RO – Country information

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

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1. **STRUCTURE INDICATORS**

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| **Structure indicators** | **Source and supporting information** |
| Has Romania ratified the CRPD without a reservation to Article 29? Please give details of any reservation. | Ratified 31 Jan 2011[[1]](#footnote-1) without a reservation.  |
| Has Romania ratified the CRPD without a reservation to Article 12? Please give details of any reservation. | Ratified 31 Jan 2011[[2]](#footnote-2) without a reservation.  |
| Has Romania ratified the CRPD without a reservation to Article 9? Please give details of any reservation. | Ratified 31 Jan 2011[[3]](#footnote-3) without a reservation.  |
| Please indicate the legislation which applies to European Parliament and municipal elections in your country. Please highlight possible amendments in view of the 2014 European Parliament elections.Does the same law apply for national, federal, local and regional elections, and referendums? | Law no. 33 of 16 of January 2007 on the organization and implementation of elections for the European Parliament (*Lege nr. 33 din 16 ianuarie 2007 privind organizarea şi desfăşurarea alegerilor pentru Parlamentul European)*A draft law amending this legislation is under public debate. It does not, however, regard any aspects pertinent to the right to vote of persons with disabilities.[[4]](#footnote-4) Local elections and referendums are regulated by different statutes.Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials(*Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali)*Law no. 67 of 25 of March 2004 on elections for the local public administration.(*Lege nr. 67 din 25 martie 2004 pentru alegerea autorităţilor administraţiei publice locale*)Law no. 3 of 3 of February 2000 on the organization and implementation of the referendum *(Lege nr. 3 din 22 februarie 2000 privind organizarea şi desfăşurarea referendumului).* |
| Is there a requirement under law to register to vote? If so, please specify the relevant legislation. | There is a voting registry compiled and updated by the AEP with the help of the National Centre for the Administration of Databases on the Evidence of Persons (*Centrul Naţional de Administrare a Bazelor de Date privind Evidenţa Persoanelor*) and the General Directorate for Passports (*Direcţia Generală de Paşapoarte*) from within the Ministry of Interior, (MI) (*Ministerul de Interne, MAI* ).[[5]](#footnote-5) Citizens do not therefore register themselves, but have the right to check their personal data recorded in the voting registry and ask for its amendment if necessary.[[6]](#footnote-6) Based on the voting registry, voting lists are then compiled by mayors, based on the administrative organization of the country.[[7]](#footnote-7) Citizens also have the right to verify the registration on these lists.[[8]](#footnote-8) The lists are either permanent or additional.[[9]](#footnote-9) The additional lists may include persons who can prove they reside in the specific administrative unit, but have been omitted from the permanent list. [[10]](#footnote-10) The additional lists for both inside and outside Romania may include the staff of the voting section and the security staff working for the voting section if they reside in the same college (for Parliament elections) as well as the candidates, who can vote in any voting section from the college where they are running.[[11]](#footnote-11) Additional lists used outside Romania may include citizens who can prove with valid documentation they reside in the respective country or countries part of the college covered by the voting section in question, diplomatic staff from the respective country, as well as military, police or civilian staff hired in the defence, public order and national security systems who are on mission in the respective country.[[12]](#footnote-12) EU citizens may vote and run for local or county counsellor if they have their primary or secondary residence in Romania.[[13]](#footnote-13) |
| Is there any limitation foreseen by law which could affect the right of persons with disabilities to vote in European Parliament and municipal elections? Please give details of any restrictions on the right to vote of persons with disabilities, including any link between a particular type of impairment (e.g. psychosocial/intellectual disability) or substituted decision making (e.g. loss of legal capacity, placement under guardianship)and the right to vote in elections.Does the same law regarding voting rights apply for national, local/regional elections and referendums? | As per Art. 36 (2) of the Constitution of Romania[[14]](#footnote-14), persons who have been declared legally incapacitated by court order are not able to vote.[[15]](#footnote-15) It states that:(*1) Every citizen having turned eighteen up to or on the election day shall have the right to vote.* *(2) The mentally deficient or alienated persons, laid under interdiction, as well as the persons disenfranchised by a final decision of the court cannot vote.*The new Civil Code came into force on 1 October 2011[[16]](#footnote-16) introducing changes to legal capacity provisions none of which have an impact on voting rights of persons with disabilities.[[17]](#footnote-17) |
| Do all persons with disabilities have the right, under law, to stand for and be elected to public office, in municipal elections, on an equal basis with others? And in elections to the European Parliament?Does the same election law apply for other elections (e.g. national, local and regional) and referendums? | As per Art. 37 of the Constitution of Romania[[18]](#footnote-18), persons who do not have the right to vote also do not have the right to be elected.  |
