

# **Coronavirus pandemic in the EU – Fundamental Rights Implications**

**Country:** Romania

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**Date:** 3 November 2020

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# 1 Measures taken by government/public authorities impacting on specific freedoms

Please briefly describe the main developments, between 1 September – 31 October 2020, in the legal framework and related measures adopted in your country in response to the Coronavirus pandemic with respect to emergency laws/state of emergency, freedom of assembly and freedom of movement.

## 1.1 Emergency laws/states of emergency

In **Romania**, the state of alert (*stare de alertă*) was initially declared on 15 May 2020, by Decision<sup>1</sup> of the National Committee for Emergency Situations (*Comitetul Național pentru Situații de Urgență*), for a period of 30 days. On 18 May 2020, new legislation, the Law regarding some measures to prevent and combat the effects of the COVID-19 pandemic<sup>2</sup>, specifically regulating the Covid-19 situation was adopted. Thus, the Government declared again the state of alert, for a new period of 30 days, through a Government Decision<sup>3</sup>, later endorsed, with amendments, by the Parliament<sup>4</sup>. Since then, the state of alert was renewed every 30 days through Government Decision. The latest renewal was enacted on 15 October<sup>5</sup>.

In **Romania**, the Ombudsperson (*Avocatul Poporului*) raised concerns about the constitutionality of some provisions of the law on the establishment of measures in the field of public health in situations of epidemiological and biological risk, which were amended by the Parliament in September 2020<sup>6</sup>. The Ombudsperson asked the Constitutional Court (*Curtea Constituțională a României*) to assess if the compulsory quarantine imposed by the law is constitutional. On 20 October 2020, the Constitutional Court rejected the Ombudsperson claims as to the unconstitutionality of the provisions<sup>7</sup>.

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<sup>1</sup> Romania, Decision on approval of national alert, institutions and measures to prevent and control information, in the context of the epidemiological situation generated by the SARS-CoV-2 virus ([Hotărâre nr. 24 din 14 mai 2020 privind aprobarea instituirii stării de alertă la nivel național și a măsurilor de prevenire și control al infecțiilor, în contextul situației epidemiologice generate de virusul SARS-CoV-2](#)), 15 May 2020.

<sup>2</sup> Romania, Law regarding some measures to prevent and combat the effects of the COVID-19 pandemic ([Legea nr. 55 din 15 mai 2020 privind unele măsuri pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 15 mai 2020.

<sup>3</sup> Romania, Government Decision on the declaration of a state of alert and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 394 din 18 mai 2020 privind declararea stării de alertă și măsurile care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 18 May 2020.

<sup>4</sup> Romania, Decision of the Parliament on approval of the state of alert and of the measures established by the Government Decision no. 394/2020 on the declaration of the state of alert and the measures applied during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 5 din 20 mai 2020 pentru încuviințarea stării de alertă și a măsurilor instituite prin Hotărârea Guvernului nr. 394/2020 privind declararea stării de alertă și măsurile care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 20 May 2020.

<sup>5</sup> Romania, Government Decision on the prolongation of a state of alert starting with 15 October 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 856 din 14 octombrie 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 octombrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 14 October 2020.

<sup>6</sup> Romania, Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, republished ([‘Legea nr.136/2020 privind instituirea unor măsuri în domeniul sănătății publice în situații de risc epidemiologic și biologic republicată’](#)), 28 September 2020.

<sup>7</sup> Romania, Constitutional Court (*Curtea Constituțională a României*), [‘Comunicat de presa, 20 octombrie 2020’](#), press release, 20 October 2020.

## 1.2 Freedom of assembly

In Romania, between 1-14 September, public gatherings were banned, with the exception of the electoral gatherings with no more than 50 persons indoors and 100 persons outdoors<sup>8</sup>. Noting that some outdoor events are allowed starting with 1 June 2020, for example concerts or other cultural events, when involving less than 500 participants, and with social distancing measures in place, human rights organizations have criticized the government because the right of assembly was still restricted while relaxation measures were taken in all sectors<sup>9</sup>. Starting with 15 September, public gatherings of up to 50 persons indoors and 100 persons outdoors were allowed, under the condition that all participants will wear face masks and they will observe social distancing measures<sup>10</sup>. The same organizations saluted the measure<sup>11</sup>.

