

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Romania

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Date: 4 May 2020

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency, including enforcement actions

In **Romania**, the state of emergency was prolonged by Presidential Decree¹ until 14 May 2020. The state of emergency was declared on 16 March 2020, for an initial period of 30 days. Article 2 of the Decree lists the rights that may be limited during the state of emergency. The list remains unchanged and it includes: Freedom of movement; Right to intimate, family and private life; Inviolability of home; Right to education; Freedom of assembly; Right to private property; Right to strike; and Economic freedom. The exercise of these rights may be restricted proportionally with the degree in which the criteria mentioned in Article 3, paragraph 5 of the Presidential Decree is accomplished.

In **Romania**, the fines for not respecting the measures taken during the state of emergency were increased by emergency ordinance² at the beginning of April. The fines for individual persons are now between RON 2.000 and 20.000 lei (approx. € 415-4,150), and for legal persons between RON 10.000 and 70.000 (approx. € 2,100-14,500). The Ombuds (*Avocatul Poporului*) has challenged the constitutionality of the measure³ and asked the Minister of Interior to be more precise in defining the offenses, to avoid abusive sanctions against individuals, such as „the discretionary application of the measures, in the context in which the misdemeanours are severely punished, including with the confiscation of the goods used to perpetrate the deed”⁴. At the beginning of May, the Romanian Constitutional Court accepted the Ombuds’ claims and ruled that the emergency ordinance is unconstitutional⁵. Watchdog NGOs warned that the level of the fines is disproportionate, compared to the average income, and they gave examples of abusive fines⁶.

In **Romania**, more serious offenses related to the health emergency, such as failing to respect quarantine measures or not declaring trips abroad or potential Covid-19 contacts, are punishable according to the Art. 352 of the Penal Code⁷. By 30 April 2020, 516 penal investigations were opened nation-wide, according to a press release of the Ministry of Interior⁸. The Penal Code was amended,

¹ Romania, Decree on the prolongation of the state of emergency on the territory of Romania ([Decret nr. 240 din 14 aprilie 2020 privind prelungirea stării de urgență pe teritoriul României](#)), 14 April 2020.

² Romania, Emergency Ordinance on amending the Emergency Decree n. 1/1999 regarding the state of siege and state of emergency ([Ordonanță de Urgență nr. 34 din 26 martie 2020 pentru modificarea și completarea Ordonanței de urgență a Guvernului nr. 1/1999 privind regimul stării de asediu și regimul stării de urgență](#)), 26 March 2020.

³ Romania, Ombuds Office (*Avocatul Poporului*) (2020), [‘Recomandările Avocatului Poporului privind contravențiile și sancțiunile în timpul stării de urgență’](#), press release, 7 April 2020.

⁴ Romania, Ombuds Office (*Avocatul Poporului*) (2020), [‘Solicitare adresată ministrului afacerilor interne privind utilizarea, în viitoarele ordonanțe militare, de formulări rigurose exacte în definirea conținutului constitutiv și juridic al faptelor ce constituie contravenții și privind instruirea persoanelor care răspund de aplicarea acestor norme’](#), 1 April 2020.

⁵ Romania, Constitutional Court (*Curtea Constituțională a României*), [‘Comunicat de presă, 6 Mai 2020’](#), press release, 6 May 2020.

⁶ The Group of NGOs for Democracy (2020), [‘Amenzi abuzive’](#), 21 April 2020.

⁷ Romania, Penal Code (*Codul Penal din 17 iulie 2009*), 17 July 2009.

⁸ Romania, Ministry of Interior (*Ministerul Afacerilor Interne*) (2020), [‘Buletin de Presa 28 Aprilie 2020, ora 13.00’](#), press release, 28 April 2020.

through Emergency Ordinance, at the beginning of the pandemic⁹. Some lawyers criticized the ambiguity of the new provisions, which may lead to abuses¹⁰.

