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## Committee on Economic, Social and Cultural Rights

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in accordance with articles 16 and 17 of the Covenant

## Replies of Romania to the list of issues in relation to its sixth periodic report<sup>\*</sup> <sup>\*\*</sup>

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

\*\* The annexes to the present report may be accessed from the web page of the Committee.



## I. General information

1. The issues of the fundamental human rights' protection of and the fight against discrimination are constantly addressed both by the National Institute of Magistracy (NIM) and the National Institute for Professional Training for Lawyers, in the initial stage of professional training for their trainees, as well as in the continuous professional training sessions dedicated to in-service judges and prosecutors, respectively lawyers.
2. All human rights training, either in the initial or the continuous setting, make a general presentation of the international and European systems of protection of human rights. When presenting the international system, the International Covenant on Economic, Social and Cultural Rights, as well as the International Covenant on Civil and Political Rights are the main focus and interest for analysis.
3. These training efforts are reflected in a better knowledge on the International Covenant; as such, the interrogation of an extended database collecting the domestic case-law from 2011 showed that in over 1,770 decisions on the merits, the Covenant's provisions were invoked, by the courts or by the parties. Still, the database is not organised to allow a more in depth sorting of the case-law, in order to determine if the provision invoked was fundamental for the granting of the request/motion.
4. The National Bars' Association also organised periodic professional trainings for lawyers on combatting discrimination; they also launched several e-learning sessions within the HELP programme (developed within the Council of Europe) and are currently popularising a new HELP course on labour rights as human rights.
5. The legislative proposal to merge Romanian Institute for Human Rights (RIHR) with the National Council for Combatting Discrimination (NCCD) was rejected by the Senate on 8 November 2021 with 104 votes against to 24 in favour; the representatives of NGOs in the Economic and Social Council gave a negative opinion of the legislative proposal, and the only oral intervention during the Senate debate emphasized the RIHR's fundamental role, as the first domestic human rights institution.
6. The RIHR, previously accredited as a NHRI with C status, has initiated, in 2019, the demarches for accreditation according to the Paris Principles.

### **Reply to paragraph 3 of the list of issues E/C.12/ROU/Q/6**

7. Romania is firmly committed to the implementation of the Paris Agreement and has fulfilled its obligations on reducing greenhouse gas emissions; between 1989 and 2018, the total GHG emissions [excluding land use, land use change and forestry(LULUCF)] decreased by 62.10% and net GHG emissions (including LULUCF) decreased by 68.31%. Currently, Romania is revising its National Climate Change Strategy in order to elaborate a new Adaptation Strategy for 2022-2030, while also working on our Long Term Strategy along the revision of the National Energy Climate Plan.

### **Reply to paragraph 4 of the list of issues E/C.12/ROU/Q/6 (part 1)**

## **Information on measures adopted/implemented in relation to the coronavirus disease (COVID-19) pandemic**

### **Reply to paragraph 4 of the list of issues E/C.12/ROU/Q/6 (part 1)**

8. In the context of the COVID-19 pandemic, the measures adopted by the Romanian Government included financing of the technical unemployment allowance both for employees and for other professional categories that do not carry out lucrative activities based on an individual employment contract, as well as granting compensation for employees that had their individual employment contracts suspended or their working time reduced. Professionals, persons who have concluded individual labour agreements within cooperatives, day laborers, and other self-employed persons were included in the scope of these compensatory measures (details on requirement, limits and amount of financial measures are in Annex 1).

9. To support the telework regime, a financial support of 2,500 lei – to be claimed until December 31, 2020 – was granted to employers, for each teleworker who had worked remotely for at least 15 working days during the state of emergency or alert, for the acquisition of packages of goods and technological services necessary for carrying out telework activity.

**Reply to paragraph 4 of the list of issues E/C.12/ROU/Q/6 (part 2)**

10. In the context of the community-wide spread of the virus, as the availability and access to COVID-19 vaccines were limited in the initial stages due to insufficient production capacity and extremely high demand, in prioritizing the population groups, consideration was given to ethical and social equity principles, epidemiological criteria allowing flexibility in vaccine allocation at regional and local levels, medical criteria (such as risk of SARS-CoV-2 infection, risk of severe progression and death in case of infection, risk of infection transmission from the infected person to others), essential activities ensuring the proper functioning of critical infrastructure etc. The recommendations for priority groups have been consistently linked to the evolution of the COVID-19 pandemic and the effectiveness of the approved vaccine types.

11. Subsequently, vaccination was made available to the whole population to ensure protection against severe versions of the virus and the achievement of mass immunity.

12. The effective implementation of the vaccination campaigns against COVID-19 at national level depended on the ability to access, receive and convey information as quickly as possible between the management board and staff at all levels. During 2021-2022, light modular buildings were deployed from the State reserves for the setup of mobile vaccination centres and observational/epidemiological triage facilities, respectively for the operation of vaccination centres in the areas of border crossing points. Dedicated centres have been set up in the rural areas where local authorities could provide the necessary premises.

13. Starting from July 1, 2022, the activity of vaccination against COVID-19 is carried out exclusively through the primary healthcare offices, within the national vaccination program carried out by the Ministry of Health.

14. The National Institute of Public Health (NIPH) developed methodologies, guidelines, work protocols, recommendations, collection, processing and reporting of data related to confirmed cases of COVID-19.

**Reply to paragraph 4 of the list of issues E/C.12/ROU/Q/6 (part 3)**

15. The Covid-19 pandemic has put extraordinary pressure on the Romanian medical system, which managed to mobilize its entire medical staff, so as to ensure both the necessary treatment for infected patients and medical care for other categories of patients.

16. To this end, separate wards for SARS-CoV-2 infected patients were set up in all health units; in the context of the increasing number of Covid-19 cases and the lack of separate circuits, dedicated hospital units have been set up for the treatment of SARS-CoV-2 infected patients.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources**

**Reply to paragraph 5 of the list of issues E/C.12/ROU/Q/6 (part 1)**

17. The evolution in recent years of the AROP<sup>1</sup> (At-risk-of-poverty rate), on a constant decreasing slope, is detailed in Annex 1. The figures for persons at risk of poverty and social exclusion shows a reduction in percentages from 44.5% in 2015 to 34.4 in 2021; for persons

<sup>1</sup> [https://ec.europa.eu/eurostat/databrowser/view/ILC\\_LI09B\\_\\_custom\\_3223592/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/ILC_LI09B__custom_3223592/default/table?lang=en).

living in households with very low work intensity, the percentage decreased from 6.2% in 2015 to 3.5% in 2021 (see Annex 1).

**Reply to paragraph 5 of the list of issues E/C.12/ROU/Q/6 (part 2)**

18. The rate of profit taxes payable by Romanian companies is 16%. The rate of personal income tax was 16% (between 2012–2017), with some exceptions (25% and later between 1%–25% depending on the amount for income from gambling; from 3% to 1%, depending on the market value of the property and the specifics of the transfer, for immovable property transfer; and 5% for dividends). Starting with 2017, the rate of personal income tax is 10%, the same exceptions being maintained (starting august 2022, the tax rate for gambling incomes is between 3%–40%).

19. The standard VAT rate decreased from 24% (1st of January 2012–31st of December 2015) to 20% (1st of January to 31st of December 2016) and 19% (from 1st of January 2017). The reduced VAT rates of 9% and respectively 5% were/are applicable for food, sport facilities' services, tourism, ecological food, firewood, and lately, for heat delivery during cold season for certain categories of consumers.

