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This project is funded by the European Union.

REPORT ON INFLUENCE OF EU ON LIVES OF PEOPLE WITH DISABILITIES IN ROMANIA



2021



ABOUT THE PROJECT

This report has been prepared within the framework of the EUROPE and DISABILITY Project performed within the scope of the “Turkey - EU Civil Society Dialogue” program carried out by the Directorate for EU Affairs within the framework of the EU Instrument for Pre-Accession Financial Assistance since 2008. The Civil Society Dialogue Grant Program between Turkey and the EU (CSD-VI) has a budget of 4,750,000 Euros, aims to increase the interaction and dialogue between Turkish and EU civil societies at local, regional and national levels, and focuses on the importance and benefits of Turkey's EU membership. It is a program that supports awareness raising initiatives in both communities. The Civil Society Dialogue Project is coordinated by Directorate for EU Affairs.

The Europe and Disability Project is funded by EU. The project aims to increase the awareness of the general public and the disability community about the positive effects of the European Union process for the people with disabilities and to support them to adopt the EU process in Turkey. The coordinating institution of the project is the Sinop Spastic Children's Association (<https://www.sinopscd.org.tr/>). The partners of the project are the NGOs; IPP (<http://cluj.institutphoenix.ro/>) from Romania and CEIPES (<https://ceipes.org/>) from Italy.

The objectives of the project are:

- Analysing the perception of people with Disabilities in Turkey to EU process from the aspect of disability rights,
- To demonstrate the potential positive effects of EU process on disability rights to people with disability,
- To promote collaboration between EU and Turkish Disability CSO's,

You can access the project outputs at this address.
<https://en.avrupaveengellilik.org/>

ABOUT THE REPORT

This report is designed under the EUROPE and DISABILITY Project. This project under the “Turkey - EU Civil Society Dialogue, program which has been carried out by the Directorate for EU Affairs within the framework of the EU Instrument for Pre-Accession Assistance since 2008 with the aim of improving cooperation between Turkey and EU non-governmental organizations (NGOs). Project is financed by EU. Project aims to increase awareness of community and disability family in Turkey on positive effects of European Union process and make the people with disabilities to appropriate the EU process in Turkey. Sinop Spastic Children Association (<https://www.sinopscd.org.tr/>) from Turkey is the coordinating institution of the Project. “Phoenix” Postsecondary Institute (IPP) (<http://cluj.institutphoenix.ro/>) from Romania and CEIPES (<https://ceipes.org/>) from Italy are co-applicants. Project’s objectives are:

- Analyzing the perception of people with disabilities in Turkey to EU process from the aspect of disability rights
- To demonstrate the potential positive effects of EU process on disability rights to people with disability
- To promote collaboration between EU and Turkish Disability CSO’s.

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This report has been published with the financial support of the European Union. The content is completely under the responsibility of Sinop Spastik Çocuklar Derneđi and does not necessarily reflect the views of the European Union.



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1. Introduction

The concept of disability is constantly evolving and is the result of the interaction between people with disabilities and the barriers of attitude and environment that prevent their full and effective participation in society on equal terms with others.

The disability is mainly addressed through two models: the medical model and the social model.

From the perspective of the medical model, the individual has a limitation, physical or mental, in performing an activity to the standards or in the manner considered normal by society. According to this point of view, the problem is the individual, not the society, this being in biological and psychological inferiority and whose limitations generate his dependence on others.

According to the social model, disability is a consequence of the way in which the society is able to respond to the needs of this category of people. The environment is the one that creates constraints, being the source of the problems of these individuals.

With all the effort made by adopting and implementing social policies, the medical model is strongly anchored in the mentality of people, having negative repercussions on the integration of people with disabilities in society.

The promotion and protection of the rights and dignity of vulnerable persons must be based on a holistic approach to social development, human rights and non-discrimination. Everyone has the right to enjoy all the rights and freedoms recognized and regulated without any differentiation, these rights being universal, indivisible and interdependent.

Acceptance of discrimination on the basis of disability is deeply rooted in many societies. It is largely based on ignorance, not bad faith. As the rights of persons with disabilities are frequently violated and these persons are often unable to claim them, the United Nations adopted the Declaration on the Rights of Persons with Disabilities in 1975 and the Convention on the Rights of Persons with Disabilities (CRPD) in 2006.

Regulations in the field are also provided in the Universal Declaration of Rights.

In turn, the Council of Europe promotes a policy of equal opportunities, in the sense of enabling all individuals to exercise their social, economic, cultural and political rights in their social dimension.

At European level, we recall the regulations adopted by the Council of Europe: Action Plan to promote the rights and full participation of people with disabilities in society: Improving the quality of life of people in Europe 2006-2015 and Recommendation (2011) 14 on the participation of people with disabilities in political and public life. At the same time, there are special provisions in the general regulations.





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2. Disability Approach in Romania

According to Eurostat data, in Romania, about a quarter of the population over the age of 15 have disabilities. Disability is measured by correlating it with the so-called general activity limitation concept used by Eurostat: "activity limitation that people usually do, as a result of health problems that have occurred for at least the last six months."

According to the records of the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, as of June 30, 2020, the total number of persons with disabilities was 853,465, representing 3.85% of the Romanian population. Women represent 53.14% of all people with disabilities. The number of people over the age of 50 represents 72.69% of the total number of adults with disabilities. The centralization of data by age groups shows that 53.23% are people aged 18-64 (417,221 people) and 46.77% are over 65 years (366,619 people), a total of adults with disabilities. 97.96% of all persons with disabilities (836,074 persons) are in the care of families and / or live independently and 2.04% (17,391 persons) are in residential public welfare institutions for adults with disabilities (institutionalized) coordinated by the Ministry of Labor and Social Protection through the National Authority for the Rights of Persons with Disabilities, Children and Adoptions. The number of public social assistance services for adults with disabilities as of December 31, 2019 was 503, of which 443 residential and 60 non-residential / day.

