport facilities, lack of equipment and social services the integration in mainstream schools is considered to not be possible.



- The responsibility for the identification of special educational needs is with the Commission for Child Protection of the respective county (sector in Bucharest). The Commission takes a decision on the basis of the results of the Specialised Public Service of Complex Evaluation, a department that consists of paediatricians, neuro-psychiatrists, psychologists, psycho-pedagogues, social workers, logopedics and physiotherapists. Up to now, the teacher of the child to be assessed is not involved in the identification of the special educational needs. Also the parents have no influence on the decision taken by the Commission although they are being consulted.
- The analysis of the legal provisions has showed that the legal foundations do in fact exist, e.g. in the Romanian Constitution and in the Law on Education (Nr. 84 / 7 Chapter IV/1995). All opportunities for and reconditions of the integration of children with SEN in mainstream schools have been regulated sufficiently and in concrete terms in the regulation 4653/8.10.2001 “The Methodology of Organising and Functioning of Educational Services for Deficient Children/Students Integrated in the Public School, by Itinerant Teachers” and in the regulation 4747/19.02.2002 “Regulation for the Organising and Functioning of the Pre-University Educational Units”.
- The identification of SEN is being regarded from a rather medical deficit theory point of view as opposed to an SEN point of view. The paradigm shift towards a positive view of SEN including the necessary support, that has been made in the European countries over the last decades, has not been taken into account yet in Romania.

The National Action Plan (NAP) for Access to Education for Children with SEN comprehensively describes and justifies the needs and possibilities for the further development of the system for Special Needs Education in Romania and makes concrete proposals for its implementation. The NAP will serve as a basis for the further development of the system in order to respond to paradigm shift focussing on the needs of the child with SEN. The NAP presents a comprehensive concept which is divided into the following issues:

- inclusion and integration in mainstream schools
- model of the resource centre
- early identification and early intervention
- transition from school to vocational training
- access to education for children and youth with severe and multiple SEN
- identification of SEN
- training for teachers
- legal framework
- the role of the parents

Special schools are to support the work in mainstream schools and further develop to resource centres. Joint teaching of children and youths with and without SEN demands profound restructuring of the work at school. This means e.g. restructuring of teaching methods, of the lesson design, of school life, of performance assessment and also of the assessment criteria. It is therefore necessary to provide intense further training for teachers.

1.3 What is the most recent research about disabled people’s equality and social inclusion in your country?

Final Report of Phare Program: Access to Education for Disadvantages Groups, 2005 on <http://www.edu.ro/index.php/articles/c477/>



National Strategy for the Special Protection and Social Integration of Disabled People in Romania, on http://atlas.ici.ro/disability_old/ENGLEZA/national_strategy_for_the_specia.htm

The Disability Manifesto in Romania (Report of Romanian National Council of Disability), 2003, Bucharest.

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PART TWO: INCOMES, PENSIONS AND BENEFITS

2.1 Research publications (key points)

2.2 Type and level of benefits (key points and examples)

2.3 Policy and practice (summary)

In the course of the year 2007 the Ministry of Labour, Family and Equal Opportunities elaborated a series of regulatory documents for the set up of certain institutions and instruments to support the reform of the social assistance system (National Agency for Social Payments, Social Inspection, etc.).

The 2007 government agenda also included law projects concerning the rights of children and youth within the child protection system, including mothers in maternal centres, social insurance for work accidents or professional illnesses, security and safety at work, ratification of social security agreements with other countries.

The pension law has undergone a series of amendments and additions to ensure a decent income for retired people with special attention being paid to the pensioners from the agricultural sector. New policy initiatives view the introduction of a dependency allowance for the elderly on small incomes in the near future.

The Social Inclusion Project was launched on June 19, 2007 and its main objective views improving the living standard and social inclusion for the most disadvantaged and vulnerable persons in Romania.

The social inclusion project is to be implemented during 2006-2011 and its budget is 47.2 million Euro.

The project includes:

- Section I – Programme of priority intervention;
- Section II – Programme for inclusive pre-school education;
- Section III – Social assistance programmes – with specific programmes focusing on: people with handicap, youth at risk, victims of domestic violence;
- Section IV – Developing the social inclusion capacity of Roma population.