**Reply to paragraph 5 of the list of issues E/C.12/ROU/Q/6 (part 3)**

20. In 2021, 92.75% of the total amount of the unemployment insurance budget was actually spent, i.e. 3,648,585,103 lei (approx. 742,502,920.90 EUR) (see Annex 1).

21. In the period 2007–2021, the share of active measures expenses in the total expenses financed from the unemployment insurance budget has evolved from a lowest of 4.77% in 2010 to 30.95% in 2021, and a strong increase in 2019 to 64.44%. The share of the public pension expenditure in GDP remained stable from 2009 to 2021 (see Annex 1).

22. The share in the GDP of social assistance expenses from the budget allocated to the Ministry of Labour and Social Solidarity (MLSS), through the National Agency for Payments and Social Inspection: 1.96% in 2020; 2% in 2021; 1.79 in 2022 (before budgetary rectification, with a necessary of 2.17%).

23. The necessary funds for social housing in 2022 for finalising the building projects in progress are in amount of 752,064,423.31 lei and for financing the new building projects are up to 365,479,870.09 lei. The amount allocated in 2022 from the State budget for building social and necessity housing is of 125.000.000 lei.

**Reply to paragraph 5 of the list of issues E/C.12/ROU/Q/6 (part 4)**

24. The General Secretariat of the Government (GSG) implements the project “Capacity building in the field of public governance – a coordinated approach of the Centre of the Romanian Government”, with five components: (1) enhancing the capacity of the centre of the government to act as a liaison between the various ministries and central agencies in order to achieve a better implementation of the public policies; (2) elaborating a set of recommendations in order to improve the mechanisms to achieve an open government; (3) implementation of the strategies for digital governance; (4) evaluation of the system of public integrity and behavioural interventions in order to tackle corruption; and (5) public sector innovation. In the long run, the project will ensure synergy between government-developed policies and the real needs of the population, especially those of vulnerable groups, by increasing the quality of services provided.

**Reply to paragraph 6 of the list of issues E/C.12/ROU/Q/6**

25. In December 2021,<sup>2</sup> the Government approved the National Anticorruption Strategy (NAS) 2021–2025 and the related documents. The Strategy identified as priority sectors: the public health system; the national education system, the Romanian business environment, the field of public procurement, the financing of political parties and electoral campaigns, the

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<sup>2</sup> The Government Decision no. 1.269 from December 17th 2021 regarding the approval of the National Anticorruption Strategy 2021–2025 and the related documents.

activity of the members of the Parliament, the field of environmental protection, the protection of cultural heritage.

26. NAS 2021–2025 promotes the same monitoring mechanism of the implementation as the previous strategies (NAS 2016–2020, NAS 2012–2015). As a novelty, the new anti-corruption strategy supplements the monitoring mechanism, by creating two working groups, to meet quarterly, dedicated to the implementation of the specific objectives regarding the public health system and the national education system from NAS 2021–2025.

27. Another new element promoted by NAS 2021–2025 refers to “monitoring the development and implementation of the integrity plan within three public institutions, in a pilot system” by the Technical Secretarial (TS) of NAS, set up within the Ministry of Justice. The 3 institutions selected to be part of the pilot system are the Ministry of Culture, the Ministry of Economy and the Ministry of Environment, Water and Forests, the integrity plans being developed.

## **Non-discrimination**

### **Reply to paragraph 7 of the list of issues E/C.12/ROU/Q/6**

28. With the support of the World Bank and funding from the European Commission, the National Agency for Roma has developed an online tool for collecting data, through the County Offices for Roma from each Prefecture’s office, from all relevant local and county stakeholders (Roma human resources included) with responsibilities in the implementation of the National Roma Inclusion Strategy 2015–2020. The findings of the report<sup>3</sup> qualify the progress in the implementation of the 2015–2020 Strategy as moderate, with substantive improvements in the fields of education – with an increase of the number of students and adults participating in educational programs to complete their instruction –, involvement in the local administration, access to labour market (during the previous National Strategy, over 96,000 persons belonging to Roma minority benefiting from active measures that lead to 13,608 being employed), to health services and social assistance. The report highlights the progress in protecting the rights of the child and combating child violence and abuse. Challenges remain as far as access to the labour market, to social housing and the collection of data are concerned. The main recommendations aim at improving the monitoring and evaluation mechanism, through capacity building, but also through allowing more diverse and nuanced options for self-identification, permitting for the collection of more accurate data. Annex 6 presents NCCD’s recent relevant case-law.

### **Reply to paragraph 8 of the list of issues E/C.12/ROU/Q/6**

29. According to legal provisions, during the asylum procedure, the third country national who applies for any type of protection has the right to be granted access to the labour market under the conditions provided by law for Romanian citizens, after the expiry of a 3 months period from the date of the asylum application, if a decision has not been taken in the administrative phase of the procedure, as well as during the asylum procedure in the judicial phase. Asylum seekers who have a right of residence on the territory of Romania and are legally employed at the time of applying for asylum may continue to work. In order to facilitate the access of asylum seekers to the labour market, the General Inspectorate for Immigration (GII) in collaboration with non-governmental organizations, implements projects to provide support for their enrolment in vocational courses.

30. The applicant for international protection who does not have means of subsistence has the right to benefit, upon request, from material reception conditions that guarantee subsistence and protect his/her physical and mental health. In order to improve the material reception conditions, the following measures have been taken at the GII level:

- Material support, so that, upon request, asylum seekers benefit from: food up to the amount of 20 lei/person/day, clothing up to the amount of 135 lei/person/summer season and 200 lei/person/winter season and other expenses, up to the amount of 12

<sup>3</sup> Available at <http://anr.gov.ro/index.php/anr/rapoarte/evaluare-2015-2020>.

lei/person/day, representing local transport, cultural services, press, repair and maintenance services, personal hygiene products expenses;

- A series of rehabilitation, sanitation and accommodation capacity expansion activities were carried out at the Regional Centres for Procedures and Accommodation of Asylum Seekers in Bucharest, Galați, Rădăuți, Timișoara and Giurgiu, as part of projects funded by AMIF and the Norwegian Financial Mechanism.

31. The persons granted tolerated stay on Romanian soil are not required to obtain the employment permit. The employer/beneficiary employing the services of a tolerated foreigner has the obligation to submit to GII copies of the individual employment contract and of the documents attesting the foreigner's tolerated status and, similarly, to notify the GII the modification or termination of the individual contract concluded with the foreign citizen. Tolerance is territorially valid only within the area of competence of the GII unit where the foreigner resides, and any movement outside this area is allowed only with prior approval.

32. As of 23 August 2022, 111 cases of granting of tolerated status were registered.

33. The National Centre for the Recognition and Equivalence of Diplomas has not registered any applications for recognition of professional qualifications held by asylum seekers for the purpose of integration into the labour market.

#### **Reply to paragraph 9 of the list of issues E/C.12/ROU/Q/6**

34. The National Agency for Employment (NAE)'s employment programs and vocational training plans are designed to highlight the number of participants from disadvantaged categories on the labour market, such as, among others: persons with disabilities, persons of Roma ethnicity, long-term unemployed, women, young people under 25 years, people over 45 years. The results of employment stimulation measures, by target groups and types of measures, are presented in Annex 2 and Annex 3. For the NCCD's case-law on this topic, see Annex 6.