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Stay at home orders and physical distancing when outside the house*
- *Enforcement and penalties*

In **Romania**, strict 'stay at home' orders are in place¹¹ since 24 March 2020, and they will continue at least until 15 May 2020. It is prohibited for everyone to leave their houses, with the exception of travelling for work, shopping for basic necessities or needed products for the professional activity/work, caring for elders/children, doing physical activities/ individual sports and fitness outside in the proximity of the residence/domicile, volunteering activities and emergency situations. Any person who is outside their house must present a justification: a personal statement (affidavit)¹², and, when traveling to and from work or for professional purposes, a certificate from their employment¹³, or a work badge or a personal statement/declaration. The absence of such a justification may lead to a fine. People are not allowed to walk in groups larger than two, if they do not belong in the same family living in the same home. Public institutions and businesses, including shops and supermarkets, are to introduce procedures that enforce a distance of at least 1.5 meters between each two persons. Additional restrictions are imposed for the elderly (see section 1.3).

In **Romania**, the Ministry of Interior is publishing updates¹⁴ on the number of fines issued each day. At the end of April, the Minister of Interior announced that, from the beginning of the state of emergency, 290.000 fines were issued, with a total value of RON 570 million (approx. € 118 million)¹⁵. Over 90% of these fines were issued for failing to respect the 'stay at home' order. There are no reports on the number or amount of fines actually paid by the offenders. In an interview¹⁶, the president of the National Union of Judges from Romania (NGO) expressed concerns about the level of the minimum fine, compared to the average income. She feared that most of the fines will not be paid, leading to new cases in courts.

⁹ Romania, Emergency Ordinance on amending the Penal Code ([Ordonanță de Urgență nr. 28 din 18 martie 2020 pentru modificarea și completarea Legii nr. 286/2009 privind Codul penal](#)), 18 March 2020.

¹⁰ Hotnews.ro (2020), '[Frânarea răspândirii coronavirusului și represiunea penală](#)', 30 April 2020.

¹¹ Romania, Military Ordinance no. 3 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 3 din 24 martie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 24 March 2020.

¹² [Personal Statement form](#).

¹³ [Certificate issued by employer form](#).

¹⁴ Daily press releases, including number of fines, are published [on the special page established by the Government](#).

¹⁵ Digi24 (2020), '[Câte amenzi au fost date și care este valoarea lor. Anunțul ministrului Vela despre ce se va întâmpla cu banii](#)', 30 April 2020.

¹⁶ Mediafax News Agency (2020), '[Interviu judecătoarea Dana Gârbovan](#)', 27 April 2020.

1.2.2 Education

Focus on:

- *Ensuring continuity of education for children from socioeconomically disadvantaged backgrounds, including measures to ensure distance learning for this group*

In **Romania**, all schools were closed on 11 March 2020, and they will remain closed until September 2020, according to the announcement made by the President on 27 April 2020¹⁷. The only exception are the pupils supposed to take the national exams (8 and 12/13 grades), who will return to school for two weeks, between 2-12 June. During this time, they will prepare for exams, and the schools are supposed to implement strict social distancing and sanitary conditions. Specific measures are to be detailed in orders of the Ministry of Education in the following weeks.

In **Romania**, all K-12 (pre-university education) and university students will complete the 2019-2020 school year using distance learning over the Internet. On 21 April, the Ministry of Education issued the order no. 4135 regarding the approval of the Instruction on the development and/or the strengthening of the capacity of pre-university education by online learning¹⁸. The instructions are describing the general framework for distance learning, explaining the role of each stakeholder. Article 11 of the instructions provides for the obligation of the parent or legal tutor to „take all necessary measures to ensure the access and participation of the pre-schooler/student in the online learning activities organized by the educational unit”. The provision was criticized by researchers¹⁹, UNICEF²⁰, and civil society²¹ because it discriminates against children from socioeconomically disadvantaged backgrounds, because they do not have the necessary equipment and access to Internet. In an interview in media, the President of the National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*) mentioned complaints from representatives of vulnerable groups that do not have the necessary resources to attend online schooling²². Some of these criticisms were addressed when the Ministry of Education released additional instructions²³ for County Inspectorates, explaining that the participation to online courses is optional, and, „for students / teachers who do not have access to technology, schools, school inspectorates will provide support to teachers to send to pupils certain work tasks and educational resources (guides, worksheets, etc.) at least once a week with the involvement of local and county authorities.”

¹⁷ Romania, Presidency (*Administrația Prezidențială*) (2020), '[Declarația de presă susținută de Președintele României, domnul Klaus Iohannis](#)', press statement, 27 April 2020.

