

Contribution to the Focus chapter of the Fundamental Rights Report 2022: Social rights and equality in light of the recovery from the COVID-19 pandemic.

Country: Romania

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Measures implemented to foster social rights and equal treatment in the recovery from the pandemic

Name of the measure in English	Unitary, inclusive and quality early childhood education system		
Name of the measure in the national language(s)	Dezvoltarea unui sistem de servicii de educație timpurie unitar, incluziv și de calitate		
Reference document for the measure Include an url, where available	Romania, National Recovery and Resilience Plan (<i>Planul Național de Redresare și Reziliență</i>) Component 15, Education, Measure i.2. Romanian: https://mfe.gov.ro/wp-content/uploads/2021/09/e6f28710212d5a2d963ba440ce587a99.pdf (p. 625) English: https://mfe.gov.ro/wp-content/uploads/2021/09/f2211c7d8ea2e3d3ba5831dc0c68fc72.pdf (p. 532)		
Social rights covered by the measure Delete as appropriate Multiple answers possible, but preference should be given to measures that apply to one discrete right	Right to education (Article 14)		
Population group(s) covered by the measure Delete as appropriate	 Children and youth; Individuals from disadvantaged socio-economic backgrounds 		

Multiple	answe	rs po	ssible,	but
preference	ce sho	uld be	e given	to
measures	s that	apply	to disc	rete
populatio	n group	os		

The measure targets primarily all children of 0-6 age enrolled in early childhood education and pre-school education in public education institutions.

It includes a specific component targeting "children from disadvantaged backgrounds". The document does not include a clear definition of this target group, but the brief analysis included in the document itself suggests that it refers to children from vulnerable families and/or poor communities.

Summary description of how the measure applies to the population group(s)

The measure includes several complementary components:

- Legislative: the adoption of an Inter-sectoral Framework Programme for the
 development of unitary, inclusive and quality early-childhood education services, with
 clear responsibilities for the ministries involved (Ministry of Education, Ministry of
 Labour and Social Protection, Ministry of Health and Ministry of Development, Public
 Works and Administration), as well as annual operational implementation plans. The
 Inter-sectoral Framework Programme shall be adopted by means of a Ministerial Order
 and it will enter into force by 31 December 2022;
- Infrastructure: Construction, equipping and operationalisation of 110 crèches, providing a standard early-childhood education service for up to 4 500 children;
- Training: Development of a framework programme for the continuous training of professionals in early childhood education services, including the allocation of the 42 grants for the training of 19 950 employees (teaching and non-teaching staff, 475 persons trained per county) working in standard and complementary early-childhood education services, prioritising those in the newly established services;
- Focus on children from disadvantaged backgrounds: setting up, equipping and operationalising 412 complementary services for disadvantaged groups. The Plan does not include specific information on what these services consist of, but only on the total number of new services created (412). These details will be decided at a later stage, through subsequent documents.

Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery

The measure is expected to raise the participation rate of 0-3 year-olds in early childhood education services to 19% (from 14.1% in school year 2019-2020) by 31 December 2025. In addition, the participation rate of 3-6 year-olds in education services is expected to raise to 91% (from 88.6% in school year 2019-2020) by 31 December 2025. The description of the measure does not include information on the potential impact on mothers/parents.

le information on the current participation rates of children from ands but it mentions that the specific component, the new , will be serving around 20 000 children from disadvantaged gramme and the subsequent Annual Implementation Plans are egeneral coherence and effectiveness of the early childhood education
on of the European Commission, "the expansion of the availability Idhood education and care should improve access for the most rm of education. This in turn should help pupils achieve better parents to join, more easily, the labour market. Similarly, measures the school leaving will have an impact on marginalised communities at risk of abandonment."
leasures does not explicitly refer to the provision of enabling social details of the implementation will be included in the subsequent the new Inter-sectoral Framework Programme, the Annual
and the description of each new service, and the training curriculum for ildhood education. Thus, it is possible that the provision of enabling ken into account in the future design steps.
ildhood education. Thus, it is possible that the provision of enabling
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¹ European Commission (2021), 'COMMISSION STAFF WORKING DOCUMENT Analysis of the recovery and resilience plan of Romania Accompanying the document Proposal for a COUNCIL IMPLEMENTING DECISION on the approval of the assessment of the recovery and resilience plan for Romania', 27 September 2021, p. 47.