| Is there legislation in place regulating how people living in long-term institutions may vote? | No specific legislation could be identified. However, there are several provisions which might be indirectly relevant.Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials(*Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali)*[[19]](#footnote-19) and in Law no. 67 of 25 of March 2004 on elections for the local public administration(*Lege nr. 67 din 25 martie 2004 pentru alegerea autorităţilor administraţiei publice locale)*[[20]](#footnote-20).Persons “who cannot be transported due to illness or invalidity”[[21]](#footnote-21) may request a special mobile voting box during national parliamentary elections. Such a request must be supported by medical documentation proving the impossibility to be transported and would have to be approved by the president of the electoral bureau of the voting section in question.[[22]](#footnote-22)Law 3/2000 (Article 40) on the referendum, also referring to persons “who cannot be transported due to illness or invalidity”, provides that the special mobile voting box can be sent out at the request of the persons in question or of the director of the health or social protection institutions where the persons are located. The president of the electoral bureau appoints a member who will accompany the voting box and will supervise the casting of the vote. No additional documents are required.No similar provisions in Law 33/2007 on European Parliamentary elections could be identified.The training materials drafted by the AEP for the members of electoral bureaus of the voting sections during the Parliamentary elections in 2012 indicate that the legal text above, that is, the conditions under which the mobile voting box may be used, must be displayed at the voting section the day before the elections.[[23]](#footnote-23) Regarding closed institutions for persons with mental disabilities, Law no. 487 of 11 of July 2002 on mental health and the protection of persons with mental health problems (*Legea 487 din 11 iulie 2002 a sănătăţii mintale şi a protecţiei persoanelor cu tulburări psihice*) states that persons involuntarily placed in an institution may not be restricted their right to vote, unless they are in a situation where their liberties have been restricted.[[24]](#footnote-24) There are no further provisions as to how this right is to be operationalized. Order of the Ministry of Health 372/2006 on the norms of implementation of Law no. 487 of 11 of July 2002 on mental health and the protection of persons with mental health problems (*Ordinul Ministerului Sănătăţii nr 372/2006 privind Normele de implementare a Legii sănătăţii mintale şi a protecţiei persoanelor cu tulburări psihice nr 487/2002, cu modificările ulterioare)*. According to the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi, DPPD*) in the social assistance residential institutions in Romania, at the time of the DPPD reply to the NFP, there were 11,848 persons with mental disabilities who retained the right to vote. 6,824 persons with mental disabilities in institutions voted in the 2009 EU Parliament elections and 2012 election rounds (local and national parliament elections and a referendum for the impeachment of the Romanian president).[[25]](#footnote-25) It is not clear form DPPD’s reply how many voted for each election in part. |
| Is there a duty under law to provide reasonable accommodation for persons with disabilities in voting procedures? For example, is there a duty to provide assistance at the polling station (e.g. braille or large print ballot papers, independent support person to assist with voting chosen by the person with a disability) or to allow for alternative means of voting (e.g. postal ballots, voting in advance, home-based voting, voting at institutions, mobile voting)? | A draft Electoral Code of the the Permanent Electoral Authority (*Autoritatea Electoral Permanentă)*  according to the DPPD[[26]](#footnote-26) is currently in public consulation,which includes provisions which would facilitate the participation of persons with a disability in the voting process.[[27]](#footnote-27) The draft Code in Article 7 (3) affirms the principle of equality concerning the right to vote and states that persons with a disability benefit from special procedures in order to exercise their right to vote. Art.71 (5) stipulates that ramps must be placed at the voting places to facilitate access of persons with physical disabilities. Art.101 (8) provides that a special ballot box shalll be available in every local electoral jurisdiction to attend the needs of persons who are hospitalized or placed into institutions, such as persons with disabilities. Art.100 (1-4) stipulate that, twenty days before the election, persons with visual impairments, can file written requests to vote with the aid of a chosen persons. Persons who, for valid reasons (illiteracy not being one of them) cannot vote, shall have the possibility to be accompanied inside the voting booth by a person of their choosing, except the electoral staff. Five days after the start of the electoral campaign, the AEP is required to set up special voting procedures for persons with visual impairments, and prepare the model of the voting bulletin.The Permanent Electoral Authority (*Autoritatea Electorală Permanentă, AEP*) did not take specific measures to facilitate the right to vote of persons with disabilities in view of the European Parliament elections 2014.  |
| Is there a duty under law for public and private providers of internet and web-based information to ensure that public information is subject to accessibility requirements (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard) | No such a standard could be identified. The Ministry for the Information Society (MIS) (*Ministerul Societăţii Informaţionale, MSI*) in a request for information stated it had drafted a document entitled “The National Strategy on the Digital Agenda for Romania” aiming to implement the European Digital Agenda and subject to approval by Government Decision[[28]](#footnote-28).but did not provide the draft of this document. It is not clear whether the document hasbeen submitted for public consultation (no indication of this could be found on the MSI website). The MSI has been in the process of implementing a project on the Digital Agenda since 2011, outlining general objectives for Romania, among which, under pillar VI, Action 67 (Member states to implement provisions on disability), there is the objective to implement the new provisions of the package on electronic communications.[[29]](#footnote-29) |