¹⁸ Romania, Order of the Ministry of Education and Research on the creation and/or strengthening the capacity of the pre-university education system for on-line learning ([Ordin nr. 4.135 din 21 aprilie 2020 privind aprobarea Instrucțiunii pentru crearea și/sau întărirea capacității sistemului de învățământ preuniversitar prin învățare on-line](#)), 21 April 2020.

¹⁹ Florian, B. and Țoc, S. (2020) [Educația în timpul pandemiei. Răspunsuri la criza nesfârșită a sistemului educațional românesc](#), Bucharest, National School for Political and Administrative Sciences (SNSPA).

²⁰ UNICEF Romania (2020) [Evaluarea rapidă a situației copiilor și familiilor, cu accent pe categoriile vulnerabile, în contextul epidemiei de Covid-19 din România](#), 29 April 2020.

²¹ Center for Legal Resources (CRJ) (2020), '[Ministerul elevilor nimanui](#)', 28 April 2020.

²² Edupedu.ro (2020), '[Csaba Asztalos: Pledez pentru încheierea anului școlar în predare online pentru tot învățământul preuniversitar / Plus: Din toamnă, o zi pe săptămână trebuie să se practice predarea online](#)', 23 April 2020.

²³ Romania, Instructions issued by the Ministry of Education and Research on measures in education at the end of the state of emergency ([Măsuri cu privire la reluarea activității în sistemul de educație după încetarea stării de urgență](#)), instructions to County Inspectorates, 28 April 2020.

1.2.3 Work

Focus on:

- *People in precarious work*
- *Measures related to ‘essential workers’ and those already returning to work, e.g. what is identified as an ‘essential’ function, physical distancing measures in the workplace, relaxing restrictions on working hours, additional financial support*

In **Romania**, starting with 29 March²⁴, and for the entire duration of the state of emergency, the companies in the energy sector are required to isolate at work key employees, defined as personnel that have a role in all functions of the National Energetic System. The isolation at work requires creating work spaces where the respective personnel does not enter into contact with persons from outside the company or untested co-workers. The measure aims to minimize the contacts between this key personnel and other co-workers.

In **Romania**, the Government introduced²⁵ new regulations for social services such as residential care centers for the elderly, residential centres for children and adults with and without disabilities, as well as for other vulnerable categories, both public and private. These services are not allowed to suspend or discontinue their activity during the state of emergency. The workers in these services will be forced to remain in quarantine inside the centres for 14 days, followed by another 14 days of quarantine at home. The labour union Federation “Solidaritatea Sanitară Romania, representing the workers in this sector, has harshly criticized²⁶ the measure, calling it unconstitutional and “a measure of forced labour”. The Center for Legal Resources, human rights organization, supported the measure, considering it efficient in the pandemic context, but asked for some kind of financial compensation for the workers accepting these conditions²⁷.

In **Romania**, health workers are entitled²⁸, at their request, to accommodation and three meals per day, in hotel rooms made available by the government or local public authorities. Health workers directly treating Covid-19 patients are entitled²⁹ to a risk bonus of RON 2.500 (approx. € 515), supported from EU funds. The Ombuds has asked³⁰ the Minister of Health to offer free psychological assistance to health workers, as a national program. No answer was given yet. The private and civic sectors voluntarily joined the effort to help health workers. Mass-media reported on hotels being

²⁴ Romania, Military Ordinance no. 4 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 4 din 29 martie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 29 March 2020.

²⁵ Romania, Military Ordinance no. 8 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 8 din 9 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 9 April 2020.

²⁶ Solidaritatea Sanitară, [Reaction of the Federation “Solidaritatea Sanitara” Romania on their Facebook page](#).

²⁷ Center for Legal Resources (2020), [‘Despre măsura izolării la locul de muncă în centrele de asistență socială’](#), 16 April 2020.

²⁸ Romania, Military Ordinance no. 7 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 7 din 4 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 4 April 2020.

²⁹ Romania, Emergency Ordinance 43/2020 regarding some support measures paid from European Funds during the state of emergency ([Ordonanța de Urgență nr. 43 din 6 aprilie 2020 pentru aprobarea unor măsuri de sprijin decontate din fonduri europene, ca urmare a răspândirii coronavirusului COVID-19, pe perioada stării de urgență](#)), 6 April 2020.