The ban on public gatherings was not strictly imposed. Media reported various public gatherings, including protests against the emergency measures, on September 19<sup>12</sup>, October 7<sup>13</sup>, or October 10<sup>14</sup>, or large religious pilgrimages, for example on 9-11 October in Iasi<sup>15</sup> or 25-27 October in Bucharest<sup>16</sup>. In all such cases, according to the quoted media reports, even if the rules were not respected, the authorities chose to work with the organizers and supervise the events, rather than stopping them and fining the participants.

During the reference period, there were no final Court decisions related to judicial complaints against the measures limiting freedom of assembly.

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<sup>8</sup> Romania, Government Decision on the prolongation of a state of alert starting with 16 August 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 668 din 14 august 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 16 august 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19 privind prelungirea stării de alertă pe teritoriul României începând cu data de 16 august 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 14 August 2020.

<sup>9</sup> TAMTAM ONG-uri pentru Cetățean (2020), '[Noi măsuri de relaxare. Dreptul de a organiza și de a participa la adunări publice nu este inclus pe listă.](#)', 31 August 2020.

<sup>10</sup> Romania, Government Decision on the prolongation of a state of alert starting with 15 August 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărâre nr. 782 din 14 septembrie 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 septembrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 14 September 2020.

<sup>11</sup> TAMTAM ONG-uri pentru Cetățean (2020), '[Dreptul de a organiza și de a participa la adunări publice a fost inclus pe lista măsurilor de relaxare](#)', 16 September 2020.

<sup>12</sup> Digi24 (2020), '[Protest anti-măști în București. Printre participanți, regizorul Cristi Puiu, actrița Carmen Tănase, clerici](#)', 19 September 2020.

<sup>13</sup> Digi24 (2020), '[Protest anti-măști în Piața Universității, potențial focar de infecție. Jandarmeria nu a dat amenzi](#)', 7 October 2020.

<sup>14</sup> Hotnews.ro (2020), '[Protest în Piața Universității față de obligativitatea purtării măștii și restricțiile impuse de Guvern](#)', 10 October 2020.

<sup>15</sup> Hotnews.ro (2020), '[Cum se desfășoară pelerinajul la Sfânta Parascheva: multe reguli, tristețe și racla sărutată de credincioși, deși e interzis](#)', 10 October 2020.

<sup>16</sup> Digi24 (2020), '[Credincioși din țară, intrați prin spate la moaștele Sfântului Dimitrie cel Nou. Reguli încălcate în a treia zi de pelerinaj](#)', 27 October 2020.

### 1.3 Freedom of movement

In **Romania**, the borders remain closed to foreigners and stateless persons<sup>17</sup> during the state of alert, with some exceptions<sup>18</sup>:

- a) family members of Romanian citizens;
- b) family members of the citizens of other Member States of the European Union or of the European Economic Area or of the Swiss Confederation, with residence in Romania;
- c) persons with a long-stay visa, a residence permit or a document equivalent to the residence permit issued by the authorities or a document equivalent to them issued by the authorities of other states, according to the legislation of the European Union;
- d) persons traveling in the professional interest, proven by visa, residence permit or other equivalent document, respectively medical staff, researchers in the medical field, medical staff for geriatric care, as well as carriers and other categories of personnel involved in the transport of goods providing such necessary transport;
- e) diplomatic or consular personnel, personnel of international organizations, as well as the members of their families that accompany them in permanent missions on the Romanian territory, military personnel or personnel who can provide humanitarian aid;
- f) persons in transit, including those repatriated as a result of the granting of consular protection;
- g) passengers traveling for imperative reasons;
- h) persons in need of international protection or for other humanitarian reasons, persons subject to Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, as well as persons returned on the basis of Readmission Agreements;
- i) foreigners and stateless persons traveling for study purposes;
- j) foreigners and stateless persons, highly qualified workers, if their employment is necessary from an economic point of view, and the activity cannot be postponed or carried out abroad;
- k) foreigners and stateless persons, cross-border workers, seasonal workers, maritime and river navigating personnel;
- l) the members of the international sports delegations that participate in sports competitions organized on the Romanian territory, in accordance with the law;

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<sup>17</sup> Defined according to the Government Emergency Ordinance No 194/2002 on the regime of aliens in Romania, approved by the Law no. 357/2003, republished, with further modifications and completions

<sup>18</sup> Romania, Government Decision No 782/2020 on the prolongation of a state of alert starting with 15 September 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărârea Guvernului nr. 782 din 14 septembrie 2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 septembrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), and Government Decision No 856/2020 on the prolongation of a state of alert starting with 15 October 2020 and the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic ([Hotărârea Guvernului nr. 856 din 14.10.2020 privind prelungirea stării de alertă pe teritoriul României începând cu data de 15 octombrie 2020, precum și stabilirea măsurilor care se aplică pe durata acesteia pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#))

- m) members of film or audio-visual filming teams, technical and artistic staff participating in cultural events taking place in Romania, based on proven contractual relationships or supporting documents.