| Is there a duty under law for public and private providers of media (including newspapers, TV, radio and internet) to ensure that their information and communications are subject to accessibility requirements? | Not at present and from 2015 only for persons with a hearing disability. According to the Romanian Audio-visual Law[[30]](#footnote-30), the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului, CNA*) has the obligation to encourage the providers of audio-visual services in view of ensuring conditions so that the services provided become accessible to persons with visual or hearing impairments. The Romanian audio-visual code[[31]](#footnote-31), adopted by the CNA and binding on media providers, mentions in its preamble the following: “having in view the need to provide audio-visual media accessible for the persons with a disability and the elderly, through sign language, subtitles, audio-description and other technical means offered by digital technology”. Under Article 79, it provides: “Providers of audio-visual media services will ensure, gradually, by 1 January 2015, the accessibility to the main information programme of persons with hearing impairments.”In reply to a request for public information, the CNA stated that the subtitling service is not yet able to facilitate the access of persons with hearing impairments.[[32]](#footnote-32)  |
| Are there mandatory accessibility standards for the construction and significant alternation of national and local authority buildings? | On 12 February 2013, the 2001 standards for the accessibility of buildings and the urban space for persons with disabilities have been amended in response to the notification of the European Commission. The new standards entered into force on 4 April 2013. These standards are intended to add to the old standards and re-structure them so that they are in compliance with a list of standards at the European level such as ISO TR 9527, ISO TC 159, ISO TC 22, CEN/TC178, ISO 4190 1/1999, ISO 4190 -5/2006, EN 81 – 40, EN 81 – 41, CEN/TC293, ISO/CD/21542. According to the Standards, other documents were used as a reference in the drafting of the new standards, for example *The Build for All Reference Manual, 2010 A Europe Accessible for All* andthe Disabilities action plan 2004-2010*.* There is no evaluation available of these new standards or a comparison with the old ones. Some general remarks are that the new standards focus more on the functionality of space for persons with disabilities rather than setting theoretical technical standards on how to build-up the environment. For example, the new standards have a section of definitions where concepts like ‘accessibility’, ‘ability’, ‘autonomy’, ‘free circulation’, etc. are included. They also have a section on human abilities and principles related to the design of buildings. They contain graphics and pictures explaining the rules and their practical use.[[33]](#footnote-33)  |
| Does the law foresee training for election authorities and election officials on non-discrimination on the grounds of disability, accessibility and reasonable accommodation? | The legal provisions do not include a specific requirement on non-discrimination training. The law does foresee training for election authorities, but not specifically on non-discrimination on the grounds of disability, accessibility and reasonable accommodation. (Decision no. 2 of 9 of March 2007 of the Permanent Electoral Authority on the approval of the Regulations for the organization and functioning of the Permanent Electoral Authority (*Hotărâre nr. 2 din 19 martie 2007 privind aprobarea Regulamentului de organizare şi funcţionare a Autorităţii Electorale Permanente*). On the occasion of the local and Parliament elections of 2012, the training materials for local authorities in charge with the logistics, posted on the website of the AEP, indicate that special ramps must be put in place for persons with physical disabilities.[[34]](#footnote-34) The written material does not provide any further guidance on how to support persons with disabilities. It represents, in essence, a presentation of the legislation that must be respected. Therefore, among the legal provisions, some of those that apply/can apply to persons with disabilities are also included. This does not, however, amount to non-discrimination training.The DPPD was asked whether there is any legal obligation, internal regulation or any cooperation protocols concluded with specialized institutions in order to provide authorities involved in elections and their staff training on non-discrimination on the grounds of disability, accessibility and reasonable accommodation. In its answer, the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi)* informed the NFP that no such protocol exists, and that it has not concluded any protocol with the AEP in order to facilitate the participation to vote of persons with disabilities.[[35]](#footnote-35)The AEP provided data according to which the AEP has approached the topic of discrimination of persons with disabilities by means of a project called “Electoral discourses without discrimination!”, which has been submitted for financing through the Norwegian NGO financing mechanism, in partnership with the NGO E-Civis.[[36]](#footnote-36) |
| Are all persons with disabilities, including those who have been deprived of their legal capacity, able to access redress and complaint mechanisms in cases where they have not been able to exercise the right to vote? | There is a lack of data on this matter.Romania is one of the countries where persons who have been declared legally incapacitated by court order are not able to vote.[[37]](#footnote-37) According to a DPPD reply to the NFP in September 2013, there were 1.954 persons with mental disabilities in institutions under such a court order.[[38]](#footnote-38) Asked about information on petitions from persons with disabilities or their representatives in relation to their right to vote, including from persons in residential institutions the DPPD replied that their institution recorded no such petitions. It also informed the NFP that 11.848 persons with mental disability in residential institutions are registered as having the right to vote and that 6.824 in residential isntitutions for social assistance voted at the 2009 and 2012 elections.