³⁰ Romania, Ombuds Office (*Avocatul Poporului*) (2020), [‘Solicitare adresată ministrului sănătății privind situația discriminatorie creată pentru bolnavii cu afecțiuni psihice grave, în aplicarea H.G. nr. 252/2020’](#), 16 April 2020

made available to medical staff by their owners³¹, and on NGOs³² and universities³³ offering psychological support for doctors and nurses.

In **Romania**, researchers from the Research Institute for the Quality of Life (*Institutul de Cercetare pentru Calitatea Vieții*) (part of the Romanian Academy) are drawing attention³⁴ to the lack of measures to support precarious workers. The main measure of social policies during the state of emergency was the introduction of technical unemployment, paid by the state, as a form of social protection for employees whose employment contract was suspended, but also as economic protection for employers. The measure leaves outside the safety net various type of precarious workers, researchers are noting, including: daily workers, part-time workers, and workers that may become ineligible for unemployment benefits. The researchers recommend additional support measures for these categories.

1.2.4 Access to justice

Focus on:

- *Restrictions to court proceedings (e.g. adjournment of proceedings, written procedures, extension of deadlines, determination of what constitutes 'urgent cases')*
- *Use of alternatives to detention*

In **Romania**, the prolongation of the state of emergency until 14 May implies an automatic extension of the suspension of the activities in courts. On 13 March, the Judges Section of the High Council of Magistrates (*Consiliul Superior al Magistraturii*) decided that only emergency cases will be judged during the state of emergency. Analysing the effect of the suspension on access to justice, the High Court of Justice (*Înalta Curte de Casație și Justiție*) decided to extend the list of cases considered emergency, and announced that it will fully operate during the month of July³⁵ (traditionally judicial vacation period). These decisions apply to the High Court only.

In **Romania**, there were no changes to the legislation or practices related to the use of alternatives to detention.

1.2.5 Freedom of movement

Focus on:

- *Closure of borders/restrictions on movement within the EU and categories of people allowed to enter the Member State (including EU citizens, legally-residing third country nationals and their families, asylum applicants)*

³¹ Hotnews.ro (2020), '[Omul de afaceri Ștefan Mandachi pune la dispoziția cadrelor medicale din județul Suceava hotelul său de 4 stele](#)', 19 March 2020. Also, TVR (2020), '[Ionuț Negoită, patronul lui Dinamo, își pune hotelul la dispoziția medicilor](#)', 25 March 2020. Adevarul (2020), '[Hotel din Blaj pus gratuit la dispoziția medicilor, polițiștilor și a altor persoane implicate în bătălia cu COVID-19](#)', 29 March 2020. News.ro (2020), 'Buzău: Un hotel de patru stele cu 36 de locuri, pus la dispoziția medicilor și personalului medical care nu dorește să meargă la familii între ture', 31 March 2020.

³² Libertatea (2020), '[Linii telefonice de consiliere pentru medicii români care se simt depășiți de situație. Care e cea mai mare spaimă a celor care deja au sunat](#)', 22 March 2020. Also, Stirileprotv.ro (2020), '[Psihologii îi ajută pe medicii din spitale, în această perioadă grea, cu ajutorul internetului](#)', 22 March 2020.

³³ Mediafax (2020), '[Sprijin psihologic pentru cadrele medicale din Suceava. De la începutul săptămânii viitoare, 15 psihologi le vor oferi consiliere telefonică și online](#)', 27 March 2020.

³⁴ Research Institute for the Quality of Life (2020), '[Pandemia și standardul de viață. Politici de protecție socială](#)', 25 April 2020.

³⁵ Romania, High Court of Justice (*Inalta Curte de Casație și Justiție*), '[Comunicat de presă privind activitatea desfășurată de instanța supremă în perioada 16.03.2020 - 16.04.2020](#)', press release, 24 April 2020.