In the absence of any contrary regulations at national level, the measure no longer applies to foreign nationals and stateless persons originating in or residing in third countries from which, at European level, it is established to lift temporary restrictions on non-essential travel to the European Union. The list of countries that fall under each category is updated weekly by the National Institute for Public Health (*Institutul Național de Sănătate Publică*) on its Internet page<sup>19</sup>.

In the case of foreigners entering Romania on the basis of the short-stay visa/long-stay visa, whose staying right conferred by entry visas has expired and for objective reasons they couldn't leave Romania on the expiration date, remaining on the national territory beyond the authorized period (maximum 90 days in any interval of 180 days), they are allowed to stay in Romania without applying any sanction or restrictive measure established by GEO 194/2002, at least until the lifting of the traffic restrictions imposed during the state of alert.

Moreover, residence permits issued to foreigners, which expire during the alert period, remain valid throughout all this period, and their holders will request the extension of the residence right within 90 days from the cessation date of the state of alert.

Employment/secondment authorisations issued during the alert period, as a result of requests received and solved by the territorial units of General Inspectorate for Immigration, remain valid for 90 days from the cessation date of the state of alert.

Mass-media reported the case of a family of Syrian refugees (two parents and four minor children), with long-term residence in Denmark, stranded for several days on the Bucharest International Airport, in improper conditions, because of the conflicting interpretation of the restrictions. The six persons were eventually returned to Hamburg by the airline company that carried them in Romania<sup>20</sup>.

In **Romania**, no general ban on internal travel was imposed during the reference period. The legislation includes the possibility of imposing local or zonal quarantine<sup>21</sup>. The decisions are made by local or county emergency Committees, and the information is not published centralized by the authorities. During the reference period, mass media reported that two localities from the Cluj County, Șic and

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<sup>19</sup> Romania, National Institute for Public Health (*Institutul Național de Sănătate Publică*), '[Liste zone afectate COVID-19](#)', updated weekly.

<sup>20</sup> Libertatea (2020), 'O familie de sirieni cu patru copii, prizonieră patru zile pe Aeroportul Otopeni. Cum ajunge o fetiță de 11 ani în miezul tratativelor cu autoritățile române', 13 October 2020.

<sup>21</sup> Romania, Law regarding some measures to prevent and combat the effects of the COVID-19 pandemic ([Lege nr. 55 din 15 mai 2020 privind unele măsuri pentru prevenirea și combaterea efectelor pandemiei de COVID-19](#)), 15 mai 2020, and Law no. 136/2020 on the establishment of measures in the field of public health in situations of epidemiological and biological risk, republished ('[Legea nr.136/2020 privind instituirea unor măsuri în domeniul sănătății publice în situații de risc epidemiologic și biologic republicată](#)'), 28 September 2020.

Săvădisla<sup>22</sup>, and one from Constanta County, Fântânele<sup>23</sup>, were quarantined. Outside the reference period, on 5 November, mass-media reported that 12 more localities were quarantined<sup>24</sup>.

## 2 Implications of Covid-19 and measures to contain it on specific social rights

*Please provide information on legislation/measures taken by the government/public authorities, between 1 September – 31 October 2020, in response to COVID-19 that have impacted negatively on relevant social rights with respect to two of the following areas of life: education, work, health care and housing.*

### Education

In **Romania**, the school year started on 14 September 2020. The government decided special measures to limit the impact of the pandemic on the schools and to prevent the spread of the virus<sup>25</sup>. All schools were instructed to take special measures for the organization of activity within educational units and institutions in conditions of epidemiological safety for the prevention of diseases, including sanitary measures and social distancing measures, that were detailed in secondary legislation<sup>26</sup>. As a general framework, depending on the rate of infections in the locality, and the school's capacity to implement the measures, the classes can be:

- Integral in-person, all students attending classes at school;
- A hybrid system, in which approximate half the students attend classes at school, and the other half are following them online. The two halves rotate at one or two weeks.
- Integral on-online;

The decision to opt for one of the three scenarios is partially decentralized for the pre-university education. The school Boards evaluate the situation and propose a scenario, which may or may not be accepted by the County Committee for Emergency Situations (*Comitetul Județean pentru Situații de Urgență*), which makes the final decision.