[[39]](#footnote-39)According to the norms of implementation of the Law on mental health, all units granting mental health care must establish a special registry for complaints coming from patients or their representatives. The institution in question (the specific unit) must reply in writing to all complaints on the breach of the rights of patients. The registry must also record how the complaint was solved.[[40]](#footnote-40) An NGO report from 2009, monitoring the rights of persons with mental disabilities in healthcare and institutions for people with mental disabilities (based on visits made in 16 institutions), also looked at mechanisms and procedures to record and settle complaints and petitions submitted by the institutionalized persons (mechanisms in general, not just the register). On this matter, the report highlighted that: “The fact that the healthcare and social institutions disregard the patient’s right to submit complaints continues to be altmost the general rule. There are no clear procedures notified to the patients, which must be followed when they wish to submit complaints in connection with the treatment applied to them in these institutions. Frequently the management of the establishments ‘justify’ the lack of such procedures / including the special ledger provided in the law – with the fact that usually, patients do not submit complaints.”[[41]](#footnote-41) There is no assessment of whether the redress and complaints mechanisms in general (regardless of the administrative institution managing the complaints mechanisms) are accessible for persons with disabilities.Asked whether there have been any complaints from persons with disabilities who could not run or vote for the 2012 local elections, the AEP replied that they received no such complaints.[[42]](#footnote-42) In a subsequent request sent by the NFP for the purposes of this report asking about the number of petitions received in relation to the breach of the right to vote of persons with disabilities, the AEP replied that it is not within its competence to solve petitions regarding the right to vote, but with the competence of electoral bureaus, adding that the AEP does not hold documents from the archive of the electoral bureaus.[[43]](#footnote-43)In general, according to the law on parliament elections, the president of the electoral bureau of the voting section receives any complaints related to irregularities during the voting process.[[44]](#footnote-44) The Electoral Bureaus function temporarily, for the period of elections. The AEP functions on a permanent basis.[[45]](#footnote-45) |

1. **PROCESS INDICATORS**

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| **Process indicators** | **Source and supporting information** |
| Are there mechanisms in place to ensure that disabled people’s organisations (DPOs) are consulted and involved in the development of laws and policies in electoral matters? Please give details of the mechanisms through which DPOs are involved. | There are no legal mechanisms for consultations with DPO organizations specifically. The DPPD (Directorate for the Protection of Persons with Disabilities, *Direcţia Protecţia Persoanelor cu Dizabilităţi)* mentioned general legal transparency provisions.[[46]](#footnote-46) The AEP explicitly stated that there are no specific consultation mechanisms and also mentioned the general legal transparency provisions.[[47]](#footnote-47)General mechanisms for policy adoption at central level provide for consultations with civil society organizations and other interested stakeholders. The consultations start at the stage of choosing the public policy option (out of various possible options) to be afterwards further documented and presented for general public debate[[48]](#footnote-48). General public transparency regulations provide for the publication of the proposed draft with at least 30 days before being forwarded for analysis, approval and adoption. The announcement must also mention the deadline (at least ten days) and the manner for submitting comments by those interested. Upon the request of an association or a public authority, the initiating institution must organize a public meeting in order to debate the draft.[[49]](#footnote-49)  |
| Have national judicial redress mechanisms considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | The Romanian legal database is too rudimentary to be able to find relevant case-law on this topic.[[50]](#footnote-50) The Superior Council for the Judiciary replied to a request for information from the NFP that their institution compiled no relevant case law collections/analyses on the exercise of the right to vote by persons with disabilities.[[51]](#footnote-51)In one case, the media reported about a person with a physical disability officially requested a mobile ballot box on the day of the national referendum – July 29, 2012, but received a response on July 17, 2012 advising him to submit a written request a day before the referendum to the polling station. This person stated that he was unable to vote in the last years because the polling station is organized in a school that does not have facilities for persons with physical disabilities.[[52]](#footnote-52) |
| Have national non-judicial redress mechanisms (e.g. National Human Rights Institutions, Equality Bodies, Ombuds institutions) considered any cases related to the right to political participation of persons with disabilities?Please give details of relevant case law and any available data on the number of such cases. | Both the National Council for Combating Discrimination (*Consiliul Naţional pentru Combaterea Discriminării*, CNCD)and the Ombudsperson stated they had no case law on the right to political participation of persons with disabilities.[[53]](#footnote-53) The relevant authorities have not received any complaints from persons with disabilities regarding their electoral rights.[[54]](#footnote-54)However, the media has reported voting restrictions for the persons with disabilities. For instance, in one case,[[55]](#footnote-55) a person with a physical disability officially requested a mobile ballot box for the day of the national referendum – July 29, 2012, but received a response on July 17, 2012 advising him to submit a written request a day before the referendum to the polling station. The affected person stated that he was unable to vote in the last years because the polling station is placed in a school that does not have facilities for persons with physical disabilities. |