- *Special provisions for cross-border commuters (especially health and care workers) or other workers from neighbouring non-EU countries*

In **Romania**, starting with 24 March 2020, foreigners are forbidden³⁶ from entering the country, with the following exceptions:

- are family members of Romanian citizens;
- persons transiting Romania, for this purpose being established specific transit corridors;
- are family members of citizens of other Member States of the European Union or of the European Economic Area or of the Swiss Confederation, residing in Romania;
- are persons who possess a long-term stay visa, a residence permit or a document equivalent to the residence permit issued by the Romanian authorities according to the Government Emergency Ordinance no. 194/2002 on the regime of aliens in Romania, republished, with subsequent amendments and completions, or a document equivalent to them issued by the authorities of other states, according to European Union law;
- are persons traveling in professional interest, proven by visa, residence permit or other equivalent document;
- are diplomatic or consular personnel, personnel of international organizations, military personnel or personnel who can provide humanitarian aid;
- are passengers in transit, including those repatriated as a result of consular protection;
- are passengers traveling for imperative reasons (medical or family related);
- are people in need of international protection or other humanitarian reasons.

Departing from Romania remains unrestricted.

In **Romania**, persons arriving from other countries, including EU countries, are subject to 14 days of institutionalized quarantine if they arrive from *red* zones, or 14 days of supervised home isolation if they arrive from *yellow* zones³⁷. The list of *red* and *yellow* zones is periodically updated by the National Institute for Public Health (*Institutul pentru Sănătate Publică*), and published on its website³⁸. There are some relevant exceptions:

- people working in fields such as installation, repair, commissioning and commissioning of medical devices and wishing to come to Romania will be quarantined at home if they do not show symptoms of COVID-19 and certify that they will work in Romania based on concluded contracts or conventions³⁹;
- cross-border commuters in an area at maximum 30 km from the border between Romania and Hungary, if they do not show symptoms of COVID-19⁴⁰;
- cross-border commuters in an area at maximum 30 km from the border between Romania and Bulgaria, if they do not show symptoms of COVID-19⁴¹.

³⁶ Romania, Military Ordinance no. 3 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 3 din 24 martie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 24 March 2020.

³⁷ Romania, Military Ordinance no. 3 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 3 din 24 martie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 24 March 2020.

³⁸ [The list of yellow and red zones on the website of the National Institute for Public Health.](#)

³⁹ Romania, Military Ordinance no. 8 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 8 din 9 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 9 April 2020.

⁴⁰ Romania, Military Ordinance no. 8 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 8 din 9 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 9 April 2020.

⁴¹ Romania, Military Ordinance no. 9 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 9 din 16 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 16 April 2020.

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *older people (which should include older persons in institutions),*
- *Roma and Travellers (FRA would like to see this group covered in those Member States with significant Roma populations)*
- *detainees*
- *or another group not listed that have emerged in your country as facing particular challenges - before selection, this should be discussed with FRA.*

Persons with disabilities

In **Romania**, the Ombuds has repeatedly raised concerns about the situation of persons with disabilities that are not institutionalized. In a letter⁴² to the Minister of Interior, from 10 April, the Ombuds is showing that none of the measures taken in almost a month of state of emergency refers to this vulnerable group, who needs special attention during the emergency because they depend on the permanent support of the social assistance services⁴³. The situation remains unchanged, and there was no public reaction from the public authorities. On 16 April, the Ombuds drew attention⁴⁴ that the persons suffering of severe mental illnesses are deeply affected by the emergency measures, because they need to go in person to their doctor and to the pharmacy to obtain their regular medication. Twelve days later, mass-media showed that the situation is the same⁴⁵. The journalists revealed also that all persons with mental illnesses are affected because only a few specialists (psychiatrists, psychologists) are able to offer support over the Internet.

In **Romania**, the situation of the persons with disabilities that are institutionalized is raising concerns, according to Human Rights organizations. The Centre for Legal Resources has conducted a research among the staff of 150 centres. It found out that, despite isolation measures at work (see section 1.2.3.), there are at least several centres with infected residents. The most tragic case is the Sasca Mică Neuro-psycho Recovery and Rehabilitation Center, in the County of Suceava, where over 300 residents and staff were infected. The lack of testing makes it difficult to limit infections, and unless more testing is done soon, the tragedy may repeat in other centres soon, the human rights activists stated⁴⁶.