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<sup>22</sup> Stirileprotv.ro (2020), '[Carantină în două localități din Cluj. În Săvădisla totul a început de la un botez](#)', 23 October 2020.

<sup>23</sup> Stirileprotv.ro (2020), '[Comuna Fântânele intră în carantină timp de 14 zile. Rata de infectare a depășit 8 cazuri la mia de locuitori](#)', 22 October 2020.

<sup>24</sup> Stirileprotv.ro (2020), '[Harta localităților carantinate din România. În ce condiții pot ieși oamenii din case](#)', 5 November 2020.

<sup>25</sup> Romania, Government Emergency Ordinance regarding measures for the proper functioning of the education system ([Ordonanța de urgență nr. 141 din 19 august 2020 privind instituirea unor măsuri pentru buna funcționare a sistemului de învățământ și pentru modificarea și completarea Legii educației naționale nr. 1/2011](#)), 21 August 2020.

<sup>26</sup> Romania, Joint Order of the Minister of Education and Research and Minister of Health on measures for the organization of activity within educational units and institutions in conditions of epidemiological safety for the prevention of diseases ([Ordin nr. 5.487/1.494/2020 pentru aprobarea măsurilor de organizare a activității în cadrul unităților/instituțiilor de învățământ în condiții de siguranță epidemiologică pentru prevenirea îmbolnăvirilor cu virusul SARS-CoV-2](#)), 1 September 2020.

On the first day of school, mass-media reported that 242 schools, out of 17,656, were in the third, full on-line scenario, but approximately 100,000 students were studying online only<sup>27</sup>. By 30 October, 9,113 were in the first scenario (integral in-person), 4,938 in the hybrid scenario, and 3,605 in the full on-line scenario<sup>28</sup>. On 6 November, the Government announced that starting with 9 November, all schools in Romania will continue with online courses only<sup>29</sup>. The decision to suspend the face to face education of preschool children and pupils was

The National Pupils' Council (*Consiliul Național al Elevilor*), the organization representing the pre-university (grades 0-12) students at national level, raised concerns that up to 800,000 students (out of the total of approximate 2.8 million students) don't have access to online education at the beginning of the school year, either because they don't have personal equipment or Internet access, or because the school or the teachers lack the capacity to broadcast the classes online<sup>30</sup>. A study published by Save the Children Romania (*Salvati Copiii Romania*), a non-governmental organization, showed that 25% of all children do not have access to online education, and 43% of the teachers say that they don't have the necessary resources (either equipment, knowledge or relevant digital content) for online teaching<sup>31</sup>. The percentage is 10pp higher in rural communities, and the study emphasizes that children from socio-economic disadvantaged backgrounds are deeply affected. World Vision Romania, a non-governmental organization working in underdeveloped rural communities, showed that among the poorest villages, one in three villages do not have a proper Internet connection, and up to 40% of the children did not participate to education during the first phase of the pandemic<sup>32</sup>.

In early September, the Ministry of Education and Research concluded a partnership agreement with Google and Microsoft, based on which teachers and educational institutions have free access to all educational platforms developed by the two companies, including access to support programs and educational resources. The partnership also provides for the development and implementation of teacher training programs and provides support resources for pupils and students on learning how to use digital technology more effectively<sup>33</sup>. The access to the educational platforms developed by the two companies was already free through the private initiative [www.clasaviitorului.ro](http://www.clasaviitorului.ro); the memorandum signed by the Ministry of Education and Research is only acknowledging the existing situation.

In May, the Government allocated RON 150 million (€30 millions) to purchase up to 250.000 mobile devices (tablets) for children from socioeconomically disadvantaged backgrounds, in order to allow them participation in distance learning<sup>34</sup>. On 28 October, the Ministry of Education and Research

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<sup>27</sup> Mediafax (2020), '[Prima zi de școală: Înapoi în sala de clasă, pregătiți cu ghiozdane și măști. 100.000 de elevi vor învăța, însă, în sistem online](#)', 14 September 2020.

<sup>28</sup> Romania, Ministry of Education and Research (2020), '[Buletin Informativ: dinamica scenariilor de funcționare a unităților de învățământ preuniversitar \(30 octombrie 2020\)](#)', 30 October 2020.

<sup>30</sup> Hotnews.ro (2020), '[Consiliul Național al Elevilor: Educație online fără acces la internet / Peste 800.000 de elevi nu au acces la un dispozitiv conectat la internet](#)', 20 September 2020.