The Social Payments Agency is now the only institution in charge with the payment of the social benefits with another recently set up agency, the Social Inspection having the responsibility to check up on the way the money is spent.

Policies in the social assistance field continue the structural reforms by developing the social service system, the social assistance system for elderly, preventing and fighting domestic violence, reforming the child protection system, social inclusion of youth leaving the child protection system, adjusting the level of the minimum income guarantee and other social benefits.

Social protection of people with disabilities is given special attention (professional training of persons with handicap in view of labour integration, restructuring the institutions for people with handicap and set up of alternative residential services in the community) and also improving the legislation for people persecuted for ethnical and political reasons.



Recent actions include:

- developing continuous professional training, career information and counselling, job fairs, etc. aiming to decrease the unemployment rate and increase employment;
- monitoring observance of the legislation concerning labour relations (Labour Code);
- reforming the public pension system (recalculation of pensions and protecting the purchasing power of pensions);
- introducing new components of the public pension system (optional private pension schemes, privately administered pension funds);
- increasing the national gross minimum wage.

Priorities include implementing the provisions contained in the:

- National Reform Programme;
- 2005-2010 short and medium term strategy on continuous professional training;
- National Employment Programme;
- Employment Programme for socially marginalised persons;
- National Programme for Professional Training (including reviewing the legislative and institutional framework for continuous professional training);
- National strategy for social service development.

The current Romanian legislation elaborated by the Ministry of Labour, Family and Equal Opportunities ensures the framework for the organisation and management of social services as planned in the National Strategy for the development of social services (Government Decision nr. 1175/2005) and its related Action plan. The necessary infrastructure to support the social service system is to be in place until 2009. In 2013 the national social service network is envisaged to be fully functional with efficient services being accessible to all the potential beneficiaries.

Existing challenges view uneven distribution of services with big differences between regions and counties and rural and urban areas, imbalance between available human and material resources and the needs of beneficiaries, insufficient strategic planning, ineffectual management and reduced number of trained staff to work in this area. Promoting a pro-active and participative culture of the population in general and of the social assistance beneficiaries in particular is of great importance in order to prevent dependency on social benefits.

Pensions and State social insurance

- Government Emergency Ordinance nr. 19/21.03.2007 containing amendments and additions to Law nr. 19/2000 concerning the public pension system and other social insurance entitlements (Official Bulletin nr. 208/28.03.2007);
- Law nr. 250/19.07.2007 containing amendments and additions to Law nr.19 concerning the public pension system and other social insurance entitlements (Official Bulletin nr. 486/19.07.2007);
- Law nr. 255/19.07.2007 amending Law nr. 578/2004 concerning monthly aid granted for the survivor spouse (Official Bulletin nr. 498/25.07.2007);
- Order of the Minister of Labour, Social Solidarity and Family nr. 680/01.08.2007 amending the implementation methodology of Law 19/2000 concerning the public pension system and other social insurance entitlements with subsequent amendments and additions approved through the order of the Minister of Labour and Social Solidarity nr. 340/2001 with subsequent amendments and additions (Official Bulletin nr. 575/22.08.2007);



- Law nr. 23/11.01.2007 containing amendments and additions to Law nr. 411/2004 concerning privately administered pension funds (Official Bulletin nr. 61/25.01.2007).