Budget allocated to implement the measure	€347.33mln
Summary description of how any foreseen impact assessment of the measure will be carried out	The measure will be evaluated by monitoring the outcome indicators listed as following: - Entry into force of the Ministerial Order (MO) adopting the Cross-sectoral Framework Programme; - Entry into force of the MO regulating the establishment, organisation and operation of complementary early-childhood education services; - Participation rate of 0-3 year-olds in early childhood education services; - Participation rate of 3-6 year-olds in early childhood education services; - Number of newly built, equipped and operationalised crèches; - Number of complementary services set up, equipped and operational; - Number of trained personnel, working in standard and complementary early-childhood education services, prioritising those in the newly established services;
	no impact assessment is foreseen in the rian.

Name of the measure in English	Creating a new legal framework to prevent the separation of children from their families & Creation of a network of day centres for children at risk of separation from their families
Name of the measure in the national language(s)	Crearea unui nou cadru juridic pentru a preveni separarea copiilor de familie și Crearea unei rețele de centre de zi pentru copiii expuși riscului de a fi separați de familie
Reference document for the measure	Romania, National Recovery and Resilience Plan (<i>Planul Național de Redresare și Reziliență</i>)
Include an url, where available	Component 13, Social Reforms, Reform 1 and Investment 1.
	Romanian: https://mfe.gov.ro/wp-content/uploads/2021/09/e6f28710212d5a2d963ba440ce587a99.pdf (p. 533, 536)

	English: https://mfe.gov.ro/wp-content/uploads/2021/09/f2211c7d8ea2e3d3ba5831dc0c68fc72.pdf (p. 453, 455)
Social rights covered by the measure	- the rights of the child (Article 24)
Delete as appropriate	
Multiple answers possible, but preference should be given to measures that apply to one discrete right	
Population group(s) covered by the measure	Children and youth;Others: vulnerable families.
Delete as appropriate	The two complementary measures address the situation of children in danger of being
Multiple answers possible, but preference should be given to measures that apply to discrete population groups	separated from their families, with a focus on vulnerable families. The document does not include a definition for vulnerable families, but examples presented in text include: families from (socio-economically) vulnerable communities; families from disadvantaged Roma communities; single parent families; and (families with) children with disabilities.
	- Marginalized Roma communities
	One of the two measures foresees the creation of day centres, and 10% of the centres will be built in marginalized Roma communities.
Summary description of how the measure applies to the population group(s)	The objective of the two complementary measures is to prevent the separation of children from their families, especially in case of vulnerable families. The analysis included in the Plan shows that 34% of children for whom a special protection measure has been established have eventually reached the special protection system. Yearly, around 9,000 children are separated

from their families, following special protection measures, and the main cause of separation is poverty. The approach is twofold:

- legal: the reform shall be implemented through the entry into force of a new legislative act which shall create a framework to implement measures (including for example counselling and support for parents and children, day centres for children at risk of separation from parents, day centres for children with disabilities) to effectively prevent the separation of the child from the family and supporting the family in raising and caring for the child at risk of separation.
- infrastructure: the investment shall consist of the entry into operation of a network of 150 day service centres, at least 10% in communities with a significant Roma population, to prevent the separation of children from their families.

According to the Plan, the day centres in the child protection system have the mission of preventing the separation of the child from the family, by ensuring, during the day, activities of care, education, recreation-socialization, counselling, development of independent living skills, school and professional guidance, for children, as well as support activities, counselling, education, etc. for parents. Thus, the day centres become an intermediate step between the moment when the social services identified children at risk in their families, and the potential decision by a court to establish a special protection measure. By referring the children at risk to the day centres, they may receive help while remaining in their families, in particular when there is a risk of poverty.

Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery

By improving the legislative framework and creating a network of day centres for vulnerable families, the two complementary measures are aiming at reducing the number of children separated from the family and falling into the social protection system by approximate 50%, from 12 139 children affected (in 2020) to 6 100 (in 2026). The legislative measures are expected to improve the minimal standard of the public and private services offered to vulnerable families and children at risk of separation from family.

The measures will also deliver of a mapping of needs, available services and infrastructure facilities for children at risk of separation from families, in particular in vulnerable communities, which will inform and support further interventions.