⁴² Romania, Ombuds Office (*Avocatul Poporului*) (2020), '[Recomandare adresată ministrului afacerilor interne privind dreptul la ocrotirea sănătății și dreptul la protecție socială al categoriei persoanelor vulnerabile aflate în îngrijire instituționalizată](#)', 10 April 2020

⁴³ The Ombuds noted that persons with disabilities who are not institutionalized, especially those with a degree of dependency due to disability, need specialist help during the state of emergency to: ensure the additional hygiene measures necessary to avoid infection with Covid-19 ; to supply themselves with necessary food and medicine; to follow the treatments that cannot be postponed and to benefit from the continuity of the necessary care services. None of the measures adopted during the state of emergency is addressing these concerns.

⁴⁴ Romania, Ombuds Office (*Avocatul Poporului*) (2020), '[Solicitare adresată ministrului sănătății privind situația discriminatorie creată pentru bolnavii cu afecțiuni psihice grave, în aplicarea H.G. nr. 252/2020](#)', 16 April 2020

⁴⁵ Press-one (2020), '[Criza miilor de români cu afecțiuni psihice: „Nu îmi dau seama ce sens are existența mea”](#)', 28 April 2020.

⁴⁶ Center for Legal Resources (2020), '[Covid-19: România plătește azi în viați de oameni pretul dezinstituționalizării eșuate](#)', 24 April 2020.

Roma and Travellers

In **Romania**, restrictions to public transport have a disparate impact on Roma, as Roma rely on public transport for visits to doctors and pharmacies, shows a recent report from Open Society Foundations⁴⁷. The same report states that confinement and physical-distancing measures have cut off the incomes of all the Roma who work as street vendors, and the lack of food forces the most vulnerable Roma to break the quarantine, which endangers their access to social aid and exposes them to police abuse.

In **Romania**, the prejudices against Roma are surfacing in the time of emergency, according to Human Rights activists and specialists. In an interview⁴⁸ in media, Mr. Asztalos Csaba, the President of the National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării*) spoke about the rise of hate speech and racism targeting Roma in mass-media and on social networks. A group of civic NGOs expressed⁴⁹ solidarity with the Roma community, showing several situations when the local public authorities and/or mass-media⁵⁰ have used racist arguments against poor communities affected by the pandemic. The case of the city of Țândărei (Ialomița County) is a vivid example of the problem. The city was placed in quarantine⁵¹ after a spike in the number of Covid-19 cases. Immediately, the mass-media incorrectly blamed the local Roma community, a situation mentioned by Roma activists⁵², by Mr. Asztalos in the interview, or even by more neutral media reports⁵³. The Open Society Foundations report⁵⁴ mentions that fake news blaming Roma for the pandemic is also spread via social media.

Detainees

In **Romania**, the Decree⁵⁵ prolonging the state of emergency is also prolonging the total suspension for convicted persons of the exercise of the right to receive visits, the exercise of the right to receive conjugal visits, the exercise of the right to receive goods during visits, as well as the rewards representing permits to leave the penitentiary. Responding⁵⁶ to an enquiry made by the Romanian Helsinki Committee⁵⁷, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) detailed a specific Action Plan implemented during the state of emergency, which includes safety measures but also psychological support for detainees. So far, no death was reported

⁴⁷ Open Society Foundations (2020), [Roma in the COVID-19 Crisis: An Early Warning from Six EU Member States](#), 30 April 2020.

⁴⁸ Hotnews.ro (2020), ["Ura se răspândește mai repede și mai intens decât coronavirusul". Interviu cu Asztalos Csaba, șeful CNCD, despre riscurile crizei prin care trece România](#), 25 April 2020.

⁴⁹ Centre for Public Innovation (2020), ["Solidaritate cu comunitatea romă"](#),

⁵⁰ In the following localities: [Ponorâta / Tg. Lăpuș](#), [Liteni](#), [Suceava](#); [Bujoreni](#), [Vâlcea](#); [Vama Cenad](#), [Timiș](#); [Teliu](#), [Brașov](#); [Târlungeni](#), [Brașov](#); [Lerești](#), [Argeș](#); [Moinești](#), [Bačău](#); [Căzănești](#), [Ialomița](#).