35. Both applicants from the X and Y v. Romania case obtained the legal recognition of their gender, and the changes in their civil status documents (personal identification number, first name) were operated. On a more general note, the domestic case-law evolved and does not require anymore the performance of a surgical intervention as a precondition for the gender legal recognition. At the same time, the authorities are evaluating the options for a legislative amendment of the current legal framework.

### **Equal rights of men and women**

#### **Reply to paragraph 10 of the list of issues E/C.12/ROU/Q/6 (part 1)**

36. The latest studies drafted by the National Agency for Equal Opportunities (NAEO) regarding the participation of women and men in the decisional processes target the situation of women and men in decision-making positions in the central public administration 2021<sup>4</sup> and the gender representation in the parliamentary elections in 2020.<sup>5</sup>

37. As such, in 2021, within the central public administration, from 714 decisional positions (levels of decision 1 and 2), 111 (15.5%) were vacant and 603 (84.5%) occupied, by 325 (53.9%) women and 278 (46.1%) men.

38. The women's and men's representation in the parliamentary elections held in 2020, shows that 7,134 persons from political parties, minorities and independents participated in the elections – 2,105 (29.51%) women and 5,029 (70.49%) men. From the 466 elected parliamentarians 85 (18.24%) were women and 381 (81.76%) were men.

39. The draft National Strategy on the promotion of gender equality and preventing and combating domestic violence for the period 2022–2027 focuses on improving women's

<sup>4</sup> <https://anes.gov.ro/wp-content/uploads/2022/07/Analiza-2021-Situatia-femeilor-si-a-barbatilor-in-pozitii-de-decizie-in-administratia-publica-centrala.pdf>.

<sup>5</sup> <https://anes.gov.ro/wp-content/uploads/2021/11/FINAL-ANALIZA-PARLAMENTARE-2020.pdf>.

participation in decision-making processes by organising leadership trainings for the female politicians; supporting initiatives for adopting affirmative measures (especially zipper quota) to increase the number of women in political/economical processes; creating support networks to ease the access of women in decisional positions in public or private domains.

**Reply to paragraph 10 of the list of issues E/C.12/ROU/Q/6 (part 2)**

40. In order to remedy the labour shortage, in the period 2020–2021, MLSS developed the National Strategy for the Work Employment 2021–2027 and the corresponding Action Plan for its implementation.

41. The Strategy's general target, at the horizon of 2027, is an employment rate of 75% for the population aged between 20–64 years, including by promoting atypical forms of employment (which allows assuming the responsibilities of caring for dependent people), respecting the balance between professional and private life, providing support services for integration into the labour market for people who have the quality of sole breadwinners of single-parent families and/or people who have children younger than 12 years, especially those from rural areas, as well as support measures granted to employers/consortia of employers for setting up spaces intended for the supervision and care of children of pre-school age, in order to ensure the balance between the professional and family life of employed women.

**Reply to paragraph 10 of the list of issues E/C.12/ROU/Q/6 (part 3)**

42. During the pandemic, NAEO elaborated a Plan for measures to prevent and combat domestic violence. It included broadcasting public interest messages, campaigns and permanent public communication on NAEO Facebook and web pages: on measures/rights/support services available during that period; on MLSS recommendations on preventing and managing the situation created by COVID-19 pandemic for social services; on recommendations of management authorities to social services suppliers designed for preventing and combating domestic violence and similar provisions from Military Ordinances. The dedicated application – Bright Sky RO (part of worldwide programme) – which can be used by all women affected by violence, by receiving information about public or NGOs support and services was launched in Romania on 7 May 2020; the free app for mobile phones and tablets can be used in Romanian, Hungarian and English and continued to be used in 2021 and 2022.

43. The data showed that both residential and day social services for domestic violence victims continued to work. Moreover, in March 2020 the numbers of services increased through the European founded project VENUS – Together for a safe life!, as 126 specialized services were created: 42 protected homes, 42 support groups, 42 vocational counselling cabinets.

44. Within the project Support for implementing Istanbul Convention in Romania, 10 rape crisis centres offering support and counselling for sexual violence victims and 8 regional centres for counselling of aggressors were established, and a common methodology and standardized instruments set for working with aggressor was developed.

45. The prevention of domestic violence and sexual assault is a national priority for the Romanian Police in the field of crime prevention for the year 2021. Police officers affiliated with the prevention structures carried out preventive activities in the community at general practitioners' offices/dispensaries, at owners'/tenants' associations, in commercial companies with predominantly female staff, post-secondary sanitary schools, in crowded public places and at public events of special interest to the community. 1,222 information-preventive activities on domestic violence and 1,496 on sexual offences were carried out at the level of crime analysis and prevention structures during January–July 2022, while 1,760 criminal intelligence and preventive activities on domestic violence and 520 on sexual offences were recorded during 2021.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6) (paragraphs 11–12)**

##### **Reply to paragraph 11 of the list of issues E/C.12/ROU/Q/6 (part 1)**

46. In the period 2017-2022, NAE implemented the strategic project called INTESPO, which aimed to identify and register young people in the Public Employment Service (PES) records, as well as providing packages of personalized measures that lead them to obtaining better-paid jobs, completing vocational training courses, professional internships or apprenticeships or continuing education. Teams formed of experts from the three main fields of intervention – employment, education and social assistance – facilitated the identification of young NEETs, on the ground, as well as the dialogue with them and raising awareness regarding the registration at PES advantages. As a result, 207,405 young NEETs were identified, of which 190,135 were registered in the PES records.

47. In addition to the INTESPO Project, activation/mobility type projects have funded: activation/employment/installation bonuses for unemployed young NEETs registered at the County Agencies for Employment and getting employment, as well as wage subsidies intended for employers hiring young unemployed NEETs.

48. Other projects were implemented to support employers who conclude internship contracts and apprenticeship contracts at the workplace. Measures adopted for reducing the effects caused by COVID 19, were also supported through specific projects financed from Human Capital Operational Programme 2014–2020.

49. Difficulties encountered in putting in place the Implementation Plans for the Youth Guarantee, were caused by specific issues related to the activation and employment of young NEETs, as follows:

- Information does not reach all young NEETs, for various reasons (for example: lack of internet access, lack of education);
- Lack of interest to be registered in order to receive employment services;
- Difficulties in identifying all young NEETs;
- High level of abandon when young people participate in dedicated measures;
- Exit of young people from the records of PES, following employment or receiving active measures after less than 6 months from registration;
- The change in the definition of the young NEET the new age limit increasing to 30 years;
- Events caused by the COVID 19 pandemic, such as: suspension of employers' activity, cases of illness of young people or implementation teams members, adoption of new employee protection measures at national level (e.g. “technical unemployment”) implemented by the same staff from the territorial employment agencies.

50. The results of the implementation of Youth Guarantee Implementation Plan for the period 2014–2015 and that for the period 2017–2020 are presented in Annex 4.

##### **Reply to paragraph 11 of the list of issues E/C.12/ROU/Q/6 (part 2)**

51. Facilitating the access of young persons with disabilities to assistive technology is one of the priority concerns of the National Authority for the Protection of the Rights of Persons with Disabilities (NAPRPD). The Authority granted subsidies for the purchase of devices and assistive technologies and access technologies.

52. In addition to the subsidies granted to young persons with disabilities, they benefit from the provision of active employment measures to facilitate insertion into the labour



market. Also, in order to facilitate access to the labour market, support measures are provided for employers by ensuring the accessibility of jobs for persons with disabilities.