SECTION THREE: CARE AND SUPPORT

3.1 Recent research publications (key points)

3.2 Types of care and support (key points and examples)

Protection of people with disabilities

- Order of the president of the National Authority of Persons with Handicap nr. 31/26.02.2007 approving the check up, inspection and monitoring methodology to be applied in the area of competency of the National Authority of Persons with Handicap (Official Bulletin nr. 180/15.03.2007);
- Government Emergency Ordinance nr. 14/07.03.2007 containing amendments and additions to Law nr. 448/2006 concerning protection and promoting the rights of persons with handicap (Official Bulletin nr. 187/19.03.2007);
- Government Decision nr. 268/14.03.2007 approving the implementation methodology for the provisions of Law nr. 448/2006 concerning the protection and promoting the rights of people with handicap (Official Bulletin nr. 233/04.04.2007);
- Order of the president of the National Authority of Persons with Handicap nr. 60/23.04.2007 approving the authorisation procedure for protected units (Official Bulletin nr. 291/03.05.2007);
- Order of the president of the National Authority of Persons with Handicap nr. 62/23.04.2007 approving the guidelines concerning the permit for urban surface means of public transport for people with handicap (Official Bulletin nr. 293/03.05.2007);
- Order of the Minister of Labour, Family and Equal Opportunities nr. 432/14.05.2007 approving the procedure of granting the rights provided for under article 12 line (1) letter b), e) – g) and line (2) of Law 448/2006 concerning the protection and promotion of rights of people with handicap with subsequent amendments and additions (Official Bulletin nr. 349/23.05.2007);
- Government Decision nr. 680/28.06.2007 approving the methodology of granting the rights to free inter-urban transport for persons with handicap (Official Bulletin nr. 487/20.07.2007);
- Order of the president of the National Authority of Persons with Handicap nr. 256/03.08.2007 concerning the organisation and functioning of the Council to analyse the problems of people with handicap (Official Bulletin nr. 561/15.08.2007).

Equal Opportunities

- Law nr. 507/28.12.2006 approving the Government Emergency Ordinance nr. 56/2006 containing amendments and additions to Law nr. 202/2002 concerning equal opportunities between women and men (Official Bulletin nr. 10/08.01.2007);
- Law nr. 202/19.04.2002 Republished concerning Equal opportunities and treatment for women and men (Official Bulletin nr. 150/01.03.2007);
- Emergency Ordinance nr. 67/27.06.2007 concerning the use of the equal treatment between women and men within the professional social security schemes (official Bulletin nr. 443/29.06.2007).

Social assistance

- Order of the Minister of Labour, Family and Equal Opportunities nr. 988/20.12.2006 and order of the Minister of Administration and Internal Affairs nr.1.540/28.12.2006 concerning the implementation guidelines of the Government Emergency Ordinance nr. 107/2006 to amend the Government Emergency Ordinance nr. 5/2003 regarding support for the population towards the house heating costs as well as other facilities to cover the thermal energy costs (Official Bulletin nr. 15/10.01.2007);



- Law nr. 116/02.05.2007 approving the Government Emergency Ordinance nr. 107/2006 to amend the Government Emergency Ordinance nr. 5/2003 concerning support for the population to cover the house heating cost as well as other facilities towards the thermal energy costs (Official Bulletin nr. 303/07.05.2007);
- Order of the Minister of Labour, Family and Equal Opportunities nr. 83/01.02.2007 and order of the Minister of Administration and Internal Affairs nr. 154/19.02.2007 approving the implementation guidelines for the provisions of articles I-IV of the Government ordinance nr. 3/2007 concerning financial-fiscal measures in the social protection area (Official Bulletin nr. 138/26.02.2007);
- Law nr. 61/22.09.1993 Republished concerning the state child allowance (Official Bulletin nr. 145/28.02.2007);
- Law nr. 16/06.03.2000 *** Republished concerning the set up, organisation and functioning of the National Council of the Elderly (Official Bulletin nr. 191/20.03.2007);
- Law nr. 17/06.03.2000 *** Republished concerning the social assistance of the elderly (Official Bulletin nr. 157/06.03.2007);
- Law nr. 120/04.05.2007 approving the Government Emergency Ordinance nr. 88/2006 containing amendments and additions to normative documents on social entitlements and measures concerning staff expenditure (Official Bulletin nr. nr.299/04.05.2007).

Social protection

- Law nr. 164/12.06.2007 approving the Government Ordinance nr. 3/2007 concerning financial-fiscal measures in the social protection area (Official Bulletin nr. 414/20.06.2007);
- Order of the Minister of Labour, Family and Equal Opportunities nr. 652/16.07.2007 establishing the monthly indexed amount of the crèche tickets for the second semester 2007 (Official Bulletin nr. 499/25.07.2007).

Social inclusion

- Law nr. 40/02.03.2007 ratifying the loan agreement between Romania and the International Bank for Reconstruction and Development to finance the Social Inclusion Project, signed in Bucharest on July 4, 2006 (Official Bulletin nr. 172/12.03.2007);
- Government Decision nr. 710/04.07.2007 concerning the Implementation of the food supply programme for disadvantaged persons in Romania, financed by the European Fund for Agricultural Guarantee, within the 2007 financial exercise (Official Bulletin nr. 471/12.07.2007).