⁵¹ Romania, Military Ordinance no. 8 regarding measures to prevent the spreading of COVID-19 ([Ordonanța Militară nr. 8 din 9 aprilie 2020 privind măsuri de prevenire a răspândirii COVID-19](#)), 9 April 2020.

⁵² Deutsche Well (2020), ["Cazul Țândărei: "Sunteți pe o pistă greșită, dragilor!"](#), 8 April 2020.

⁵³ Vice Romania (2020), ["Focarul de coronavirus din Țândărei n-are legătură cu etnia, ci cu eșecul statului român"](#), 6 April 2020.

⁵⁴ Open Society Foundations (2020), [Roma in the COVID-19 Crisis: An Early Warning from Six EU Member States](#), 30 April 2020.

⁵⁵ Romania, Decree on the prolongation of the state of emergency on the territory of Romania ([Decret nr. 240 din 14 aprilie 2020 privind prelungirea stării de urgență pe teritoriul României](#)), 14 April 2020.

⁵⁶ Romania, National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*), [Response to the enquiry of the Romanian Helsinki Committee](#), 23 March 2020.

⁵⁷ APADOR-CH (2020), ["Mesajul APADOR-CH către ANP în cazul Satu Mare"](#), 19 March 2020.

in the penitentiaries, but mass-media announced cases of Covid-19 in several institutions, including: Botosani⁵⁸, Jilava⁵⁹, Giurgiu⁶⁰, Deva⁶¹, Alba⁶², and Gherla⁶³.

2 Users' data - privacy and data protection

2.1 Arrangements between public authorities and other actors to allow collection, sharing and processing of user data

In Romania, no such arrangements were made (by 30 April 2020).

2.2 Legal framework enabling collection, processing, sharing and storage of user data

In Romania, the prime-minister Ludovic Orban announced⁶⁴ on 24 March that a new app, designed to track the movement of persons infected with Covid-19, will be developed by the Special Telecommunications Service⁶⁵ (*Serviciul de Telecomunicații Speciale*, STS). Because the Special Telecommunications Service is part of the national security infrastructure, the potential development of the application is not under the scrutiny of the society. On 15 April, the state budget was amended⁶⁶, and, among other amendments, RON 27.5 million (approx. € 5.7 million) were allocated to STS for “the purchase of equipment, including licenses and IT applications to increase the capacity of the STS to provide requested communications services [...], as well as for the design by the STS of communications systems and applications required by the Ministry of Internal Affairs, the Ministry of Health and local authorities, to communicate in real time with quarantined or isolated people”. Later

⁵⁸ Euractiv (2020), '[COVID-19: 13 deținuți din Penitenciarul Botoșani se află în izolare](#)', 19 March 2020.

⁵⁹ TVR (2020), '[Încă trei angajați ai Penitenciarului Jilava au fost confirmați pozitiv cu COVID-19](#)', 27 April 2020.

⁶⁰ EuropaFM (2020), '[Alți doi angajați ai penitenciarului Giurgiu, infectați cu noul coronavirus](#)', 24 April 2020.

⁶¹ Agerpres (2020), '[Un deținut aflat în custodia Penitenciarului Deva a fost confirmat pozitiv cu noul coronavirus](#)', 28 April 2020.

⁶² Agerpres (2020), '[Alba: Angajat al Penitenciarului Aiud, diagnosticat cu coronavirus](#)', 26 April 2020.

⁶³ Ziare.com (2020), '[Noi cazuri de coronavirus la penitenciarele Jilava și Gherla, unde sunt aproape 1.800 de deținuți](#)', 23 April 2020.

⁶⁴ Digi24 (2020), '[Orban: Persoanele aflate în carantină sau izolare vor fi monitorizate printr-o aplicație](#)', 24 March 2020.

⁶⁵ The Special Telecommunications Service (STS – *Serviciul de Telecomunicații Speciale*) is the central specialized body with legal status, which organizes, conducts, carries out, controls and coordinates the activities in the field of special telecommunications for public authorities in Romania and for other users provided by the law. STS is the only authority that issues mandatory technical standards in the field of special telecommunications. The institution has military structure and it is part of the national defence system. Special Telecommunications are transmissions, emissions or reception of signs, signals, writings, images, sounds or information of any kind by wire, radio, optics, or other electromagnetic systems for users provided by law. STS guarantees the protection and confidentiality of special telecommunications, being exempted from the licencing and the authorizations provided by the telecommunications legislation. Penetration, disruption and destruction of special telecommunications networks, as well as the interception of communications in these networks constitute threats to national security. The activity of the Special Telecommunications Service is controlled by the Romanian Parliament, through the defence, public order and national security committees. The institution's activity is organized and coordinated by the Supreme Council of National Defence. The source of information in this footnote is the [official STS website](#).