| Is information about how and where to complain in the case of problems with exercising the right to political participation accessible to all persons with disabilities?  | No information to be able to confirm such accessibility could be identified) No information in order to be able to reply to this question could be identified. The CNCD as the national authority responsible for the monitoring and enforcement of equality principles, was asked to assess the level of accessibility of information on complaints mechanisms available to persons with disabilities when their right to political participation is breached.In its answer, it only stated that the institution has undertaken numerous information campaigns addressing vulnerable groups and explaining redress mechanisms in the area of discrimination, although not specifically focusing on the right to political participation.[[56]](#footnote-56)The CNCD would be competent to receive complaints from people with disabilities in exercising their right to vote, so long as the complaint is related to discrimination. The definition of discrimination included in the law the CNCD implements, includes disability. It reads as follows: “*any differentiation, restriction or preference, on grounds of race, nationality, ethnicity, language, religion, social category, convictions, sex, sexual orientation, age, handicap, chronic non-contagious illness, HIV infection, belonging to a disfavoured category, as well as any other ground which has as purpose or effect the restriction, removal or recognition use or exercise, under conditions of equality, of human rights and fundamental freedoms or of the rights recognized by law, in the political, economic, social and cultural or in any other fields of public life.*”[[57]](#footnote-57) The website of CNCD does not seem to be accessible.[[58]](#footnote-58)Asked the same question, the ombudsperson stated that the institution does not “hold information as to the breach of the right to political participation of persons with disabilities” and recommended that the NFP address the AEP.[[59]](#footnote-59) Regarding accessibility of information on complaints mechanisms as well as on information campaigns regarding rights awareness in the context of political participation, the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi* DPPD) referred to electoral legislation.[[60]](#footnote-60) The electoral legislation includes general complaints mechanisms.  |

**III.OUTCOME INDICATORS**

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| **Outcome indicators** | **Source and supporting information** |
| What was the voter turnout rate for persons with disabilities in the most recent municipal elections and in the 2009 European Parliament elections? How does this compare with the voter turnout rate among the general population?What was the voter turnout rate for persons with disabilities in the most recent national elections? How does this compare with the voter turnout rate among the general population? | The AEP informed the contractor that the AEP does not collect such data.[[61]](#footnote-61) An additional request on this matter was sent to the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*, DPPD).The DPPD replied that it does not have data on the participation to vote of persons with disabilities.[[62]](#footnote-62)  |
| How many members of the current national parliament identify as having a disability? | There is no available data on how many members of the current national parliament identify as having a disability. The state does not collect such data and NGOs have not made any such statistic. In 2012, for the first time a person in a wheelchair, who talked openly about his disability, ran and lost in a Bucharest circumscription for a place in the Senate[[63]](#footnote-63)  |
| How many members of current municipal governments identify as having a disability? | No such statistics could be identified.  |
| What proportion of polling stations is accessible for persons with disabilities? Please indicate whether polling stations are accessible for all persons with disabilities or for particular impairment groups e.g. persons with visual, hearing, physical impairments etc) | According to the AEP Decision 4/2008, when establishing where to place the voting section, spaces on the ground floor of buildings, in accessible public places will be considered in particular.[[64]](#footnote-64) The provision aims at better organizing of the operations and facilitating the flow of people. It makes no reference to persons with disabilities.Another provision of the same decision states that special ramps must be arranged for at the voting section for persons with a physical disability.[[65]](#footnote-65) Also, the AEP recommends that a special voting booth for persons with physical disabilities at the “adequately dimensioned and marked”.[[66]](#footnote-66)The AEP informed the NFP that it does not have the information as to what proportion of the polling stations is accessible, but mentioned that, when the AEP controls whether regulations are respected during elections, the existence of the ramp is one of the aspects that are checked. Where the ramp does not exist, local authorities, the mayor in particular are asked to remedy the situation.[[67]](#footnote-67) |