53. In April 2022, the Government approved the National Strategy regarding the rights of persons with disabilities “A fair Romania” 2022–2027. Employment is one of the priority areas of the 2022–2027 Strategy, with the following set targets by 2027:

- An employment rate of persons with health limitations in current activities of at least 55%;
- Disabled employees representing at least 4% of the staff of enterprises with over 50 employees;
- Persons with disabilities who access employment stimulation measures represent 2% of the total number of people who access these measures;
- 5,000 people classified as disabled will benefit from job training and assisted employment.

54. In order to increase the access of persons with disabilities to employment, and the quality of the employment, the most relevant measures provided are:

- Strengthening the capacity of public employment services in ensuring case management for persons with disabilities;
- Making the working environment physically, communicationally and informationally accessible;
- Training programs for work, and development of work skills of persons with disabilities.
- The regular involvement of persons with disabilities and the organizations representing them in the development and implementation of employment policies and programs for poverty reduction;
- Elaboration of guides and regulatory packages on workplace adaptation, assisted employment and for work training programs for persons with disabilities;
- Opting for subsidizing the adaptation of workplaces and access technologies and assistive devices to stimulate employers’ investment in this regard, as an option instead of the deductions currently proposed in the normative acts in force;
- Funding of assisted employment and work training programs, so that there is at least one program at the level of each county.

55. Changing the level of social assistance benefits for persons with disabilities to reflect the additional expenses related to disability and improving the latter’s coverage, as well the diversification of the package of access technologies and assistive devices, in accordance with the list of products and assistive technologies identified by the WHO in 2016 as a priority at the global level, as measures designed to reduce poverty, will contribute also to ease the access to employment.

#### **Reply to paragraph 11 of the list of issues E/C.12/ROU/Q/6 (part 3)**

56. Employers who employ, for an indefinite period, unemployed people aged over 45 receive monthly, over a period of 12 months, for each employed person, an amount of 2,250 lei, with the obligation to maintain employment or service relations for at least 18 months. Also, employers who hire unemployed people who, within 5 years from the date of employment, meet the conditions to apply for the partial early pension or for the old-age pension, benefit monthly, during the employment period, until the date of fulfilment of the respective conditions, of an amount of 2,250 lei.

#### **Reply to paragraph 12 of the list of issues E/C.12/ROU/Q/6**

57. Statistical data on undeclared work are detailed in Annex 1.

58. During the control actions the labour inspectors applied administrative sanctions both for undeclared work and for other violations of the labour law in force. In the same time they

had disposed mandatory remedial measures to the employers to correct in a given interval of time the non-compliances found where such situations occurred.

59. Within the National Recovery and Resilience Plan of Romania (NRRP), the MLSS through the Directorate of Employment Policies, Skills and Professional Mobility has developed two reform proposals, which are part of Component 13 – Social Reforms, including a reform dedicated to facilitating the transition of workers from the informal to the formal economy. Thus, Reform 4: “Introduction of work tickets and formalization of work in the field of domestic workers” aims to increase the degree of social protection for the people involved in undeclared work in the field of domestic services through the payment of contributions to the public pension system. The intervention introduces the household activity ticket as an instrument to increase formal employment by regulating the activity carried out within households, with gradual implementation in the period 2022–2026. Thus, the household provider will benefit, upon exchange of a certain number of vouchers for domestic activities, from social protection both within the State social insurance system (the public pension system) and the social health insurance system (by facilitating access to the package of basic medical services, if they are not already insured/co-insured).

60. In April 2022 the law on the regulation of the activity of domestic providers entered into force. The implementation of this piece of legislation will be facilitated by the development of the platform that will automate the processes of calculating the social insurance contribution and income tax, as well as those of registering household providers and household beneficiaries. The implementation of the investment (digital platform) will be completed by December 31, 2023, and the provisions of the normative act will be implemented starting from January 1, 2024, the date from which household activity vouchers will be issued.

### **Right to just and favourable conditions of work (art. 7) (paragraphs 13–15)**

#### **Reply to paragraph 13 of the list of issues E/C.12/ROU/Q/6**

61. According to EUROSTAT data on gender pay gap regarding Romania, progress has been recorded in the last years, the gap decreasing from 5.8% (2015) and 3.5% (2017), to 2.4% in 2020 (EU 13% – 2020).

62. The provisions related to the gross minimum basic salary per country guaranteed in payment apply to all employees with individual employment contracts, including migrant workers, for both publicly and competitive sector staff and is not negotiable below the legal amount. For 2022, starting from January 1, the gross minimum basic salary per country guaranteed in payment is 2,550 lei per month, excluding increments and other additions. For the constructions’ field, the agricultural sector and in the food industry, from January 1, 2020 to December 31, 2028, the minimum salary is 3,000 lei per month.

#### **Reply to paragraph 14 of the list of issues E/C.12/ROU/Q/6**

63. The Labour Inspection through its territorial Inspectorates frequently carries out control activities aimed at identifying the use of undocumented labour force including control actions to detect foreigners who are illegally staying and who perform undocumented forms of employment. Preventing and tackling undeclared work of foreigners at national level is carried out jointly by the General Inspectorate for Immigration and Labour Inspection based on a co-operation protocol by carrying out regular control actions solely or in co-operation.

#### **Reply to paragraph 15 of the list of issues E/C.12/ROU/Q/6**

64. In order to minimize exposure to SARS Cov-2 at work, employers established specific prevention and protection measures, which had to take into account, first of all, the measures established by the Directorate of Local Public Health or those adopted at national level by the Strategic Communication Group and the National Institute of Public Health (NIPH).

65. The MLSS and the Ministry of Health (MH) adopted a Joint Order on measures to prevent contamination with the new SARS Cov-2 coronavirus and to ensure the continuation

of the activity at the workplace in terms of safety and health at work, during the lockdown. At the same time, the Guide for returning to work under safe conditions for employees and employers was developed.

66. Employers could also use the relevant specific information available at national level on the website of the Labour Inspection and respectively on the website of the National Institute of Research Development for Labour Protection – “Alexandru Darabont”.

## **Trade union rights (art. 8)**

### **Reply to paragraph 16 of the list of issues E/C.12/ROU/Q/6**

67. In the period 2017–August 2022 there were no legislative developments in the field of social dialogue (trade union association, representativeness, collective bargaining). Romania has assumed, through the NRRP, the entry into force, by the end of 2022, of a new social dialogue law, negotiated with the social partners.

### **Reply to paragraph 16 of the list of issues E/C.12/ROU/Q/6 (part 1)**

68. The means of complaint and recourse in case of discrimination are: the Labour Inspectorate, the National Council for Combating Discrimination (see Annex 6 for relevant recent case-law) and the court, with amicable ways of resolving individual and collective labour conflicts also being provided.

69. The labour legislation provides dissuasive sanctions for non-compliance with the legal obligations of information and consultation (1,000–25,000 lei) and/or for the violation of trade union rights and/or the refusal to start collective bargaining at unit level. (15,000–20,000, respectively 5,000–10,000 lei) The sanctions are corroborated with the provisions of common law regarding the legal regime of contraventions.

### **Reply to paragraph 16 of the list of issues E/C.12/ROU/Q/6 (part 2)**

70. A number of 30 collective bargaining sectors were established by the social partners and adopted by the Government through GD no. 1260/2011 and GD no. 13/2017. The clauses of the collective agreements are applicable from a higher level to a lower level, without the possibility of derogation. The review of the collective bargaining sectors to increase representativeness and improve the application of the current social dialogue law is postponed until the adoption of the amendments to the social dialogue law.