	The investments in infrastructure and training are expected to effectively increase the quality of services, according to the new standards. The network of day centres will be used by the social services and local public authorities to design intervention plans and offer integrated services to the vulnerable families and children that are temporarily hosted in the centres.
Summary description of the extent to which the measure foresees the provision of enabling social services	According to the Plan, the day centres provide beneficiaries with access to informal and nonformal education and supervision and support activities in the learning process that contribute to their personal development and preparation for independent living. The day centres will also provide services for the parents: support activities, counselling, education.
Entity or organisation responsible to implement the measure	Ministry of Labour and Social Protection (<i>Ministerul Muncii și Protecției Sociale</i>) and the National Authority for the Protection of the Rights of the Child and Adoption (<i>Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții</i>).
Duration of the measure	1 January 2022 – 30 June 2026
Budget allocated to implement the measure	€50.27mln
Summary description of how any foreseen impact assessment of the measure will be carried out	The measure will be evaluated by monitoring the outcome indicators listed as follows: - Entry into force of a legislative act necessary to prevent the separation of children from the family and ensure support for vulnerable families; - Number of children separated from the family and falling into the social protection system; - Number of day centres to prevent the separation of children from the family; - Delivery of a mapping of needs, available services and infrastructure facilities for children at risk of separation from families, in particular in vulnerable communities.

	No impact assessment is foreseen in the Plan.
Name of the measure in English	Reform of the protection system for adults with disabilities
	&
	Rehabilitation, renovation and development of social infrastructure for persons with disabilities
Name of the measure in the national language(s)	Reforma sistemului de protecție a persoanelor adulte cu dizabilități and
	Reabilitarea, renovarea și dezvoltarea infrastructurii sociale pentru persoanele cu dizabilități
Reference document for the measure	Romania, National Recovery and Resilience Plan (<i>Planul Național de Redresare și Reziliență</i>)
Include an url, where available	Component 13, Social Reforms, Reform 2 and Investment 2.
	Romanian: https://mfe.gov.ro/wp-
	content/uploads/2021/09/e6f28710212d5a2d963ba440ce587a99.pdf (p. 533, 536)
	English: https://mfe.gov.ro/wp-
	content/uploads/2021/09/f2211c7d8ea2e3d3ba5831dc0c68fc72.pdf (p. 453, 455)
Social rights covered by the measure	- integration of persons with disabilities (Article 26),
Delete as appropriate	
Multiple answers possible, but preference should be given to	
measures that apply to one	
discrete right	
Population group(s) covered by the measure	- Persons with disabilities;
the measure	
Delete as appropriate	
Multiple answers possible, but preference should be given to	

measures that apply to discrete population groups	
Summary description of how the measure applies to the population group(s)	The objectives of the two complementary measures are to advance the de-institutionalisation process for persons with disabilities and prevent their institutionalisation, and to improve the social services provided to persons with disabilities to support their de-institutionalisation.
	On the legal dimension, the measure foresees the entry into force of a legislative act for the approval of the Guide to Accelerating the De-institutionalisation Process of all persons with a disability currently institutionalised so that an "independent living pathway" is defined for each person. The legislative act shall entail an identified stable source of funding for the measures planned in the guideline together with a disbursement mechanism conditional upon the achievement of key performance indicators associated to the policy objectives and a governance structure with clear responsibilities assigned for the public authorities at national and local level. The legislative act shall be also based on a full mapping of the individual situation of all persons with a disability and currently institutionalised in Romania with the objective to define an "independent living pathway" for each person, done in compliance with the case management principles by an independent authority/entity. On the infrastructure dimension, there will be established 55 new community services for persons with disabilities: day centres, assistance and support services, and patient neuro-
	motor recovery service centres.
Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery	The implementation of the two complementary measures will offer personalised support to deinstitutionalise and implement their "independent living pathway" to 8 455 adults with disabilities (none are receiving it, currently), and reduce the total number of institutionalised persons from 16 911 (2020) to 11 500 (2026).
	The objective of the measure is to contribute to social resilience by increasing access to social services for the most vulnerable, in this case the persons with disabilities, ensuring the

delivery of quality public services by a pool of professional and well-trained civil servants that adequately respond to the challenges.