| Does the website to provide instructions for voting and information on candidates run by the ministry responsible for organising elections meet accessibility standards (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard)? | The AEP as the authority responsible for “educating the electorate and other participants to elections”[[68]](#footnote-68) confirmed that its webpage do not meet accessibility standards.[[69]](#footnote-69) AEP has reported activities and programs during the local elections in 2012 to inform persons with disabilities on their electoral rights, such as releasing a video with information about how persons with disabilities can exercise their voting rights, as well as several guides and brochures.[[70]](#footnote-70) |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has national language subtitles? | In general, in Romania, programmes in Romanian do not have subtitles. As noted above under 11 the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului, CNA)* stated that the subtitle service does not cover the needs of persons with hearing impairments, and noted that it currently only serves a translation purpose for programmes in other languages than Romanian.[[71]](#footnote-71)The CNA mentioned that, once Romania passes from analogue to digital television services (the deadline being June 2015[[72]](#footnote-72)), subtitling services will be included for those who want the service on a permanent basis. |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has audio description? | It is difficult to estimate what proportion have audio description in general, let alone on electoral topics.While not directly replying to this question, in its response to the NFP’s request for public information, the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului, CNA*) implies that audio description does not exist at this point. The CNA expressed its wish to organize a public consultation with stakeholders in order to increase access to audio-visual programmes through subtitles or sign language audio description, according to the possibilities of each supplier.[[73]](#footnote-73) |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has sign language interpretation? | In 2009, the public television had a night news programme where national sign language was used. Currently, the programme grid no longer has this night news programme, and, upon checking recordings of news programmes in general, no sign language could be identified.[[74]](#footnote-74) The Romanian Television Society (Romanian public television service) in 2008 was sanctioned by the CNCD regarding general provision of sign language interpretation, , based on the monitoring reports of CNA, which, in its turn had summoned the Romanian public television to ensure that public interest information is also accessible to persons with hearing impairments. At the time, there was only a programme dedicated to persons with disabilities once a week, and the 2 p.m. news programme which had sign language interpretation.[[75]](#footnote-75) A specific request for information was sent to the public television as well, asking about subtitles, sign language and audio description in general and in the context of electoral campaigns in order to offer instructions for voting and information on candidates, in particular.[[76]](#footnote-76) Programmes destined to ethnic minorities have Romanian subtitles, according to the Romanian Public Television[[77]](#footnote-77).In its answer to a second request for information on accessibility, the broadcaster added that a programme destined to persons with disabilities called *Oameni ca noi (People like us)* has sign language interpretation.[[78]](#footnote-78)A news story of the public television from 2013 mentioned as good practice the fact that a territorial branch of the public television is working with two volunteer sign-language translators to translate the week-end news. The practice is presented as unique.[[79]](#footnote-79) The broadcaster does not seem to be aware of the practice of its local branch. |
| How many political parties, out of the total who participated in the most recent European Parliament and municipal elections, made their manifesto/campaign material accessible to persons with disabilities (e.g. large print, braille, easy-to-read, audio versions etc)? | No statistical data could be identified. Requests for such information were sent to 11 political parties (which ran for the Romanian Parliament and the European Parliament on their own or in coalitions) and the minority organizations representing the biggest ethnic minorities in Romania. The Democratic Alliance of Hungarians in Romania (DAHR) replied that their webpage is designed in AA format and that their electoral materials, in audio format, have been uploaded on their website. The DAHR also expressed its wish to give more attention to this issue in view of the next EU Parliament election, and, invoking lack of expertise, welcomed any information or best practices the NFP could provide.[[80]](#footnote-80) No other party replied. |
| What proportion of public authority national and municipal buildings is accessible to persons with disabilities? | The National Agency for Payments and Social Inspection (*Agenţia Naţională pentru Plăţi şi Inspecţie Socială, ANPIS*)[[81]](#footnote-81) provided data on the level of accessibility according to legal standards for certain elements of the built environment (ramp, wall rail, entrance door, lifts) in a number of institutions.In 2012, of 832 town halls verified, 431 had an access ramp or did not need one (the entrance was already at ground level), 387 had wall rail or did not need one, 683 had an adequate entrance door, and one had a lift.Of the 9 tribunals (one type of courts of law - There are three types, depending on competence and area covered: county courts (judecatorii), tribunals (tribunale) and courts of appeal (Curti de apel)) verified, 8 had a ramp, 8 had a wall rail, 7 an adequate entrance door, none had a lift. Taken together, police sections, postal offices and local labour agencies, of 229 entities, 142 had a ramp or did not need one, 120 a wall rail or did not need one, 214 an adequate door, and none had a lift. Of 8 hospitals checked, 5 had a ramp or did not need one, 5 a wall rail or did not need one, 7 had an adequate entrance door, none had a lift. Of 25 financial administration units, 12 had a ramp or did not need one, 12 had a wall rail or did not need one, 20 had an adequate entrance door, none had a lift or did not need one. Of 808 teaching units checked (kindergartens, schools, high-schools, universities), 405 had a ramp or did not need one, 388 had a wall rail or did not need one, 705 had an adequate entrance door, and 2 had a lift. [[82]](#footnote-82)  |
| How many complaints related to infringements of the right to political participation of persons with disabilities were recorded in 2012? What proportion of these complaints were successful? | The Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi,* DPPD) stated that no petition with this subject has been registered with their directorate.[[83]](#footnote-83) |

1. http://www.un.org/disabilities/countries.asp?navid=12&pid=166