## **Right to social security (art. 9) (paragraphs 17–18)**

### **Reply to paragraph 17 of the list of issues E/C.12/ROU/Q/6**

71. The Reference Social Indicator (RSI) is basis for calculating unemployment benefits and other employment stimulation measures, as well as some social assistance benefits.<sup>6</sup> Since 2021, the value of the social reference indicator (SRI) adjusts annually, with the average annual inflation rate of the previous year. The new value of RSI is 525.5 lei. (See Annex 5)

72. In order to increase the coverage and adequacy of the social benefits and their correlation with labour activation measures, the NRRP envisages the revision and application of the legal provisions in force on Minimum Inclusion Income (MII),<sup>7</sup> as well as the development of the National Integrated Social Assistance System and provision of logistical

<sup>6</sup> Social aid, family support allowance, minimum threshold of the child raising indemnity, accommodation allowance (adoption), social benefits for the disabled, monthly placement allowance, aid for refugee.

<sup>7</sup> MII will represent the main supporting instrument/program for preventing and combating poverty and the risk of social exclusion, being granted from the State budget, as a difference between the level of benefits regulated by the law and the net income of the family or single person, earned during a certain period of time. The implementation of the Minimum Inclusion Income (MII) is currently postponed.

support for the implementation of MII. This reform is expected to start in January 2024 and will include two components: MII and the family support allowance. Up to the finalization of the MII reform, the decision was to continue granting the actual means-tested benefits, namely: the minimum income guaranteed program and the family support allowance.

73. Periodic rising of social insurance pensions is achieved by increasing the value of the pension point (the pension point increased by 65% in 2017–2020 and by approx. 10%, starting from January 1, 2022).

74. The authorities plan a broad revision of the public pension system, under the NRRP. The Government aims at introducing a new, modern and efficient legal framework to ensure the sustainability and predictability of the pension system and to reduce the inequities within the system by respecting the contributory principle. Within the reform process, the key priorities are:

- Providing adequate pensions while being mindful of the sustainability challenges faced by the public pension system;
- Equal opportunities for the acquisition of adequate pension rights, to prevent old age poverty;
- A transparent mechanism for pension indexation based on predictable indicators, which will generate more confidence in the system while ensuring the predictability of the public pensions' evolution.

**Reply to paragraph 18 of the list of issues E/C.12/ROU/Q/6**

75. In the area of social services, MLSS has constantly been involved in analysing and improving the legislative framework to tackle the gaps between urban and rural thus improving access to social services.

**Reply to paragraph 18 of the list of issues E/C.12/ROU/Q/6 (part 1)**

76. In March 2022, the Romanian Government approved the Program of National Interest – currently in implementation – for development of public and private social services for 5,400 vulnerable elderly persons in rural area and small towns. The total amount of the program's budget is over 33 million euros for the period 2022–2024. The program will deliver 30 home care units, 30 social services to provide food, 20 day-care and rehabilitation centres for the elderly and 20 community support services providing psychological counselling, social counselling, including the elderly helpline.

**Reply to paragraph 18 of the list of issues E/C.12/ROU/Q/6 (part 2)**

77. MLSS is currently implementing a series of projects with European funds to increase the social inclusion of vulnerable people, aiming at creating and implementing the integrated provision of social, medical, and educational services for poverty reduction and socio-economic integration of persons from marginalized communities, including those with Roma population:

- Integrated community services for poverty reduction and social exclusion in 139 vulnerable rural and small-urban communities with above-average and severe marginalization rates;
- Strengthening the technical and administrative capacity of the public community social assistance network, by recruiting and training a minimum number of 350 social workers, implementing a national training and certification program for specialists in the field of social assistance, as well as the training of at least 39,000 people employed in the social assistance sector;

- The development of a national assessment system for the needs of homeless people.<sup>8</sup> The research and the findings from the project underpin the future national strategy for homeless people, which is currently being drafted.

78. For the year 2022, agreements have been concluded – with legal Romanian associations and foundations that set up and manage social assistance units – for the provision of social services in the amount of 26,748,280 lei, for 337 social assistance units and 11,973 beneficiaries. At the same time, funding homes for the elderly from the amounts deducted from VAT was approved.

79. Depending on the existing dynamics in social protection, with the participation of territorial agencies and relevant institutions in the field of social protection, the Social Inspection is running annual National Thematic Campaigns to monitor the compliance of social services providers with minimum quality standards, respect for beneficiaries' rights and follow-up on remedying the shortcomings. Details on the themes and findings for the period 2017–2019 are described in Annex 1.

## **Protection of the family and children (art. 10)**

### **Reply to paragraph 19 of the list of issues E/C.12/ROU/Q/6**

80. The General Department for Social Assistance and Child Protection (GDSACP) nominates a representative for unaccompanied asylum seekers children, at the request of the GII.

### **Reply to paragraph 19 of the list of issues E/C.12/ROU/Q/6 (part 1)**

81. New legal provisions on this matter entered into force recently, allowing for the representative appointed by GDSACP to assist the unaccompanied minor, asylum seeker, during the entire period of the asylum procedure. The representative also assists the child after the granting of international protection in Romania, respectively until the establishment of a special protection measure.

82. The protection of children asylum seekers, who are not accommodated in centres for immigrants, can be established in a family-type service, not only in a residential-type service.

83. Since 2021, the National Authority for the Protection of the Rights of the Child and Adoption (NAPRCA) gathers information on the number of the unaccompanied children – asylum seekers for whom the social services appointed the person who will accompany the child during the asylum procedure:

- In 2020, there were 1,049 unaccompanied children – asylum seekers with appointed representative from GDSACP;
- In 2021, there were 3,404 unaccompanied children – asylum seekers with appointed representative from GDSACP, out of which:
  - 1,065 under 16 years old and 2,339 between 16–18 years old;
  - 3,254 accommodated in centres belonging to GII (966 under 16y and 2,288 16–18y) and 150 accommodated in residential centres belonging to GDSACP (99 under 16y and 51 1–18y)

84. According to the Romanian law asylum seekers children might be accommodated within the specialized services of the special protection system, whereas children older than 16 might be accommodated within the services belonging to the General Inspectorate for Immigration.

85. In 2022, due to the armed conflict in Ukraine, new legislation for refugees was issued. All Ukrainian children on Romanian territory, including those who do not apply for a form of protection, have the right to receive education in Romanian schools in the same conditions

<sup>8</sup> Through the project “EVERYONE MATTERS! Assessing the needs of homeless people and the impact of existing social services on their quality of life”, finalized in December 2021.

as Romanian pupils. They have the right to receive free accommodation in boarding schools, food allowance, receive school supplies, footwear, clothing and textbooks. Their health will be examined in medical school offices and can access the national vaccination scheme from the Romanian national program.

86. Strict measures and procedures were implemented to collect accurate information about each unaccompanied minor, in order to detect any protection risk and to ensure that the necessary protection measures and support are put in place. For the unaccompanied minor who remains on the territory of Romania and has no place to live, a special protection measure will be applied which include the placement of children in public or private family-type services, with priority given to persons who speak Ukrainian or, as the case may be, Russian.

87. Ukrainian children under the protection of social services in Romania can benefit from counselling services adjusted to their concrete needs, including trauma care, provided by the specialists from GDSACP. In a similar way, Ukrainian children staying in Romania, in host communities, together with family members or other persons in charge of their wellbeing, can benefit from the same type of services, or, according to the options of the parents/guardians, from ones provided by private providers.