The situation of people with disabilities became a concern for Romanian society, after 1989. In 1990, the foundations of the system for the protection of persons with disabilities were laid, by setting up the State Secretariat for the Disabled. The Romanian Constitution of 1991 dedicates an entire chapter to people with disabilities. These, according to art.46 "enjoy special protection. The state ensures the implementation of a national policy of prevention, treatment, rehabilitation, education, training and social integration of their disabled, respecting the rights and duties of parents and guardians".

In 1992, the process of regulating the rights of persons with disabilities began, including the right to social benefits, to fiscal facilities, as well as to more favorable general conditions. This was achieved by the adoption by the Romanian Parliament of two laws: Law no. 53/1992 on the special protection of disabled persons and Law no. 57/1992 on the employment of disabled persons. Also, in the definition given to people with disabilities, the concept of special protection measures was introduced. They are applied on the basis of the classification in categories of disabled persons, in relation to the degree of disability, established as a result of the evaluation carried out by the commissions of medical expertise.

Romania started the process of accession to the European Union on February 1, 1993, by signing the Association Agreement to the European Union, a document that entered into force two years later. The application for membership of the Union was submitted in 1995, and in 1999, the European Council decided to open accession negotiations with Romania, along with six other states. Accession negotiations were concluded in 2004. At the same time, the Council reaffirmed the accession timetable:





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April 2005 - signing of the Accession Treaty; January 1, 2007 - effective accession. During 1998-2006, the European Commission presented annually evaluation documents on Romania's European progress, these documents being of two types: reports on the state of preparations for accession and, respectively, after the signing of the Accession Treaty, comprehensive monitoring reports (in which was presented the stage of fulfilling the commitments assumed by Romania in the accession negotiations.) On April 25, 2005, the Treaty of Accession of Romania to the EU was signed. Following the completion of the ratification process in all Member States, Romania became a Member State of the European Union on January 1, 2007.

The accession calendar determined Romania to start the process of harmonizing the legislation with the EU legislation, including in the field of people with disabilities. The entry into force of OUG no. 102/1999 on the special protection and employment of persons with disabilities, on June 30, 1999, meant another stage through which the system of measures for the special protection of persons with disabilities was developed.

In 2002, the "National Strategy on Special Protection and Social Integration of Persons with Disabilities" came into force, developed on the basis of a "holistic, interdisciplinary and intersectorial vision, to harmonize ministerial strategies, combine them and express the will of the Romanian Government to align its policy of international standards "in this area. In order to join the EU, the adoption of a national strategy based on international documents was considered the primary objective for our country.

The revised European Social Charter was taken into account; Council of Europe Recommendation no. R (92) for a coherent policy for equal opportunities for people with disabilities (1992); Resolution of the Council of Europe and of the Representatives of the Governments of their Member States in the Council on Equal Opportunities for Persons with Disabilities of 1996; United Nations Standard Rules on Equal Opportunities for Persons with Disabilities - 1993.

A substantial stage in the evolution of the protection system for people with disabilities, in order to permanently improve the quality of life, was marked by the entry into force of two normative acts: The National Strategy for the Protection, Integration and Social Inclusion of Persons with Disabilities in the Period 2006-2013 - "Equal Opportunities for Persons with Disabilities - Towards a Society Without Discrimination", and Law No. 448/2006 on the Protection and Promotion of the Rights of Persons with Disabilities.

Law no. 448/2006 is one of the most comprehensive normative acts, with substantially improved implications regarding the quality of life of people with disabilities. Law no. 448/2006 it is based on the fundamental concept of the national strategy - "the disabled citizen with full rights". To this end, the normative act includes and imposes the concept "access for all", establishes obligations and deadlines for central and local authorities, public and private.

According to Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, the types of disability are: physical, visual, auditory,





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deafblindness, somatic, mental, mental, HIV / AIDS, associated, rare diseases. The degrees of disability are: severe, accentuated, moderate and mild.

Also, the normative act pays special attention to the terminological clarifications, introducing new concepts, such as:

- -accessibility - the set of measures and works for adapting the physical environment, as well as the information and communication environment, according to the needs of disabled people, an essential factor for exercising the rights and fulfilling the obligations of disabled people in society;
- -reasonable accommodation/adjustment at work - all changes made by the employer to facilitate the exercise of the right to work of the disabled person; involves changing the work schedule,(-)purchase of assistive equipment, devices and technologies and other similar measures;
- -live assistance - includes animal assistance, such as the guide dog;
- -assisted employment - the employment option that facilitates work in ordinary jobs on the competitive labor market and that involves offering support in search of work and at work, transport, assistive technologies, training, specialization;
- -complementary personal budget - sets the limits of personal expenses during a month, depending on the degree of disability, for the payment of the radio / TV subscription fee, the telephone subscription with included pulses and the fee for the electricity subscription;
- -ways and means of access - the elements that ensure access to public buildings and that ensure the possibility of moving people with disabilities inside the building;
- -equal opportunities - the process by which the various social and environmental structures, infrastructure, services, information or documentation activities become available to people with disabilities;
- -social inclusion - the set of multidimensional measures and actions in the fields of social protection, employment, housing, education, health, information and communication, mobility, security, justice and culture, aimed at combating social exclusion.

Law No. 448/2006, republished, provides that each employer (public or private entity with a minimum number of 50 employees) shall apply an employment quota of 4% in favor of the persons with disabilities. The law provides also an alternative for those employers who do not hire 4% people with disabilities namely to pay a certain amount of money (in correspondence with the number of employees and the minimum salary established every year) to the state budget. Unfortunately, this money is not included in a special fund for solving people with disabilities' problems such as accessibility or support for employment, but directed to general priorities.