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-15&chapter=4&lang=en [↑](#footnote-ref-1)
2. http://www.un.org/disabilities/countries.asp?navid=12&pid=166

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-15&chapter=4&lang=en [↑](#footnote-ref-2)
3. http://www.un.org/disabilities/countries.asp?navid=12&pid=166

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\_no=IV-15&chapter=4&lang=en [↑](#footnote-ref-3)
4. Draft law for the modification and completion of Law no. 33/2007 on the organization and implementation of elections for the European Parliament (*Proiect de lege pentru modificarea I și completarea Legii nr. 33 / 2007 privind organizarea şi desfăşurarea alegerilor pentru Parlamentul European*), available at: [www.roaep.ro/legislatie/dezbatere-publica/proiect-de-lege-pentru-modificarea-si-completarea-legii-nr-332007-privind-organizarea-si-desfasurarea-alegerilor-pentru-parlamentul-european/](http://www.roaep.ro/legislatie/dezbatere-publica/proiect-de-lege-pentru-modificarea-si-completarea-legii-nr-332007-privind-organizarea-si-desfasurarea-alegerilor-pentru-parlamentul-european/)

**All hyperlinks were accessed 8 September2013.** [↑](#footnote-ref-4)
5. Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials/ Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali, Chapter IV, Article 22. [↑](#footnote-ref-5)
6. Article 24, par. 2-4. [↑](#footnote-ref-6)
7. Article 26, par. 1. [↑](#footnote-ref-7)
8. Article 26, par. 7. [↑](#footnote-ref-8)
9. Article 25. [↑](#footnote-ref-9)
10. Article 27, par. 2. [↑](#footnote-ref-10)
11. Article 8, par. 4. [↑](#footnote-ref-11)
12. Article Article 8, par. 3 and 3^1. [↑](#footnote-ref-12)
13. Law no. 67 of 25 of March 2004 on elections for the local public administration (

/ *Lege nr. 67 din 25 martie 2004 pentru alegerea autorităţilor administraţiei publice locale*,) Article 4/1. [↑](#footnote-ref-13)
14. Romania, Constitution, available at: http://www.cdep.ro/pls/dic/site.page?den=act2\_2&par1=2#t2c2s0a36 [↑](#footnote-ref-14)
15. FRA (2010) [*The right to political participation of persons with mental health problems and persons with intellectual disabilities*](http://fra.europa.eu/en/publication/2012/right-political-participation-persons-mental-health-problems-and-persons), Publications Office, Luxembourg, p. 15, available at: <http://fra.europa.eu/en/publication/2010/right-political-participation-persons-mental-health-problems-and-persons> [↑](#footnote-ref-15)
16. Romania/New Civil Code (*Legea nr.287/2009 privind Codul civil*) of 17 July 2009. [↑](#footnote-ref-16)
17. Romania/New Civil Code (*Legea nr.287/2009 privind Codul civil*) of 17 July 2009. [↑](#footnote-ref-17)
18. Romania, Constitution, available at: <http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=2#t2c2s0a36> [↑](#footnote-ref-18)
19. Article 42, par. 22^1 [↑](#footnote-ref-19)
20. Article 87. [↑](#footnote-ref-20)
21. Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials/ *Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali, Article 42, par. 22^1 and Law no. 67 of 25 of March 2004 on elections for the local public administration / Lege nr. 67 din 25 martie 2004 pentru alegerea autorităţilor administraţiei publice locale, Article 87, par. 1.* [↑](#footnote-ref-21)
22. Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials*/ Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali, Article 42, par. 22^1.* [↑](#footnote-ref-22)
23. Permanent Electoral Authority (*Autoritatea Electorală Permanentă*), *The elections for the Chamber of Deputies and the Senate, 9 December 2012. The training of the presidents of electoral office of the voting sections and of their alternates (Alegerea Camerei Deputaţilor şi a Senatului, 9 decembrie 2012. Instruirea preşedinţilor birourilor electorale ale secţiilor de vorare şi a locţiitorilor acestora),* p. 37,available at: <http://www.roaep.ro/instruire/wp-content/uploads/2012/12/Instruire-presedinti-BESV-Parlamentare-2012.pdf> [↑](#footnote-ref-23)
24. Article 68, par. 1 letter d. [↑](#footnote-ref-24)
25. Letter No. 18495/23.09.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the Centre for Legal Resources, . [↑](#footnote-ref-25)
26. Information provided by the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi, DPPD*) in the Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice, MMFPSPV*). Letter No. 18495/04.08.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the NFP (Centre for Legal Resources), . [↑](#footnote-ref-26)
27. Permanent Electoral Authority (*Autoritatea Electoral Permanentă*) Draft law on the Electoral Code (*Proiect de lege privind Codul Electoral*), available at: <http://www.roaep.ro/legislatie/wp-content/uploads/2013/03/CODUL-ELECTORAL.pdf> [↑](#footnote-ref-27)
28. Letter No. 2271/02.09.2013 from the Ministry for the Information Society (*Ministerul Societăţii Informaţionale*) to the Centre for Legal Resources, . [↑](#footnote-ref-28)
29. See website of the project *Digital Agenda for Romania* at: [www.digitalagenda.ro](http://www.digitalagenda.ro) [↑](#footnote-ref-29)
30. Law no. 504/2002 of the audio-visual/Legea 544/2002 a audiovizualului, Article 10, par. 3, letter k. [↑](#footnote-ref-30)
31. Decision no. 220 from 24 of February 2011 on the regulation code for audio-visual content (*Decizie nr. 220 din 24 februarie 2011 privind codul de reglementare a conţinutului audiovizual).* [↑](#footnote-ref-31)
32. Letter No. 8848/26.08.2013 from the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului*) to the NFP, the Centre for Legal Resources, . [↑](#footnote-ref-32)
33. Information provided by NFP for FRA Annual Report 2013, forthcoming. [↑](#footnote-ref-33)
34. Permanent Electoral Authority (*Autoritatea Electorală Permanentă*), *Electoral training,* available at: <http://www.roaep.ro/instruire/> [↑](#footnote-ref-34)
35. Letter No. 18495/04.08.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the Centre for Legal Resources, [↑](#footnote-ref-35)
36. Letter No. 10684/05.09.2013 from the Permanent Electoral Authority (*Autoritatea Electorală Permanentă*) to the Centre for Legal Resources, *.* [↑](#footnote-ref-36)
37. FRA (2010) [*The right to political participation of persons with mental health problems and persons with intellectual disabilities*](http://fra.europa.eu/en/publication/2012/right-political-participation-persons-mental-health-problems-and-persons), p. 15. [↑](#footnote-ref-37)