88. On June 29, the Government of Romania adopted a National Plan of Measures for the Protection and Inclusion of Displaced Persons from Ukraine and Beneficiaries of Temporary Protection in Romania. The Government is working closely with international and national counterparts to ensure complementarity and synergies between the National Plan and the Inter Agency Regional Response Plan – coordinated by UNHCR. The plan builds on the fundamental principle that inclusion of the Ukrainian refugees into the social protection and benefit system in Romania will offer them the best protection. The national plan lays out cross-cutting measures for the prevention of abuse and exploitation of displaced persons from Ukraine, including children, focusing on awareness and prevention campaigns and well-functioning and well-resourced referral and support systems.

#### **Reply to paragraph 19 of the list of issues E/C.12/ROU/Q/6 (part 2)**

89. The process of amending Law no. 21/1991 has been started, but currently the issue of granting nationality to children born in the State party who would otherwise be stateless is not under consideration.

#### **Right to an adequate standard of living (art. 11) (paragraphs 20–24)**

##### **Reply to paragraph 20 of the list of issues E/C.12/ROU/Q/6**

90. The National Strategy for Social Inclusion and Poverty Reduction for the period 2022–2027 aims to reduce the number of people at risk of poverty or social exclusion by at least 7% compared to 2020, by 2027.

91. Furthermore, in April 2022, the Romanian Government Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2022–2027 was adopted.

92. The NRRP includes several reform projects, namely the designing and development of a new strategic framework and management tools to improve access, quality, and sustainability of long-term care services for the elderly in Romania. The new National Strategy for Long Term Care and Active Ageing is currently being designed and drafted.

93. Within the National Strategy regarding the rights of persons with disabilities “A fair Romania” 2022–2027, the priority area named Social Protection, Including Enablement/Rehabilitation sets as targets by 2027:

- Decrease by 250,000 of the number of persons with health limitations in current activities who are poor or socially excluded;
- Halving the percentage of people with health limitations in current activities living in households that can pay the absolutely necessary current expenses only with great difficulty, compared to the value in 2018.

- At least 40,000 persons with disabilities will benefit from access technologies and assistive devices settled through sources of non-reimbursable external funds.
- The calculation of additional expenses related to disability is based on the conclusions of the detailed analysis of the specific needs of persons with disabilities.

**Reply to paragraph 21 of the list of issues E/C.12/ROU/Q/6**

94. Considering the importance of the housing field in the context of the implementation of the reforms and investments related to the NRRP, the Government established as a priority the elaboration of the National Housing Strategy, an endeavour under the responsibility of the Ministry of Development, Public Works and Administration (MDPWA).

**Reply to paragraph 21 of the list of issues E/C.12/ROU/Q/6 (part 1)**

95. The National Housing Strategy for the period 2022–2050 is structured on the following pillars: i) inclusive housing; ii) affordable housing and quality public services; iii) green transition – Safe and sustainable housing; strengthening administrative capacity. Starting from these major dimensions, the programmatic document promotes a vision oriented towards the involvement of all relevant actors in ensuring and promoting accessible, inclusive, adequate, sustainable and resilient housing, which contributes to improving the quality of life.

96. Within the pillar on “Inclusive Housing” the objective is improving, facilitating and simplifying the access of people from marginalized communities and vulnerable groups to adequate housing and living conditions. The targets related to this pillar include the construction of 8,000 social housing for people from vulnerable groups, categories exposed to the risk of social exclusion and marginalization by 2027.

97. Also, within the pillar on “Affordable housing and quality public services”, the Strategy promotes increasing access to adequate housing, at affordable costs, with the main sources of funding being the NRRP, Component 10 – Local Funds, the Program for the construction of housing for young people, intended for rent, carried out by National Agency for Housing (NAH) (including those built and intended exclusively for the rental of young specialists in education or health), and the Program for the construction of housing through mortgage credit, carried out by NAH.

98. In order to monitor the implementation of the National Housing Strategy, the MDPWA will prepare a Report on the state of housing in Romania every three years. Monitoring the fulfilment of the specific objective “Adequate housing at affordable costs” will use the following indicators: overcrowding rate, providing affordable housing; the share of housing expenses in the minimum consumption basket for a decent living.

99. The NRRP, Component 10 committed to funding the construction of 4,418 homes for young people under 35 who come from marginalized communities or vulnerable groups, including informal settlements, as well as providing housing for specialists in the fields of health and education who will carry out their work in support of these communities (1,104 dwellings).

**Reply to paragraph 21 of the list of issues E/C.12/ROU/Q/6 (part 2)**

100. In 2021, the MDPWA initiated the process of monitoring the situation of informal settlements in Romania. This process is carried out annually based on information transmitted from the local level on the situation of informal settlements and the measures established in order to improve the living conditions of the population in these settlements, both in situ and in case relocation is necessary.<sup>9</sup>

101. Also, the MDPWA benefits from technical expertise from the World Bank in a project implemented in partnership with the Ministry of Investments and European Projects, and

<sup>9</sup> The first report on informal settlements in Romania was published in June and can be accessed at the following link: <https://www.mdlpa.ro/pages/habitat>.

aiming at strengthening the governance framework and developing an Action Plan dedicated to improving the living conditions of the population in informal settlements.

**Reply to paragraph 21 of the list of issues E/C.12/ROU/Q/6 (part 3)**

102. The MDPWA has reviewed in 2020 the Methodological Norms for the application of Law regulating the informal settlements in Romania. According to the methodological Norms, in order to identify informal settlements, assess their situation and establish the necessary measures, the local public administration authorities organize working groups, which include, as the case may be, the services/persons responsible for: town planning and construction authorization, control and discipline in construction, the agricultural register, social assistance, health public, investment, legal assistance and representation, local police, local Roma experts, civil society representatives. The working groups have the responsibility to identify the representatives of the informal settlements' habitants so that they participate in discussing and deciding on the necessary measures.

103. At the same time, if the informal settlement is located in areas requiring relocation, the representatives of the population affected by these measures are involved in the identification of land reserves for alternative housing solutions or for the construction of necessary or social housing, as well as in the implementation of the relocation measure.

**Reply to paragraph 22 of the list of issues E/C.12/ROU/Q/6 (part 1)**

104. Available data gathered from the local public administration authorities on evictions carried out in the last 7 years, as well as statistical data on the number of forced evictions, the number of affected households and persons and alternative housing made available to evicted persons are detailed in Annex 7.

**Reply to paragraph 23 of the list of issues E/C.12/ROU/Q/6**

105. The house heating benefits program was recently revised and other measures for vulnerable energy consumer were approved. Details on the amounts and requirements figure in Annex 1.

**Reply to paragraph 24 of the list of issues E/C.12/ROU/Q/6 (part 1)**

106. Starting from April 1, 2022, the minimal health service packages in ambulatory medical care include, in addition to health services, services provided by psychologists in the specialty of clinical psychology, psychological counselling, psychotherapy and special psycho-pedagogy (speech therapists and physiotherapists), related to the main medical act.

**Reply to paragraph 24 of the list of issues E/C.12/ROU/Q/6 (part 2)**

107. In order to ensure better access to preventive medical services, the minimal package of medical services in primary health care includes: preventive consultations for people over 18 years of age, once every 3 years, as well as periodic active consultations offered to people aged 0–18. The frequency of the latter are as follows: upon discharge from the maternity ward and at 1, 2, 4, 6, 9, 12, 15, 18, 24, 36 months; once a year from 4 to 18 years.