⁶⁶ Romania, Emergency Ordinance 50/2020 on amending the State Budget ([Ordonanța de Urgență nr. 50 din 15 aprilie 2020 cu privire la rectificarea bugetului de stat pe anul 2020](#)), 15 April 2020.

in April, the prime-minister played down⁶⁷ the discussion on the new application, saying that it is no longer urgent, but the money remains allocated to STS. The lack of transparency, and the potential for abuse were criticised⁶⁸ by human rights activists. In the mix, the former minister of communication, representing the opposition Social-Democratic Party, announced⁶⁹ that he is leading the team that has developed “the COVID-19 Lockdown Tracker app for monitoring the persons under a forced isolation or quarantine order”, and he will offer it for free to the state authorities.

2.3 Privacy and data protection concerns and possible solutions

In **Romania**, neither the Data Protection Authority (*Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal*) nor the Ombuds or other bodies had any reaction to the Government’s plans to introduce a tracking app for quarantined or isolated persons.

2.4 Any other privacy and data protection concerns

In **Romania**, watchdog NGOs signalled⁷⁰ isolated cases when local public officials have published the personal data of the quarantined and isolated persons, but it is not a general practice. Mass-media questioned⁷¹ the practice of Police patrols, to take pictures of the citizens’ IDs when conducting random checks to enforce the social distancing measures. The pictures were taken on the personal phones of the policeman, in order to avoid direct contact. The journalists explained that the problem was rooted in a press release⁷² of the Ministry of Interior, which explicitly mentioned that policeman can take such pictures. In response⁷³ to the journalists’ enquiry, the Data Protection Authority stated that the practice is illegal. A similar position was adopted⁷⁴ by Europol – the Union of the European Policeman. A few days later, the Police asked⁷⁵ all policeman to delete such pictures from their personal phones, and only use the certified Police equipment in the future.

⁶⁷ Agerpres (2020), [‘Orban, despre aplicațiile de monitorizare a persoanelor carantinate: Dacă vor exista, vor fi utilizate doar cu acordul cetățeanului’](#), 23 April 2020.

⁶⁸ Libertatea (2020), [‘STS lucrează la o aplicație prin care vrea să ne urmărească mișcările. Un expert în dreptul tehnologiei explică riscurile, dar și posibilele avantaje’](#), 25 March 2020.

⁶⁹ Radio Romania Actualitati, [‘Aplicație pentru monitorizarea persoanelor aflate în izolare/carantină’](#), 9 April 2020.

⁷⁰ The Group of NGOs for Democracy (2020), [‘Publicarea de date personale, inclusiv date sensibile’](#), 21 April 2020.

⁷¹ Europa Libera (2020), [‘Starea de urgență: Polițiștii fotografiază declarațiile pe proprie răspundere cu telefonul personal, fără coordonare cu STS’](#), 31 March 2020.

⁷² Romania, Ministry of Interior (*Ministerul Administrației și Internelor*), [‘Informare de presă – MODELUL declarației pe proprie răspundere referitoare la circulația persoanelor în afara locuinței/gospodăriei, conform Ordonanței Militare nr. 2 din 21.03.2020’](#), 22 March 2020.

⁷³ Europa Libera (2020), [‘Starea de urgență: Polițiștii fotografiază declarațiile pe proprie răspundere cu telefonul personal, fără coordonare cu STS’](#), 31 March 2020.

⁷⁴ Europol (2020), [‘Fotografierea documentelor cu telefonul mobil interzisă’](#), 1 April 2020.

⁷⁵ Mediafax (2020), [‘Poliția Română a ordonat polițiștilor să șteargă toate fotografiile declarațiilor pe proprie răspundere din telefoanele personale’](#), 5 April 2020.