PART FOUR: SUMMARY INFORMATION

4.1 Conclusions and recommendations (summary)

4.2 One example of best practice (brief details)

By the end of 2006, as a result of the de-institutionalisation process, over 170 large child protection institutions had been closed down and alternative accommodation services had been developed, consisting of 467 apartments, 361 family type homes, 132 institutions restructured into apartments and 180 classic style institutions (68 of which still care for over 100 children). In addition, 578 alternative services were established to help institutionalised children find new homes and help prevent the separation of children from their families. These services are funded by county and city councils and consist of:

- 99 day care centres / services for children from families in difficulty;
- 90 day care centres / services for disabled children;
- 60 mother and baby centres;
- 59 counselling centres / services for parents / carers;
- 47 continuing support services for young people over 18 in further education;
- 38 family placement / rehabilitation / reintegration / preparation centres;
- 31 counselling / prevention and treatment centres for maltreated, abused or neglected children;
- 23 monitoring, assistance and support services for pregnant women at risk of abandoning their child;
- 21 centres / services for street children;
- 20 supervisory services for children who have committed offences;
- 20 counselling and family planning mobile services;
- 14 supervisory services for street children;
- 13 counselling centres for abused mother and baby / domestic violence;
- 8 emergency services for children with behavioural disorders;
- 8 support services for children in exercising the right to free expression;
- 3 support services for children in exercising their rights;
- 3 counselling and drug addiction prevention centres;
- 2 therapy and support mobile services for disabled children in foster care;
- 2 emergency and support services for mothers with children with special needs;
- 2 prevention and supervision services for children / students in schools at risk to commit offences;
- 2 services for life skills development;
- 13 other, unspecified services.

Social protection allowances

Most of Romania's social protection allowances are directed towards families on small incomes. The value of these social allowances is adjusted periodically, in accordance with the consumer's price index, to prevent it losing value. Most social allowances are means-tested and differentiated in order to better answer the needs of individual families, but still need to be better balanced with additional support facilitating access to health, employment services, parent education, information on rights, etc.

Increased focus on an integrated and well coordinated approach with effective collaboration between central and local authorities, media, public and private institutions in the fields of health, education and justice, will help in breaking the poverty cycle for future generations.



Raising awareness of society in general, about the issues that children and young people face while living in varying degrees of poverty, and the consequences of different actions, will help to involve more actors in fighting and preventing their social exclusion.

Recommendations about areas to focus effort in order to strengthen policy implementation include:

- Initiating programmes to monitor children's rights and publicising any infringements of these rights. Ensuring an integrated approach – taking into account all the related issues influencing a child's development, including health, education, social protection and activation (employment) policies – to address poverty and social exclusion issues. It is essential to build institutional capacity and staff professional competencies (for health, social, education, etc.) in order to be able to ensure an integrated approach to the problems of the most disadvantaged, including educating parents on issues related to health, education and child and family protection.
- Developing policies to create alternative services in the field of social assistance, education, health / community care, particularly focusing on the development of services at community level with increased involvement of the local leaders on issues related to public health, family planning, identifying risk situations, maintaining the child within the family environment, etc. There is a need to focus more on prevention rather than cure by establishing a more effective protective environment rather than a recuperative environment that does not always succeeds in healing the wounds.
- Focusing even more attention to prevent separation of the child from his family providing support for families and especially young mothers (abandonment).
- Ensuring sufficient (needs based) resources for families to provide the best care to their children, including financial and material support (access to food, clothing, housing, education, medical services, recreation).
- Attention to the need to reconcile family and professional life, ensuring increased access to support measures and services that provide childcare in accordance with the current developments on the labour market. (For instance there is a high demand for nursery school places that charge an affordable price, whereas currently there is a very limited supply, even in the private sector.)
- Creating a safe environment for children by developing mechanisms to protect them against violence, abuse, neglect, and exploitation.
- Training and in-service training for the staff working with children to ensure better needs assessment with clear objectives and individual care plans that are regularly monitored and evaluated ensuring the child's participation.
- Ensure proper, on-going follow-up support for children and young people leaving the institutional care system.
- Basing the residential care system on standards and using objective bodies to monitor and assess these standards.
- Ensuring child and family participation in the decision-making process and offering choices based on updated information.



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