The principles enunciated in Law no. 448/2006 correspond to the social approach and Recommendation Rec (2006) of the Committee of Ministers of the member states of the Council of Europe - Action Plan for promoting the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, adopted by the Committee of Ministers at the April 2006:





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- a) respect for human rights and fundamental freedoms;
- b) preventing and combating discrimination;
- c) equalization of opportunities;
- d) equal treatment in terms of employment and occupation;
- e) social solidarity;
- f) community accountability;
- g) subsidiarity;
- h) adapting the society to the disabled person;
- i) the interest of the disabled person;
- j) integrated approach;
- k) the partnership;
- 1) freedom of choice and control or decision over one's own life, services and forms of support;
- m) person-centered approach to service delivery;
- n) protection against neglect and abuse;
- o) choosing the least restrictive alternative in determining the necessary support and assistance;
- p) integration and social inclusion of persons with disabilities, with equal rights and obligations as all other members of society.

In 2006, during the period when Romania held the presidency of the Committee of Ministers of the Council of Europe, the Action Plan for promoting the rights and full participation of people with disabilities in society was adopted: improving the quality of life of people with disabilities in Europe 2006 - 2015.

In 2010, Romania ratified the UN Convention on the Rights of Persons with Disabilities, and in January 2012 the Law on Social Assistance entered into force, which regulates the general framework for the organization, functioning and financing of the national social assistance system in Romania.

Every person with disabilities is entitled to free health insurance, under the condition that they:

- 1) Have a disability certificate;
- 2) Self - declare that they do not have any other revenues except for the ones provided by law: (Law no. 448/2006, on pensions), and is cared for by the family.

The law 448/2006 regarding the rights of people with disabilities mentions the right to free medical assistance, including medication, both in the emergency system and during hospitalisation. Also, a personal attendant benefits from free accommodation and meals in a hospital. Medical equipment is also free in the emergency system for a person with disability.





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Actually, the health insurances system supports only few benefits received by a person with disability, namely: medical equipment in the emergency system, accommodation and meals for the attendant in the hospital and a free ticket to recuperation/spa treatment recommended by the doctor. For a child with disability, the budget for health insurances and the Ministry of Labor's budget support an allowance for child's care, medical vacation for parents and monthly allowance placement.

The law of patient's rights (law no 46/2003) stipulates that any investigation or medical intervention requires the informed consent of the patient. In the case of a patient with mental disabilities or mental disorder, his/her legal representative has to give informed consent. In this situation, the patient should be involved in decision making as much as possible. If the patient requires emergency interventions, the representative's consent is no longer compulsory. If the medical staff considers a medical intervention to be useful and the representative does not approve, the decision is deferred to the Arbitration Commission. This Commission is composed of 3 medical doctors working in the hospital and 3 medical doctors in the emergency services.

According to Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities republished, with subsequent amendments and completions, the National Authority for Persons with Disabilities may grant amounts from the state budget, through the budget of the Ministry of Family Work, Social Protection and the Elderly, according to revenue budgets and expenditure approved annually, to the following non-governmental organizations:

- Romanian Association of the Blind;
- Romanian Association of the Blind War Invalids;
- Romanian National Association of the Deaf;
- National League of Organizations with Disabled Personnel from the Craft Cooperative;
- Romanian National Disability Council.

The provided amounts are used in compliance with the provisions of Law no. 500/2002 on public finances, with subsequent amendments and completions, and the amounts left unused at the end of the financial year are returned to the state budget.

The amounts will be used for the following expenses necessary for the functioning of the organizations:

- a) administration expenses;
- b) expenses for specific activities of general interest.

In Romania, the National Council for Combating Discrimination (CNCD) is the guarantor of the observance and application of the principle of non-discrimination, being an independent national institution, with specific attributions that carries out its activity in the field of discrimination, exercising it in the following directions: prevention, mediation of acts of discrimination, investigation, finding and sanctioning of acts of discrimination, monitoring cases of discrimination, providing specialized assistance to victims of discrimination.





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3. The Impact of European Union Funds for People with Disabilities in Romania

The European Union's solidarity and cohesion policy is implemented with the help of solidarity instruments or funds, which are addressed mainly to EU member states and regions in particular, but does not exclude the acceding countries for which special instruments and funds have been created. The main pillar of this policy is the Structural Funds, with two special funds: the Social Cohesion Fund and the European Solidarity Fund (the ESF and the Cohesion Fund are also called structural instruments).

The impact of European Union accession on Romania, considering the period in which it has been taking place, can be divided in two categories of effects: effects produced during the pre-accession period and effects produced after accession.

3a. Pre-Accession founding (1991-2006)

The effects produced in Romania during the pre-accession period were due to the intention to comply with the Copenhagen accession criteria, namely: political criteria, economic criteria and the ability to assume the obligations of membership (legal and administrative criteria). Meeting these criteria has been supported by funding for European pre-accession assistance. For Central and Eastern Europe acceding countries, there are three pre-accession funds which foreshadow the structural instruments and express the principle of solidarity: PHARE, ISPA and SAPARD.

The allocation of funds by beneficiary countries is made according to the population, GDP, but also to the previous performances, needs, absorption capacity and the progress registered in the preparation for accession. To the non-reimbursable financing from the European Union, granted through PHARE, is added a co-financing from the national budgetary resources.

PHARE, ISPA and SAPARD financial assistance is meant to complement and not replace the national effort.

According to the political criteria, in the pre-accession period, Romania had to prove the stability of its institutions guaranteeing democracy and rule of law (parliament, government, judiciary, anticorruption measures), human rights and minority protection (civil and political rights, economic rights, social and cultural rights minorities) (Petrescu, 2004, p. 251). It were the only criteria to be met before the accession negotiations had started (December 1999). (European Commission 2004 Regular Report on Romania's Progress Towards Accession).

PHARE focuses in Romania on three major sectors - regional development, institutional development and investment support in order to implement the *acquis communautaire*. One of the main areas funded was the development of human resources, which also included people with disabilities.





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An important area of assistance provided under the national PHARE program refers to human resources development, including disabled people (controlling structural unemployment, improving adaptability to the long-term labor market, measures to actively combat social exclusion, improving access to education and the system of training and specific vocational and technical education, adaptation of the educational system to the requirements of the labor force, professional reconversion, stimulation of SMEs in order to recruit and train the unemployed); strengthening democracy and human rights protection; health.