108. The preventive consultations include paraclinical investigations and laboratory analyses. The assessment consultations offered to people aged 0–18 are aimed at identifying and intervening in growth and development disorders and possible deficiencies in the child's psycho-motor development. The preventive services for asymptomatic adults aged over 18 years aim to identify and intervene on the modifiable risks for: cardiovascular and metabolic diseases, cancer, mental health, health reproduction.

**Reply to paragraph 24 of the list of issues E/C.12/ROU/Q/6 (part 3)**

109. In 2021, a number of 64,041 rapid HIV tests and 74,403 Elisa HIV 1+2 tests were performed. The treatment and monitoring of 13,450 people infected with HIV/AIDS was performed and 483 people were treated after being exposed to HIV infection.



**Reply to paragraph 25 of the list of issues E/C.12/ROU/Q/6 (part 1)**

110. Legal abortion is possible under the following conditions: the pregnancy is up to 14 weeks, the abortion must be performed within the medical institutions or medical offices authorized for this purpose, by a practitioner specializing in obstetrics-gynaecology with the right to free medical practice in this specialty. After the end of the first trimester, termination of pregnancy is allowed only for therapeutic purposes, if foetal conditions, usually malformations that do not allow survival after birth, are discovered or the mother's life is at risk during pregnancy.

111. The refusal to provide medical assistance can take place strictly in accordance with the law, or if the patient's request is contrary to the professional independence, affect the practitioner's image or moral values, or the request does not comply with the fundamental principles of practicing the medical profession. In all cases, the physician will explain to the person in question the reasons that founded his refusal, will ensure that by refusing to provide the medical services in question the life or health of the person concerned are not endangered and, to the extent that the refusal is based on his/her moral convictions, will direct the person in question to another colleague or another medical unit.

112. The supervision of the way doctors exercise their profession and the settlement of complaints against them is done by the Territorial Colleges.

**Reply to paragraph 25 of the list of issues E/C.12/ROU/Q/6 (part 2)**

113. Contraceptives and medical devices are provided free of charge through family planning offices, through general practitioners' offices included in the National Health Program, through the obstetrics-gynaecology offices in the specialized outpatient clinic and hospital, as well as through the gynaecology departments where abortions are performed on demand. The beneficiaries are the unemployed, pupils and students, people who are part of families receiving social assistance, women with a stable residence in rural areas, women who perform an abortion on demand, in a public health facility, as well as other people without income, who give a declaration on their own responsibility to this end.

114. Starting from 2013, family planning is included in the minimal service package of primary health care and specialized ambulatory health care benefiting the people who have the status of insured, as well as the minimum health care package primary healthcare benefiting uninsured people.

**Reply to paragraph 25 of the list of issues E/C.12/ROU/Q/6 (part 3)**

115. Recently, by order of the Health Minister, the technical working groups for the reorganization of reproductive health and sexuality services and family planning (SRS/PF) were established, with the responsibility to develop a Reproductive and Sexual Health Strategy and Action Plan; to draft /update the medical practice guidelines in the field of SRH/PF, updating eligibility criteria; to update the instructions on the organization of medical units that provide SRS/PF services, staffing, staff attributions.

116. Also, through the NRRP, the call for the renovation and equipment of family planning offices is opened and a later call for advertising these offices and the services they offered will follow.

**Reply to paragraph 25 of the list of issues E/C.12/ROU/Q/6 (part 4)**

117. The national Anti-HPV vaccination program provides for the vaccination of population groups at risk (HPV) addressed to girls in the age group 11–18 years, carried out:

- At the request of the parents/legal representatives;
- Respecting the principle of equity and thus using the same vaccine product for the whole vaccination scheme;
- Only for girls who, at the time of the request, are in the age group 11–18 years.

**Reply to paragraph 25 of the list of issues E/C.12/ROU/Q/6 (part 5)**

118. In January 2022, the Ministry of Health developed the National Plan to fight cancer. At the national level, cervical cancer is still a major public health problem, being the third most common cancer in the female population after breast and colorectal cancer and the fourth cause of cancer mortality in women after breast cancer.

119. Currently, the National Cervical Cancer Screening Program is being carried out, which consists of performing the Babeş Papanicolau test once every five years, but screening presentation is variable at the local level (screening networks established at the county level) and does not exceed 20% in the second round of screening.

120. The National Plan aims at reducing by 15% the number of demises caused by cervical cancer through increased efficiency of the national screening program – with networks of regional screening, vaccination and approach of lesions centres –, including HPV testing in the national screening program, lowering the age limit for screening and also through professional training in oncologic gynaecology and oncologic surgery.

**Right to education (arts. 13–14)****Reply to paragraph 26 of the list of issues E/C.12/ROU/Q/6 (part 1)**

121. In 2017, given several failures in the payment of salaries for education staff, the Government decided to reverse this decentralisation measure and to provide the teachers' salary entitlements from the State budget. Consequently, the necessary sums of money are distributed to the school inspectorates, which in turn distribute them to the educational units and manage redistribution between educational establishments.

122. Local authorities receive support from the central level, the Ministry of Education (MoE) and the MDPWA, as well as from external sources,<sup>10</sup> for the provision of and the rehabilitation of school infrastructure and facilities necessary for quality teaching and learning.

123. The Education component of NRRP provides for the implementation and funding of systemic measures aimed at creating infrastructure and providing adequate facilities for the education system, including digitisation of the pre-university education system, by means of a €30.27 million budget. The measures target pre-school education, TVET, including agricultural education, lower secondary education with a focus on rural schools, and higher education. Systemic investments are foreseen in terms of facilities for digitising the pre-university education system.

**Reply to paragraph 26 of the list of issues E/C.12/ROU/Q/6 (part 2)**

124. The standard cost per pupil/preschool child, which provides the basic funding of the pre-primary education system, has been steadily increasing over the reference period and has continued to do so in recent years.

125. In the 2014–2020 programming period, through the Operational Programme “Human Capital”, a budget of approx. 1.479 billion EUR, – of which approx. 1.394 billion EUR were directed to less developed regions and approx. 85 million EUR to Bucharest-Ilfov Region – was allocated to the priority axis Education and Competence. A number of other projects for education have been funded in 2014–2020 through other operational programmes – Operational Programme “Competitiveness” (e.g. investments in ICT), Operational Programme for “Aid to Disadvantaged People” (e.g. funding of school materials), Operational Programme for Administrative Capacity (e.g. increasing the institutional capacity of the MoE).

126. During the 2021–2027 programming period, the field of education will be supported mainly through the investment priorities of the Operational Programme “Education and

<sup>10</sup> Two such projects are: the *Early Education Reform* – for the construction of new kindergartens and their equipping, and the *Safer, Inclusive and Sustainable Schools* – for the reconstruction or upgrading of schools, especially those at high seismic risk.

Employment”, with a total budget of 5.775 billion EUR, financed through the European Social Fund and the Romanian State budget. The objectives pursued in the field education aim at: improving accessibility, improving quality and access to early childhood education and care from the cost-effectiveness and infrastructure perspective; preventing early school leaving; improving TVET quality in view of keeping up with labour market developments; supporting the development of innovative and effective teaching methods and techniques. The measures envisaged are complementary to the investments foreseen to be financed by the NRRP.