38. Letter No. 18495/23.09.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the Centre for Legal Resources, [↑](#footnote-ref-38)
39. Letter No. 18495/04,08.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the Centre for Legal Resources, [↑](#footnote-ref-39)
40. Order of the Ministry of Health 372/2006 on the norms of implementation of Law no. 487 of 11 of July 2002 on mental health and the protection of persons with mental health problems/ Ordinul Ministerului Sănătăţii nr 372/2006 privind Normele de implementare a Legii sănătăţii mintale şi a protecţiei persoanelor cu tulburări psihice nr 487/2002, Art. 25. [↑](#footnote-ref-40)
41. Centre for Legal Resources (2009), *Report concerning observance of rights and libertiesof persons committed to healthcare and social establishments for people with mental disabilities*, Bucharest, Editura Didactică şi Pedagogică, p. 9, available at: <http://www.crj.ro/EN/Report-concerning-the-observance-of-the-rights-and-liberties-of-persons-committed-to-healthcare-and-social-establishments-for-people-with-mental-disabilies/> [↑](#footnote-ref-41)
42. Permanent Electoral Authority (Autoritatea Electorală Permanentă), *Letter 7062/17.08.2012 to the Centre for Legal Resources*, . [↑](#footnote-ref-42)
43. Letter No. 10684/05.09.2013 from the Permanent Electoral Authority (*Autoritatea Electorală Permanentă*) to the Centre for Legal Resources, . [↑](#footnote-ref-43)
44. Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials/ *Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali, Article 42, par. 22.* [↑](#footnote-ref-44)
45. Law no. 35 of 13 of March 2008 on elections for the Chamber of Deputies and the Senate and for the ammendment and completion of Law no. 67/2004 for the election for local authorities, of the Law on local public administration no. 215/2001 and of the Law no. 393/2004 on the Status of local elected officials/ *Lege nr. 35 din 13 martie 2008 pentru alegerea Camerei Deputaţilor şi a Senatului şi pentru modificarea şi completarea Legii nr 67/2004 pentru alegerea autorităţilor administraţiei publice locale, a Legii administraţiei publice locale nr 215/2001 şi a Legii nr. 393/2004 privind Statutul aleşilor locali, Article 13, par. 1.* [↑](#footnote-ref-45)
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49. Law no. 52 of 21 of January 2003 on decision making transparency in public administration / *Lege nr 52 din 21 ianuarie 2003 privind transparenţa decizională în administraţia public,* Article 6 par. 2 and 7. [↑](#footnote-ref-49)
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51. Letter No. 2/20265/1154/21.08.2013 from the Superior Council of Magistrates (*Consiliul Superior al Magistraturii*) to the Centre for Legal Resources. [↑](#footnote-ref-51)
52. Mircea Dinescu (2012) ‘Ciudul’, *catavencii.ro*, 17 July 2012 available at: [www.catavencii.ro/Cidul\_0\_4926.html](http://www.catavencii.ro/Cidul_0_4926.html) [↑](#footnote-ref-52)
53. Letter No. 5401/30.08.2013 from the National Council for Combating Discrimination (*Consiliul Naţional pentru Combaterea Discriminării*) to the Centre for Legal Resources, and Letter No. 6996/19.08.2013 from the Avocatul Poporului (*Ombudsperson*) to the Centre for Legal Resources, . [↑](#footnote-ref-53)
54. Letter no 7062/17.08.2012 of AEP, , Letter no. 124394/17.08.2012 of DGPPH, , [↑](#footnote-ref-54)
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56. Letter No. 5401/30.08.2013 from the National Council for Combating Discrimination (*Consiliul Naţional pentru Combaterea Discriminării*) to the Centre for Legal Resources, . [↑](#footnote-ref-56)
57. Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished/ *Ordonanţa de Guvern Nr. 137/2000 pentru prevenirea şi sancţionarea tuturor formelor de discriminare, republicată,* Article 2, par. 1. [↑](#footnote-ref-57)
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60. Letter No. 18495/04.08.2013 from the Directorate for the Protection of Persons with Disabilities (*Direcţia Protecţia Persoanelor cu Dizabilităţi*), Ministry of Labour, Family, Social Protection and the Elderly (*Ministerul Muncii, Familiei, Protecţiei Sociale şi Persoanelor Vârstnice*) to the Centre for Legal Resources, [↑](#footnote-ref-60)
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64. Permanent Electoral Authority Decision 4/2008 on the conditions which the spaces of voting sections must fulfill for the election of the Chamber of Deputies and the Senate/*Hotărârea Autorităţii Electorale Permanente Nr. 4/2008 privind condiţiile pe care trebuie să le îndeplinească localurile secţiilor de votare pentru alegerea Camerei Deputaţilor şi Senatului,* Article 2, par. 2. [↑](#footnote-ref-64)
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66. Permanent Electoral Authority Decision 4/2008 on the conditions which the spaces of voting sections must fulfill for the election of the Chamber of Deputies and the Senate/*Hotărârea Autorităţii Electorale Permanente Nr. 4/2008 privind condiţiile pe care trebuie să le îndeplinească localurile secţiilor de votare pentru alegerea Camerei Deputaţilor şi Senatului,* Article 6, par. 4. [↑](#footnote-ref-66)
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70. Letter no 7062/17.08.2012 of AEP, . [↑](#footnote-ref-70)
71. Letter No. 8848/26.08.2013 from the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului*) to the Centre for Legal Resources, . [↑](#footnote-ref-71)
72. Letter No. 8848/26.08.2013 from the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului*) to the Centre for Legal Resources, , mentions this dead-line as set by Government Decision No. 403/2013 for the approval of the Strategy on the transition from analogue television to terrestrial digital television and the implementation of digital multi-media services at national level (*H.G. Nr. 403 din 19 iunie 2013 pentru aprobarea Strategiei privind tranziţia de la televiziunea analogică terestră la cea digitală terestră şi implementarea serviciilor multimedia digitale la nivel naţional*). [↑](#footnote-ref-72)
73. Letter No. 8848/26.08.2013 from the National Council of the Audio-Visual (*Consiliul Naţional al Audiovizualului*) to the Centre for Legal Resources, . [↑](#footnote-ref-73)
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