In the period 1991-2006, PHARE assistance allocated to Romania amounted to 3.6 billion euros. Starting with the year 2000, the pre-structural financial instruments were added to these funds, respectively ISPA (Instrument for Structural Policies for Pre-Accession) which financed in the period 2000-2006 projects in the field of transport and environmental infrastructure and SAPARD (Special Accession Program for Agriculture and Rural Development) dedicated to agriculture and rural development.

PHARE 98- "*Regional Policies and Cohesion Programs*" with 52 million euros, was important because aimed to establish and support an appropriate framework for the regional development process with all that entails: policy, legislation and instruments, along with the administrative capacity to manage PHARE programs, ISPA and SAPARD.

The PHARE 98 program incorporated three sub-programs, the main objective of which was to prepare Romania for the management of pre-accession funds to the EU:

- Subprogramme 1: Support for Regional Development - with a total of 17 million euros and which took place on two main axes of intervention:
- Industrial Restructuring Component (11-13 million euros);
- Human Resources Development Component (2.5-4.5 million euros);
- Management and Technical Assistance Component (1.5 million euros).
- Subprogramme 2 - Facilities for project preparation (9 million euros).
- Special training sub-program (7 million euros).

The PHARE 98 program ended on 31 December 2000.

With the support of PHARE 1999-2002, old-type placement centers for children were closed, being replaced with family-type houses and apartments, day centers, emergency reception centers, recovery centers were created. for children with disabilities, centers for abused children, counseling and support centers for parents, training and support services for the integration and reintegration of children into the family, centers for the prevention of domestic violence, day centers for children with special needs, childcare services rehabilitation for delinquent children, emergency reception centers for children with behavioral disorders.

With the help of PHARE 2003 funds, during the period 2005-2007, the project "*Supporting the reform of the system for disabled persons protection*" funded 78 new services (protected homes (45), centers of integration by occupational therapy (5), care and assistance centers (13), neuropsychic recovery and rehabilitation centers (10), day centers (4), "respiro" centers (1).





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PHARE 2004-2006 has launched calls for proposals for grants for the areas: "Promotion of human capital", "Social services", "Active measures for employment", "Promotion of lifelong learning for qualification and retraining", "Social Inclusion Measures", areas where people with disabilities are also found.

The "Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania-2006", at the final of pre-accession period, emphasizes that, in Romania, "living conditions in psychiatric institutions are in need of improvement. The national strategy for the disabled and other policy initiatives need to be implemented... Additional efforts are also needed to combat racism, discrimination, xenophobia and all forms of intolerance".

With the help of PHARE 2003 funds, IPP developed in 2006 the regional project. addressed to people with disabilities, entitled "*European practices for reducing youth unemployment*" whose main activities are a regional market study on the need for qualification on the labor market and training, counseling of 100 unemployed people with disabilities and hiring 20 of them.

With the support of PHARE 2006 funds, the IPP developed in 2008 the following projects, addressed to people with disabilities:

- "*Equal opportunities on the labor market for people with disabilities*" which qualifies a number of 62 people with disabilities in occupations in the field of information technology (web page designer and computer graphic designer).
- "*Increasing the degree of social inclusion in young people coming from placement centers, through active measures*" which offers a package of measures designed to support social and professional integration for 42 young people from placement centers, who are qualified in occupations required on the labor market (baker, agent cleaning, commercial worker).

3b. Post accession (2007-2020)

The development priorities at European Union level for the 2007-2013 programming period have been taken over by the Member States in their strategic documents.

An important area of assistance provided under European Social Found refers to improvement and more efficient use of human capital through promoting social inclusion and strengthening the administrative capacity for the development of a modern and flexible labor market, improving the relevance of the education and training system for employment, stimulating the entrepreneurial culture;

Romania had an overall financial allocation of 19.7 billion euro for the period 2007 – 2013, with an absorption rate of 71,76%. A significant share of these funds – approx. 30% (both from ESF and ERDF) were allocated for promoting the social inclusion of vulnerable groups (women, ethnic minorities, people with disabilities) who are at a disadvantage in the labour market or do not have access to basic services such as health, social and related services.





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Structural funds to improve the quality of life of vulnerable groups have been targeted to *soft* investments (e.g. development of human capital, access to labour market etc.). However, with regards to the *hard investment* (mainly social infrastructure and housing built with ERDF money) aimed at supporting social inclusion of vulnerable groups, Romania has missed its first opportunity of using the EU funds for engaging in a genuine reform of the social care system. Moreover it has continued to support investments which are contrary to the commitments that the country undertook when it ratified the UN Convention for the Rights of People with Disabilities (CRDP) in 2010, several months prior to ratification by the European Commission.

The legislation on the protection of the rights of persons with disabilities (Law no. 448/2006, republished) has specific components related to the rehabilitation of the person with disabilities. The social services established under the law aim to allow a person to live independently, to recover as much as possible after the appearance of a disability. Both, national and European funds were intended to support social services designed to cover the rehabilitation component of people with disabilities.

Unfortunately, instead of using the funds to provide independent living for people with disabilities, almost 44 million euros were spent on modernizing and rebuilding residential rehabilitation centres for people with disabilities that have perpetuated the social exclusion phenomenon by perpetuating institutionalization of disabled persons. This amount has allocated for the continuation of institutionalization and segregation of disabled persons in large capacity residential centers, the Government protecting through this policy employees within the system (over 47,000), even though, upon ratification of the UN Convention on the Rights of Disabled Persons, in 2010, Romania undertook the obligation to observe the right to community life of such persons (art 19 of the UN Convention). Living in residential centres is not suitable for real inclusion in society, so Romania must continue to invest in community services.

On June 30, 2013, the number of non-institutionalized persons with disabilities in Romania was 622,892 adults. The number of employed persons with disabilities on the same date was 29,184, which meant 4.69%. No central authority has exceeded the 1% of employed persons with disabilities.