The assessment of the European Commission underlines the integrated approach of the Plan, in general, and in particular related to the services for persons with disabilities: "Romania's Recovery and Resilience Plan contains some measures expected to contribute to addressing the country's challenges in the area of gender equality and equal opportunities for all. These include measures addressing the needs of people with disabilities, including in relation to accessibility to transport, buildings and digital public services."²

Summary description of the extent to which the measure foresees the provision of enabling social services

The general objective of the measure is to increase the quality of life of the adults with disabilities in the community, by strengthening social resilience and modernizing and streamlining the infrastructure of social services in the community.

For 8,456 people with disabilities that are now hosted in residential institutions, the implementation of the measure will stablish, by Q2 2026, a package of support measures to deinstitutionalize and implement "independent living", based on case management, which will be described in the form of basic principles in the new Strategy for Prevention institutionalization and accelerating the deinstitutionalization process (the Strategy itself is a deliverable of the Plan).

The development of alternatives for support for independent living and community integration and the prevention of re / institutionalization will also be achieved by building, equipping and ensuring the functioning of a number of 55 community-type services: day centres, ambulatory neuromotor recovery service centres and support services, which will provide activities for a number of approximate 4,870 adults with disabilities in 4 years.

² European Commission (2021), 'COMMISSION STAFF WORKING DOCUMENT Analysis of the recovery and resilience plan of Romania Accompanying the document Proposal for a COUNCIL IMPLEMENTING DECISION on the approval of the assessment of the recovery and resilience plan for Romania', 27 September 2021, p. 48.

Entity or organisation responsible to implement the measure	Ministry of Labour and Social Protection (<i>Ministerul Muncii și Protecției Sociale</i>) and the National Authority for the Protection of the Rights of the Child and Adoption (<i>Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități, Copii și Adopții</i>).
Duration of the measure	1 January 2022 – 30 June 2026
Budget allocated to implement the measure	€50.88mln
Summary description of how any foreseen impact assessment of the measure will be carried out	The measure will be evaluated by monitoring the outcome indicators listed: - Entry into force of the law for the implementation and operationalisation of the Guide to Accelerating the De-institutionalisation Process; - Number of institutionalised persons with disabilities receiving personalised support towards deinstitutionalisation and for the implementation of their "independent living pathway"; - Number of institutionalised persons with disabilities.
	No impact assessment is foreseen in the Plan.

Tools or mechanisms to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic

Name of the monitoring tool or	The Implementation and Control Mechanism of the National Recovery and Resilience Plan
mechanism in English	

Name of the monitoring tool or mechanism in the national language(s)	Mecanismul de Implementare și Control al Planului Național de Redresare și Reziliență
Reference document for the monitoring tool or mechanism Include an url, where available	Romania, National Recovery and Resilience Plan (<i>Planul Național de Redresare și Reziliență</i>) Part III, section 3 - The Implementation and Control Mechanism Romanian: https://mfe.gov.ro/wp-content/uploads/2021/10/06f9751c64fe6b4251e1d7d36b1b6849.pdf (p. 43) English version not available.
Organisation(s) involved in the monitoring tool or mechanism	Ministries responsible with the implementation of the measures included in the Plan will be part of the Inter-ministerial Coordination Committee
Delete as appropriate Multiple answers possible	 The following organizations will be part of the Monitoring Committee: non-governmental organizations selected through an open call, based on their representativeness; labour and trade unions, also selected based on their representativeness; associative structures of local public administration, respectively the National Union of County Councils in Romania, Association of Municipalities from Romania, the Association of Romanian Cities, the Association of Romanian Communes. No national body with a human rights remit is involved in the coordination and monitoring of the Plan.
Summary description of how these organisation(s) are involved in the monitoring tool or mechanism	The National Recovery and Resilience Plan does not include specific monitoring and evaluation mechanisms for each specific measure. A general implementation and monitoring tool is provided for the entire Plan.