127. During the pandemic, education received additional funding for the implementation of measures that ensured the continuity of education and the combat of learning losses. State budget funds, non-reimbursable external funds and loans have been used as funding source. To recover and consolidate the education system, €3.6 billion (12% of the total of €29.2 billion) have been allocated to education through the NRRP for financing the six planned reforms that will contribute to increasing the quality and relevance of education.

**Reply to paragraph 26 of the list of issues E/C.12/ROU/Q/6 (part 3)**

128. Combating functional illiteracy and preventing and combating early school leaving (ESL) are two of the main challenges facing the education system in Romania, often tackled together.

129. In this respect, the MoE has implemented large-scale projects such as the Secondary Education Project (ROSE) and the Relevant Curriculum, Open Education for All (CRED) project.

130. The efforts already under way started with the implementation of the National Strategy for the Prevention of Early School Leaving are continued through the National Programme for the Reduction of School Drop-out, a systemic intervention funded by the NRRP, with a budget of 543 million euros; the programme aims to reduce school dropout by at least one quarter in the educational establishments participating in the Programme, improve the pupils’ results in the national assessments and increase the percentage of those who complete secondary education, increase the participation of 8th grade graduates in the national assessment and their transition rate to upper secondary education – high school or TVET. The programme targets schools at medium and high risk of early school leaving and school dropout.

131. The National Project “Educated Romania”, to be implemented through the new education laws and the reforms and investments foreseen by the NRRP for the education component, has set the target of halving the functional illiteracy rate, so that it reaches at most 20% by 2030.

**Reply to paragraph 26 of the list of issues E/C.12/ROU/Q/6 (part 4)**

132. Romania participates in the joint project of the European Union and the Council of Europe “Inclusive Schools: Making a difference for Roma children” (INSCHOOL), which aims to promote inclusive education and training in schools. Likewise, the Education, Scholarships, Apprenticeships and Youth Entrepreneurship Programme - ESAYEP, funded through the EEA Grants 2014–2021, includes a component dedicated to the Roma minority.

133. In order to support children and students belonging to national minorities, the MoE implements the project Competence and Efficiency in teaching Romanian to children and students belonging to national minorities in Romania, whose main objective is to improve the teaching-learning process of Romanian language for ethnic students studying in their mother tongue, as well as for those studying in schools with teaching in Romanian.

**Reply to paragraph 26 of the list of issues E/C.12/ROU/Q/6 (part 5)**

134. In the context of school closures and the transition to distance learning, in parallel with the concern to prioritise the health and safety of pupils and the teaching staff, the general guiding principle was to ensure the continuity of education and the access to quality teaching and learning for all children/pupils. The measures focused on:

- Continuity of online/distance education, including through the TV programme *Telescoala*, based on the partnership between MoE and Romanian State Television;
- The provision of electronic equipment, with internet connection, for facilitating participation in online education, especially for pupils from disadvantaged groups;
- The provision of health protection materials for schools that did not have the necessary funds to make such purchases;
- Supporting teachers in adapting to the new teaching conditions by providing online seminars and training sessions, creating a digital platform with open educational resources;
- Cooperating with the private sector to provide internet connectivity;
- Implementation of a national programme for the recovery of learning losses, which has particularly targeted pupils belonging to vulnerable groups, including Roma children, children living in rural areas, children with special needs, etc.;
- Psychological support and counselling to ensure the well-being of pupils and teachers.

135. To address mental health problems and impairment of children's psychological and physical well-being in the context of the COVID-19 pandemic, the National Support Programme for Children in the Context of the COVID-10 Pandemic – “Out of Care for Children”, launched in 2021, is under implementation.

## **Cultural rights (art. 15)**

### **Reply to paragraph 27 of the list of issues E/C.12/ROU/Q/6 (part 1)**

136. Education for persons belonging to national minorities is organised either as mother-tongue education (where all subjects are studied in the mother tongue, with the exception of Romanian language and literature) or within Romanian/other language schools (where study of subjects specific to the minority, namely minority mother tongue language and literature, and the history and traditions of the national minority are taught in the minority language).

137. In the Romanian education system there are educational units (education establishments), sections, classes or groups teaching in mother tongue for the following national minorities: Hungarian, German, Romani, Ukrainian, Slovak, Serbian, Croatian, Bulgarian, Czech, Turkish, and Italian. At the same time, in other educational establishments, the study of subjects specific to minorities (mother tongue language and literature, history and traditions of the minority and, as appropriate, music education) is provided for the following national minorities: Armenian, Bulgarian, Greek, Italian, Polish, Romani, Russian, Czech, Croatian, German, Hungarian, Serbian, Slovak, Turkish, Ukrainian.

138. The minorities whose languages are studied in the Romanian school system also benefit from school competitions for pupils, financed through MoE funds, which contribute to the cultivation of the mother tongue and the history and traditions of minorities.

139. At the same time, multiculturalism and diversity are promoted in the school curriculum through specific subjects, such as Intercultural Education, studied in lower secondary school, as well as through specific themes integrated in other subjects and extra-curricular activities.

### **Reply to paragraph 27 of the list of issues E/C.12/ROU/Q/6 (part 2)**

140. At present, education in the Hungarian mother tongue is organised in 17 counties and in Bucharest, covering all levels and forms of pre-university education. In two of the counties with the largest Hungarian population (Covasna and Harghita), pre-school education in the Hungarian mother tongue for nursery children is also organised.

141. The teaching of subjects corresponding to the mother tongue, history and traditions and music specific to the Hungarian minority for ethnic Hungarian pupils studying in schools with teaching in Romanian or in a language other than the mother tongue is provided in six counties.

**Reply to paragraph 27 of the list of issues E/C.12/ROU/Q/6 (part 3)**

142. Education in the Romani mother tongue is organised in 10 counties, mainly covering pre-school and primary levels, lower secondary school level in one county and high school level in Bucharest. The study of minority-specific subjects (Roma mother tongue and literature, history and traditions of the Roma minority and, where appropriate, music education), by Roma pupils attending schools with teaching in Romanian or a language other than the mother tongue is provided in 37 counties.

143. Bilingual approaches (Romani-Romanian, Romani-Hungarian) are also implemented at pre-school level, and in the last three years 7–10 such kindergarten groups have been organized per year in 8 counties, with a total of approx. 210–225 pre-school children.

**Reply to paragraph 27 of the list of issues E/C.12/ROU/Q/6 (part 4)**

144. In 2021, the Department for Interethnic Relations (DIR) carried out at its own initiative or in partnership, several activities or projects for the preservation and promotion of language, history and culture of Romanian citizens belonging to national minorities (see Annex 8).

145. DIR granted non-reimbursable funding to 40 projects initiated by NGOs – interethnic projects, promoting cultural linguistic and religious identity, and the rights of citizens belonging to national minorities and projects to combat intolerance and three publications in Romani language.<sup>11</sup> Moreover, DIR resumed discussions with the Ministry of Culture regarding the establishment of a State Roma Theatre in Romania.

146. During 2020 and 2021, DIR carried out a data collection process on the implementation of the legal provisions on the right of citizens belonging to a national minority to use their mother tongue in local public administration in localities where the threshold of citizens belonging to a national minority exceeds 20% of the population. The intended result was also to raise the awareness of the role these entities have in the protection system of national minorities.

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<sup>11</sup> Rromane azbalimata/Rroma emotions. Collection of Romani literary creations; Roma slavery and places of memory – social history album; E minoriteturia and-i akanunti arta/Minorities in visual arts contemporary.