Although there was no social economy framework law in Romania at that time to regulate and recognize the specific activities that define this sector, the EU funding programs available for Romania supported the development of major projects to include people with disabilities in the labor market, using legal mechanisms. Thus, through the Sectorial Operational Program Human Resources Development (POSDRU) was assigned a key area of investment for this purpose, namely DMI 6.1. Development of the social economy (2007 - 2013).

The budgetary allocation for DMI 6.1. was EUR 234 289 498 - EU funds by the end of 2011 while the contracting sum covered approx. 50% of this amount (about 118 million euros of EU funds to the 57 projects completed or under implementation).

Without a legislative framework in place dedicated to the structures of the social economy, civil society has implemented social economy structures with the help of the structural funds, using the best practice system from other European countries, has





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trained and prepared persons with disabilities in social entrepreneurship to stimulate the setting up of small businesses etc.

With the allocation of DMI, IPP implemented, during the period 2010-2013, as a partner, the Strategic Project "*Multi-regional Network for Promoting and Implementing Social Economy Concepts to Increase the Opportunities for Integration of People with Disabilities*". Un important result of a project was the training of 420 people with different disabilities, in ICT, Graphic design, Web design and Human resources.

In general, the social economy developed from protected workplaces where people with disabilities should represent at least 30% of all employees (law no 448/2006). The number of protected units created until 2012 is 567 and with 1577 people with disabilities actually employed.

Law No. 448/2006, republished, provides that each employer (public or private entity with a minimum number of 50 employees) shall apply an employment quota of 4% in favor of the persons with disabilities, or pay to the state budget 100% of the gross minimum salary calculated for each position reserved to a person with a disability.

For the period 2014-2020, the financial allocation from the EU Cohesion policy funds for Romania amounts to €26.8 billion in the Multiannual Financial Framework (2014-2020), equivalent to around 2% of the GDP annually. Romania has moved into a new stage concerning the approach towards inclusion of people with disabilities in the spirit of the CRPD. The Romanian Government adopting a new National Strategy called "A Society without Barriers for People with Disabilities 2016 – 2020" and a corresponding National Action Plan. Unfortunately there is no specific target for employment, education or fighting poverty of people with disabilities set out in the National Disability Strategy so far.

According to this strategy, in 2014, in Romania, a number of 700,736 people, ie a percentage of 3.71 of the total population, are registered as persons with disabilities, beneficiaries of the special social protection system.

With an extremely high rate of non-employment (only 8.07% people with disabilities (PwD) are reported to have a job), a high rate of non-enrollment in schools (over 50%) for children with disabilities and with a widespread poverty risk, people with disabilities remain the most vulnerable groups in Romania.

The new financial exercise 2014 – 2020 brings, however, a more optimistic perspective, as these are specific directions envisaged for increasing the living conditions of persons with disabilities in Romania such as: transition from institutions to community living, increasing accessibility of main public services (transport, health etc.), and increasing the access to mass education for people with disabilities.

At the same time, the newly adopted Operational Programs using European Structural and Investment Funds for 2014 – 2020 – particularly the Regional Operational Program and the Human Capital Operational Program do provide significant ground/resources for developing a new approach in social care for people with disabilities, focusing on deinstitutionalisation/transition from residential to





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community-based services. The investments eligible for co-financing target the refurbishment, modernisation, extension, or equipping of buildings (with 120 or more beneficiaries) for the establishment of day centres or sheltered accommodation for adult persons with disabilities.

Unfortunately, until 2018, the continuous implementation of the Strategy called “A society without barriers for people with disabilities 2016 - 2020” and the Plan were not considered a priority. Very important issues were not addressed, such as accessibility, access to the labor market and access to education.

This is happening due people with disabilities do not have an adequate voice at the level of designing social policies and are not given yet their rightful place, as participants and decision makers in the elaboration of the strategies for the development of the society. They are either not consulted at all or their points of view are not accepted or integrated, or are not informed at all. The individual does not often know, his/her rights and interests, feels lonely and isolated. There are few organizations orienting the disabled in an individual way (*The Bulletin of National Institute for Prevention and Control of Social Exclusion for People with Disabilities - INEPCESPH, Bucharest*).

In July 2018, the national Government adopted a series of modifications to Law 448/2006, through emergency ordinance, aimed at *deinstitutionalisation/ transition from residential to community-based services* as per its commitments within the 2020 framework. The new legislation include measures to facilitate NGO collaboration and further allowances to carers and sets the maximum capacity of residential centers for adults with disabilities at 50 places, so restructuring plans must be drawn up for centers with a capacity of more than 50 people.

With the help of European funds, out of the 298 existing residential centers, in which 16,685 people with disabilities are institutionalized, Romania must restructure 132 centers that have over 50 residents.

To prepare the restructuring process, the National Authority for the Rights of Persons with Disabilities runs between August 2019 and July 2022, the project “*People with disabilities - Transition from Residential Services to Community Services*” with an EU funding of 12,609,023.52 lei. The aim of the project is to accelerate the process of deinstitutionalization of adults with disabilities while designing public policy and working tools for the development of alternatives to support independent living and community integration and prevent re / institutionalization.

The specific objectives of the project are to develop a public policy proposal for the development of alternatives to support independent living and community integration and to prevent institutionalization and re-institutionalization, to design working tools in the field of social services for people with disabilities, and to achieve institutional coordination avoiding duplication of initiatives and avoiding double funding.

The target group of the project consists of 300 people, from the state administration responsible for people with disabilities.





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The expected results are the proposal of public policies for the prevention of institutionalization and the development of tools for monitoring and control of standards in the field of social services for people with disabilities. The project is still in progress.

People with disabilities still have limited access to support services. The rate of persons with disabilities at risk of poverty or social exclusion in Romania is among the highest in the EU (37.6% vs an EU average of 28.7%). The lack of synergies and complementarity between educational, employment and social services further aggravates the situation of this group. Moreover, there are no licensed community services for adults with disabilities. The deinstitutionalization of care of adults with disabilities is only being taken up slowly, while significant EU funds are available.