<sup>31</sup> Save the Children Romania (2020), '[Studiu privind opiniile partenerilor educaționali cu privire la condițiile de începere a anului școlar 2020-2021 în condițiile pandemiei COVID 19 în România](#)' 19 October 2020.

<sup>32</sup> Stiriedu.ro (2020), '[World Vision: Una din trei localități nu are conexiune la internet](#)', 27 October 2020.

<sup>33</sup> Romania, Ministry of Education and Research, '[Ministerul Educației și Cercetării, în parteneriat cu Google și Microsoft, pune la dispoziție, în mod gratuit, platforme educaționale](#)', 2 September 2020.

<sup>34</sup> Romania, Decision on the approval of the National Program "Home School" and for the allocation of an amount from the Budget Reserve Fund at the disposal of the Government, provided in the state budget for 2020, for the Ministry of Education and Research ([Hotărâre nr. 370 din 7 mai 2020 privind aprobarea](#)

(*Ministerul Educației și Cercetării*) reported that the procurement procedures for 82,826 tablets ended on 9 September, and for another lot of 108,327 tablets on 6 October<sup>35</sup>. The procurement procedures for the rest of the devices continue. There is no report on how many devices were actually handed to the final beneficiaries.

In September 2020, the Government of Romania approved to grant additional funds to the budget of the Ministry of Education and Research of RON 100 million for the financing of the National Program "Safe Education". The program allows the purchase of health protection materials and electronic devices through the school inspectorates, to be made available to schools that could not provide these materials from their own budgets or with the local public authorities' support<sup>36</sup>.

On 15 September, the Ministry of Education and Research (*Ministerul Educației și Cercetării*) published a list of 2,800 schools that do not have Internet access but will be connected with the voluntary help of the telecom companies, which have already agreed to participate in the project<sup>37</sup>. There is no follow-up report on the status of the project.

On 19 October, the Ministry of Education and Research (*Ministerul Educației și Cercetării*) announced a micro grants scheme aiming to support the most disadvantaged schools in Romania during the pandemic<sup>38</sup>. This funding opportunity is the result of the cooperation between the Ministry of Education and Research and the Council of Europe. The maximum grant value is €2,500 for each school, and the total amount is of €100,000..

Through the Romanian Secondary Education Project (ROSE), implemented by the Ministry of Education and Research with the support of the World Bank, funds of € 35 million are available for equipping approximately 1100 high schools with IT devices. At the same time, through the National Program "Euro 200", students from economically disadvantaged families benefit from financial aid for purchasing a personal computer. The allocation for 2020 is approximately RON 3.8 million for a number of over 7000 beneficiaries.<sup>39</sup>

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[Programului național "Școala de acasă" și pentru alocarea unei sume din Fondul de rezervă bugetară la dispoziția Guvernului, prevăzut în bugetul de stat pe anul 2020, pentru Ministerul Educației și Cercetării](#)), 7 May 2020.

<sup>35</sup> Romania, Ministry of Education and Research (2020), '[Raport achiziții centralizate și descentralizate - octombrie 2020](#)', 28 October 2020.

<sup>36</sup> Romania, Ministry of Education and Research, '[Bugetul Ministerului Educației și Cercetării a fost suplimentat cu suma de 100 milioane de lei pentru finanțarea Programului național „Educația în siguranță”](#)' and Romania, Decision on the approval of the National Program "Safe Education" and for the allocation of an amount from the Budget Reserve Fund at the disposal of the Government, provided in the state budget for 2020, for the Ministry of Education and Research ([HOTĂRÂRE nr. 756 din 10 septembrie 2020 privind aprobarea Programului național "Educația în siguranță" și pentru alocarea unei sume din Fondul de rezervă bugetară la dispoziția Guvernului, prevăzut în bugetul de stat pe anul 2020, pentru Ministerul Educației și Cercetării](#))

<sup>37</sup> Romania, Ministry of Education and Research (2020), '[Lista unităților de învățământ preuniversitar de stat din România ce vor fi conectate la internet în baza Memorandumului „Asigurarea conectării la internet a unităților de învățământ preuniversitar de stat din România prin programul voluntar de sprijin”](#)', 15 September 2020.

<sup>38</sup> Romania, Ministry of Education and Research (2020), '[Anunț: Schemă de grant pentru finanțarea accesului egal la o educație incluzivă de calitate pentru toți copiii, în special pentru copiii aflați în situații de vulnerabilitate](#)', 19 October 2020.