A multi-level governance is envisaged for the implementation and monitoring of the Recovery and Resilience Plan, including:

- at central level, the coordination is ensured by the Inter-Ministerial Committee for the Coordination of the Plan, responsible for examining progress in the implementation of the Plan. The Inter-Ministerial Committee will be led by the Prime-Minister, as president, in close cooperation with the Ministry of European Investment and Projects, MEIP (Ministerul Investițiilor și Proiectelor Europene), as deputy president of the Committee
- MIEP is appointed as national coordinator for the preparation, negotiation and approval
 of the Plan, assisted by the Ministry of Public Finances. Throughout the implementation,
 MIEP will ensure the appropriate coordination between the Recovery and Resilience Plan
 and the programmes co-financed by the Cohesion and Regional funds as well as other
 funds, such as the Innovation Fund and Modernisation Fund under the EU Emissions
 Trading System.
- MIEP will convene the Monitoring Committee, including representatives of the following organizations³:
 - non-governmental organizations selected through an open call, based on their representativeness;
 - labour and trade unions, also selected based on their representativeness;
 - associative structures of local public administration, respectively the National Union of County Councils in Romania, Association of Municipalities from

³ Romania (2021), Emergency Ordinance no. 124/2021 on establishing the institutional and financial framework for the management of European funds allocated to Romania through the Recovery and Resilience Mechanism, as well as for amending and supplementing the Government Emergency Ordinance no. 155/2020 on some measures for the elaboration of the National Recovery and Resilience Plan necessary for Romania to access reimbursable and non-reimbursable external funds within the Recovery and Resilience Mechanism (<u>Ordonanță de Urgență nr. 124 din 13 decembrie 2021 privind stabilirea cadrului instituțional și financiar pentru gestionarea fondurilor europene alocate României prin Mecanismul de redresare și reziliență, precum și pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 155/2020 privind unele măsuri pentru elaborarea Planului național de redresare și reziliență necesar României pentru accesarea de fonduri externe rambursabile și nerambursabile în cadrul Mecanismului de redresare și reziliență), 13 December 2021.</u>

Romania, the Association of Romanian Cities, the Association of Romanian Communes for the Plan implementation, consultations with relevant stakeholders and social partners are foreseen for key reforms but the concrete tools will be developed at a later stage. The names of the relevant stakeholders are not mentioned. They will be selected based on their expertise and representativeness. The National Authority for Public Procurement (Autoritatea Natională pentru Achizitii Publice) will monitor the procurements; the Audit Authority (Autoritatea de Audit) from the Court of Accounts (Curtea de Conturi) will audit the expenses made under the Resilience and Recovery Plan. Both public bodies are independent of the Government and other implementing authorities. Each ministry responsible with components of the Resilience and Recovery Plan will develop subsequent monitoring and evaluation plans. No details are included at this stage. The Inter-Ministerial Committee for the Coordination of the Plan will meet quarterly or Summary description of the whenever necessary. At these meetings, the Prime-minister and/or the Minister of functioning of the tool or European Investments and Projects may invite Members of the Parliament and mechanism used to monitor the representatives of other public institutions. effectiveness schemes adopted to foster social rights The Monitoring Committee will meet quarterly or whenever necessary. and equal treatment in the recovery

Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated

The Resilience and Recovery Plan analyses at lengths the consistency and complementarity with other EU Instruments and Strategies, including the European Pillar of Social Rights, Child Guarantee, Youth Guarantee, and EU Roma Strategic Framework.

Each proposed measure has its own set of outcome indicators (milestones and targets). Although the indicators do not explicitly refer to the mentioned strategies, they are usually similar.

The evaluation of the European Commission states: "Taking into consideration all reforms and investments envisaged by Romania, its Recovery and Resilience Plan is expected to have a high impact on strengthening the growth potential, job creation, and economic, social and institutional resilience of the Member State, on contributing to the implementation of the European Pillar of Social Rights, including through the promotion of policies for children and youth, and on mitigating the economic and social impact of the COVID-19 crisis, thereby enhancing the economic, social and territorial cohesion and convergence within the Union."⁴

The Resilience and Recovery Plan does not mention the UN Convention on the Rights of Persons with Disabilities.

Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action

The Inter-Ministerial Committee for the Coordination of the Plan has the power to recommend adjustments and remedies to the implementation, and the implementing institutions will put them in practice.

The Monitoring Committee can formulate recommendations to the implementing institutions and/or to the Inter-Ministerial Committee for the Coordination of the Plan.

There are no provisions directed related to the situations where the implementation of the plan does not comply with obligations and standards related to Human Rights.

⁴ European Commission (2021), 'COMMISSION STAFF WORKING DOCUMENT Analysis of the recovery and resilience plan of Romania Accompanying the document Proposal for a COUNCIL IMPLEMENTING DECISION on the approval of the assessment of the recovery and resilience plan for Romania', 27 September 2021, p. 51.