However, when it comes to the actual indicators on the situation in Romania, things are still precarious for people with disabilities: with an employment rate of only 15.5% in 2014 which increased to 17% in 2017 and a high number of children with disabilities not registered in any form of education (over 24%), Romania is far from being an inclusive country for people with disabilities, despite political publicly assumed commitments.

The National Authority for Persons with Disabilities reports for 2015 a total number of 732 *protected units*, with 165 more than 2012.

The economic impact of social enterprises remains marginal in Romania. An estimated 6,000 de facto social enterprises are active on the market and the number of paid employees they support stands at 19,065 (European Commission, 2019). Only a very small number of them have the official “social enterprise” label. Almost nine in ten social enterprises are associations or foundations, while the number of cooperatives, sheltered workshops and social insertion enterprises is very limited (12.6%). The framework is characterized by a narrow focus on social insertion enterprises, limited fiscal incentives and difficulties in accessing financial resources. There is no integration of social economy policies with active labor market policies for vulnerable groups. The current legal and policy frameworks do not harness the potential of social enterprises to innovate and contribute to environmental goals.

Until August 2017, employers who do not employ people with disabilities could purchase goods and services from sheltered work units for the minimum equivalent amount, but this criterion was eliminated. A new incentive has been created to stimulate employment - the obligation of employers to organize employment competitions only for applicants with disabilities, without preventing them from participating in any other competition organized by the employer.

One of the main cultural problems identified in relation to the lack of access to the labour market for people with disabilities is a lack of knowledge/understanding of their potential. The disability evaluation system still uses medical/functional criteria, which restricts the participation of people with disabilities particularly in the labour market (by declaring them unable to work) and, in consequence, does not allow the possibility of intervention through specialised employment services. Although the Institutional Strategy of the National Employment Agency for 2016-2020 mentions the fact that people with disabilities are a disadvantaged group in the labour market and must be attracted into it, NEA admits to not having personalized/adequate counselling





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services for them. Furthermore, many people with disabilities would benefit from counselling to increase self-esteem and training and coaching for developing/practicing their abilities in order to get a job. The lack of staff and proper space to carry out their work is also relevant in this matter. The limited availability of support services for people with disabilities such as supported employment, accessible transportation and reasonable accommodation represent an important cause of the low activity on the labour market.

The National Strategy on Social Inclusion and Poverty 2015 - 2020 includes people with disabilities among the most vulnerable categories – pointing to 687.000 children and adults with disabilities living in households and 16.800 in residential care system, as well as 62.000 children in the special protection system. The same strategy refers to the low employment rate of PwD (7.25% aged 18 to 64). The situation in which a member of the family of a person with disabilities (usually the mother) quits job and becomes the personal assistant of the child or adult with disability is very frequent. Most of the people with disabilities living in families are confronted with severe economic and social deprivations. Monoparental families are also numerous and risk of poverty for these families is higher, particularly when they include one or more children with disabilities.

Several projects at national level, targeting the active social inclusion of vulnerable groups (including people with disabilities) were implemented by the Ministry of Labour – including training courses and counselling services.

The National Authority for People with Disabilities implemented between February 2016 and December 2017 the project "*Ensuring mobility for people with disabilities in Romania and Europe*", a project funded by the European Commission through DG Employment, Social Affairs and Inclusion.

The project represents an innovative contribution, at European level, for the mutual recognition of disability in Romania and in other EU member states participating in the project: Slovenia, Greek Administration of Cyprus, Belgium, Italy, Estonia, Finland and Malta by establishing the EUROPEAN DISABILITY CARD.

The project lays the foundations for the legal and organizational framework needed to issue the European Disability Card, providing holders with access to nationally agreed benefit packages.

The European Regional Development Fund through the Competitiveness Operational Program 2014-2020, priority axis 2 - Information and communication technology, co-finances the project "*National Disability Management System (NDS)*", implemented by the National Authority for People with Disabilities, in partnership with Ministry of Communications and Information Society and Ministry of Labour and Social Justice in the period 2019-2021.

The general objective of the project is to develop and implement a centralized national platform for the collection, storage and distribution of information on people with disabilities (adults and children) to central and local public authorities, individual beneficiaries and institutional partners. The expected outcome of the project implementation will be a centralized national platform for collecting, storing and distributing information on cases of people with disabilities (adults and children with





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certificates of degree and type of disability or who are at the first assessment of obtaining the certificate) to central and local public authorities, individual beneficiaries and institutional partners. The total value of the project (LEI): 45,042,464 lei, of which 7,053,161.04 lei from the state budget and 37,989,302.96 lei from non-reimbursable external funds.

“Facilitating the insertion of people with disabilities on the labour market” is another project co-financed within the Human Capital Operational Program 2014-2020, Priority Axis 3 - Jobs for all, Specific Objective 3.1. Increasing the employment of the unemployed and inactive, with a focus on the long-term unemployed, the elderly (55-64 years), people with disabilities, people with a low level of education. The project is implemented by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions, in partnership with the National Agency for Employment. The duration of the project is 36 months, and will run from 2019-2022. The general objective is to ensure access for people with disabilities, on an equal footing with others, to the physical, informational and communication environment, in order to increase employment opportunities and the share of people with disabilities employed in the free labour market.

People who can benefit from assistive technology:

1. Persons who have a disability attested by the certificate of classification in the degree of disability;
2. People looking for a job and who do not currently have a job;
3. People of working age (18-65 years), including pupils and students

Expected results of the project: - 7000 people with disabilities informed and counselled for employment; - 200 persons with disabilities, non-NEET; - 200 adapted workspaces; - 1 campaign to inform the beneficiaries about the purchase of assistive products. The total value of the project is 111,978,816.40 lei, of which 94,549,862.89 lei are EU co-financing.

Another reality that makes the life difficult for people with disabilities in rural, in marginalized areas is the fact that the provision of social services is largely insufficient. Low salaries, lack of attractiveness of rural areas and strict conditions of access to the profession of social worker hamper the provision of social services. Recently, the government broadened the access of social work technicians in the integrated teams at community level in order to cover the professionals’ shortage. However, the social work technicians can only carry out their activity under the supervision by a social worker which creates other difficulties in delivering the social services at community level.

The EU co-funded pilot project “Creation and Implementation of Integrated Community Services for Combating Poverty and Social Exclusion” funded by the European Social Fund through the Human Capital Operational Program 2014-2020, implemented by the Ministry of Labour and Social Justice, Ministry of Health and Ministry of National Education, in the period 2018-2022, proposes to introduce integrated teams at community level and to answer at this problem.





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The general objective of the project: increasing social inclusion and combating poverty by developing and piloting integrated community services in 139 rural and small urban communities with above average and severe marginalization.

Target group: members of the Community integrated intervention teams (consisting of at least 336 people, social specialists (social workers, social work technicians), medical specialists (community nurses, health mediators) and educational specialists (school counsellors, school mediators).

Final beneficiaries of the project: people at risk of poverty and social exclusion in 139 rural communities and small-urban with a type of marginalization above medium and severe, covering 40 counties and 7 development regions.

The total value of the financing contract: 113,076,750.37 lei.

For the period 2021-2027, European Social Funds+ will be a key financial instrument to implement the European Pillar of Social Rights, to support jobs and create a fair and socially inclusive society. It will also provide much needed resources to Member States for the recovery of our societies and economies after the coronavirus crisis.

To prepare the legislative package on the implementation of European funds related to the financial framework 2021-2027, in the period 2019-2021, the National Authority for Persons with Disabilities implements the project “*Strengthening the mechanism for coordinating the implementation of the UN Convention on the Rights of Persons with Disabilities*”, a project funded by the European Social Fund 2014-2020.

The aim of the project is to strengthen the mechanism for coordinating the implementation of the UN Convention on the Rights of Persons with Disabilities in Romania.

The general objective of the project is to make functional in Romania the mechanism for coordinating the implementation of the UN Convention on the Rights of Persons with Disabilities and has as specific objectives:

1. Elaboration of the National Strategy on the rights of persons with disabilities, 2021-2027
2. Development of a functional mechanism for monitoring the implementation of the 2021-2027 Strategy by obtaining evidence on how the rights of persons with disabilities are respected.

Total value of the project (LEI): 9,689,034.43 lei, of which 8,137,225.38 lei the value of European Union co-financing.

The 2021-2027 Strategy continues and develops the implementation of the Convention on the Rights of Persons with Disabilities, initiated by the Strategy 2016-2020, and aims to ensure the framework for the full and equal exercise of all fundamental human rights and freedoms by all persons with disabilities.

The overall objective of the 2021-2027 Strategy is to ensure the full and effective participation of people with disabilities, based on freedom of decision, in all areas of life and in an accessible and resilient environment.





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As a novelty, the National Strategy on the Rights of Persons with Disabilities 2021-2027 creates, a priori, the framework for persons with disabilities to be consulted, listened to and involved in decision-making processes, in the development of policies and programs, especially those that I look at them directly.

By adopting this Strategy, the favorable condition for accessing funds related to the multiannual financial framework 2021-2027 is met.





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4. Romanian NGO Environment for the Disabled

The NGO system developed in Romania after 1990. At present, although there are a appreciated number of NGOs at national level, their activity is proving difficult within the communities, being permanently constrained by the funding sources and the conditions imposed by the funders.

For this reason, civil society organizations have real problems in carrying out a continuous activity and cannot fully fulfill their active role as promoter or coordinator of community development and through the implementation of legislative proposals.

Below we mention some organizations that we considered representative:

National Disability Council of Romania (CNDR) <https://www.fcndr.ro/>

A full member of the European Disability Forum (EDF), the National Disability Council of Romania (CNDR) is a federation-type organization, non-profit, non-governmental, humanitarian, apolitical, non-profit, made up of nationally representative organizations for protection and promotion of the rights of persons with disabilities.

The National Disability Council of Romania was established in 2004 at the request of the European Commission, as a requirement for Romania's accession to the European Union.

CNDR operates in accordance with the universal principles of human rights and its fundamental freedoms, according to the provisions of its own statute, Romanian legislation and European and international documents on disability issues.

CNDR has the mission to defend and promote the rights and legitimate interests common to all persons with disabilities in Romania.

The purpose of CNDR is to promote the private or group interests of all persons with disabilities in Romania and to protect all their rights, in accordance with the provisions of the UN Convention, the Universal Declaration of Human Rights, the Standard Rules on Equal Opportunities for Persons with Disabilities, United Nations Convention on the Rights of the Child, the Madrid Declaration and all other international documents in the field of disability.

The purpose of CNDR is achieved through systematic information and monitoring, dialogue and consultation, through legislative proposals, through strategic campaigns to influence public policies.

The principles underlying CNDR's activities are:

- respect for human dignity and independence of people with disabilities;
- non-discrimination combined with positive action aimed at social inclusion;
- guaranteeing the full participation, with equal rights, obligations and opportunities of persons with disabilities in all areas of life;
- promoting a society in which people with disabilities find their place naturally;
- respect for the opinion and diversity of the disability movement.





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CNDR objectives and activities:

- Sensitizes and raises awareness in society, in order to change existing policies, practices and attitudes towards disability;
- Promotes the person with disabilities as the main subject of social policies, author of his own integration, active participant in the decision-making process that concerns him directly;
- Acts for the adoption of a civil, economic and social legislation in accordance with the European norms, in order to fully integrate the person with disabilities in the Romanian society, with equal rights, obligations and opportunities, like all the citizens of the country;
- Participates in monitoring the application of legislation and strategies in the field;
- Advocates for the transformation of society into a universal society accessible to all through: accessibility of the physical and educational environment, jobs, transport and new technologies, ensuring access to information, culture and leisure, sports, social and health services, etc. ;
- Collaborates with public or private institutions, with organizations from the country and from abroad, in issues of common interest.

The National Disability Council of Romania is a permanent member of the Coordinating Council in the field of protection of the rights of persons with disabilities, children's rights and adoption within the National Authority for the Rights of Persons with Disabilities, Children and Adoptions

The federation has 9 full members, as follows and 17 observer members.

1. Romanian Association of the Blind – ANR, <http://www.anvr.ro>
2. Muscular Dystrophics Association of Romania ADMR, <http://mdaromania.ro/>
3. The National Association of the Deaf in Romania - ANSR <http://www.ansr.org.ro>
4. The Association of the Blind War Invalids from Romania - AIRN
5. RENINCO Association - National Information and Cooperation Network for the Integration in the Community of Children and Young People with Special Educational Needs <http://www.reninco.ro>
6. Association of People with Neuromotor Disabilities in Romania - AHNH <http://www.ahnr.ro>
7. The National Association for Children and Adults with Autism in Romania www.autismancaar.ro
8. The association "Get up and walk!"
9. Association for the Support of Physically Handicapped Children – Romania

ONPHR Federation- National Organization of Persons with Disabilities in Romania (<https://onphr.ro/>)

The main goal of ONPHR is to create favorable conditions for equal opportunities in order to affirm and fully integrate people with disabilities in Romania at all levels of community life: social, professional, educational, cultural, sports, etc. This





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goal aims to change the destiny of people with disabilities, promoting the concept of independent living for all and unrestricted participation in social life.

The role of the ONPHR Federation - the National Organization of People with Disabilities in Romania - is to represent at national level and defend the interests of people with disabilities in all decisions that may affect them.

After Romania's accession to the European Union in 2007, the laws, legislation and decisions taken by the EU had a direct and undisputed impact on the daily lives of people with disabilities in Romania. Consequently, we acted in order to expand and consolidate the organization into a strong federation, which will communicate with the national and international society, at all its levels, in one voice.

The Federation of the National Organization of Persons with Disabilities in Romania (ONPHR) is a non-governmental, humanitarian, apolitical, non-profit organization that defends human rights. It is made up of non-governmental organizations of people with disabilities and for people with disabilities, which develop programs aimed at equalizing access, integration and inclusion in society.

Currently, the ONPHR Federation has 33 member organizations, brings together over 75 associations and foundations and represents the interests of over 150,000 people with disabilities.

Motivation Romania Foundation (<http://www.motivation.ro/?&language=en>)

Motivation Romania Foundation is a non-governmental, non-profit, Romanian organization, created in 1995 to provide support to children and adults with disabilities. The successes achieved recommended Motivation Romania Foundation, that became the partner of Shaw Trust UK in 2008. They are members of ANCOR Federation and Workability Europe, and since 2004 they are affiliated to the International Tennis Federation, through the wheelchair tennis program. Their services cover a large range of needs of children and adults with disabilities, from adaptive equipment for different types of motor disabilities to medical rehabilitation and independent life skills training with a peer wheelchair instructor. Their programs focus on the social, educational and professional integration through consultation for building accessibility, employment mediation, day care, or leisure activities - adapted sport, cultural events

Lamont Sports Club (<https://www.lamont.ro/>)

Lamont Sports Club is a non-governmental, non-profit, Romanian organization, created in 2000. Paralympic sport programmes are offered by the Lamont Sports Club developed to attract youth (12+) and adults with physical and visual disabilities, regardless of skill level. For those with talent to reach high performance, training and support are offered, carefully matched to individual requirements, in order for the athletes to maximise their performance. Currently we have 55 (fifty five) members, comprising the largest club for paralympic sports in Romania. The following paralympic sports are practised: para-athletics; goalball, judo, para-swimming (all visually impaired); para-alpine skiing; para-archery; para-snowboard; para-swimming; para-table tennis; wheelchair basketball; wheelchair tennis – all sports for motor disabilities. We are proud that over 50% of our members are under 25 years old. Many of these members compete in international open tournaments moving on to European, World





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and finally the Paralympic Games. Three Lamont Sports Club members qualified for the London Paralympic Games in 2012: in 2016 at the Rio de Janeiro Paralympic Games, six of the 12 athlete team was Lamont Sport Club members.





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5. Conclusions

Equal opportunities policies promoted at international and national level aim to increase equal opportunities for each person, regardless of their condition, as well as the use of appropriate terminology, with an emphasis on eliminating negative, discriminatory, stigmatizing connotations.

According to the social model, disability should not be sought on a personal level but in the interaction of the individual with the social environment. Disability is a consequence of the way society is organized and responds to this category of subjects.

The social model follows changes in the institutions, rules and attitudes that create and maintain exclusion.

The harmonization of the Romanian legislation, in the field of persons with disabilities, with the European legislation and the ratification of international conventions, is an important step in promoting the rights and full participation of people with disabilities in society. But the manner and degree of implementation of national laws, regulations and plans depends on the human factor. The mentality at the level of society is difficult to change; it requires long periods of time. It seems that for Romania, the 30 years since the 1989 Revolution and until now are still too few to change society's attitude towards people with disabilities.

Although the policies promoted at international and national level are equal opportunities, non-discriminatory, their implementation at the social level is still far from being achieved.

Stereotypes associated with predominantly negative attitudes towards people with disabilities, determine these delays and omissions in the implementation of legislation addressed to this category of citizens. This can be seen in the following statistics:

In an analysis made by Eurostat over a period of 10 years (2009-2018) in Romania we are witnessing an abrupt decrease in disability allowances from the total amounts for social protection, from 9.54% in 2009 to 6.34% in 2018. At the same time, the relative position of Romania in relation to the practice in the Union has changed radically, from the 7th to the 19th place, the clear tendency being to diminish the interest shown by the public finances for this field of social protection.

To these are added the low salaries, the lack of attractiveness of the rural areas and the strict conditions of access to the profession of social worker prevent the provision of social services.

European funds for people with disabilities are a source of oxygen for them, insofar as these funds are used to meet their needs and not to support an outdated social protection system.

Their purpose is to give a boost and financially support the Romanian society to ensure rights and equal opportunities, non-discriminatory to people with disability. They contribute to changing the outdated mentality towards this group of citizens and to considering them people with abilities, ambitions and plans.





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