<sup>39</sup> Romania, Ministry of Education and Research (2020), '[Raport achiziții centralizate și descentralizate - octombrie 2020](#)', 28 October 2020.

In **Romania**, universities re-opened courses on 1 October. Universities enjoy a large degree of autonomy, and each university can decide if courses are held online or in person<sup>40</sup>. The second is possible if social distancing measures are in place. The practices vary from one university to another.

## Health

In **Romania**, from the beginning of the pandemic, the Government prioritized the Covid-19 cases in the public health system, and established lists of dedicated and support Covid-19 hospitals<sup>41</sup>. According to these measures, as the number of cases increased, hospitals would gradually become Covid-19 hospitals. Under this status, they would treat exclusively Covid-19 patients. By 5 November, 60 hospitals out of 532 were treating exclusively Covid-19 patients, and 151 hospitals were designated Covid-10 support units, treating both Covid-19 and other patients, on separate medical circuits (it should be noted that the total number of hospitals includes many that treat a limited number of conditions).

Until the end of October, the public health system managed to cope with the rising number of Covid-19 cases. The first publicly reported case of a patient dying because there was no available emergency care bed was announced by mass-media on 23 October 2020 in Medias, a small town in center Romania<sup>42</sup>. A few days later, the President organized an emergency meeting with decision-makers from the health system, and reported back to the public on the current capacity of the public health system to deal with Covid-19 cases, ensuring that there are plans afoot to increase the number of intensive care beds available in the country<sup>43</sup>. In August 2020, the budget of the Ministry of Health (*Ministerul Sănătății*) was increased with 3bln lei (approx. 600mln euro)<sup>44</sup>, and an additional 1.25bln lei (approx. 250mln euro) were allocated from the reserve fund until 30 September 2020<sup>45</sup>, to cope with the crises.

In the background, while the number of Covid-19 hospitals is increasing, the available services for other type of patients are affected. According to a research undertaken by the Romanian Medical Observatory (*Observatorul Medical Român*), an independent think-tank specialized on public health,

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<sup>40</sup> Romania, Joint Order of the Minister of Education and Research and Minister of Health on measures for the organization of activity within educational units and institutions in conditions of epidemiological safety for the prevention of diseases ([Ordin nr. 5.487/1.494/2020 pentru aprobarea măsurilor de organizare a activității în cadrul unităților/instituțiilor de învățământ în condiții de siguranță epidemiologică pentru prevenirea îmbolnăvirilor cu virusul SARS-CoV-2](#)), 1 September 2020.

<sup>41</sup> Romania, Order of the Minister of Health regarding the measures to prepare hospitals in the context of the COVID-19 pandemic ([ORDIN nr. 555 din 3 aprilie 2020 privind aprobarea Planului de măsuri pentru prețuirea spitalelor în contextul epidemiei de coronavirus COVID-19, a Listei spitalelor care asigură asistența medicală pacienților testați pozitiv cu virusul SARS-CoV-2 în faza I și în faza a II-a și a Listei cu spitalele de suport pentru pacienții testați pozitiv sau suspecti cu virusul SARS-CoV-2](#)), 7 april 2020. The Order was updated constantly. The linked version includes all updates.

<sup>42</sup> StirileProTV.ro (2020), '[Un bolnav de Covid-19 din Sibiu a murit așteptând să se elibereze un loc la ATI. "85% din pacienții intubați se duc"](#)', 23 October 2020.

<sup>43</sup> Agerpres (2020), '[Iohannis: La acest moment, avem 3.065 de paturi de terapie intensivă pentru toți pacienții](#)', 27 October 2020.

<sup>44</sup> Romania, Government's Emergency Ordinance on budget rectification ('Ordonanță de urgență nr. 135 din 14 august 2020 cu privire la rectificarea bugetului de stat pe anul 2020, modificarea unor acte normative și stabilirea unor măsuri bugetare'), 14 August 2020.

<sup>45</sup> Romania, Ministry of Public Finance (2020), '[Raport privind situația economică și bugetară pe primele șase luni ale anului 2020](#)', October 2020.

half of the chronic patients accused that the quality of health care received has decreased during the pandemic<sup>46</sup>. The research shows that the number of non-Covid patients hospitalized has decreased by 50% in April-August 2020, compared to the similar period of 2019.

The situation is particularly difficult for patients that need urgent or permanent health services in the hospitals. Hospice House of Hope (*Hospice Casa Speranței*), a foundation that is offering palliative care services, shows that, in the case of cancer patients, the number of hospitalized patients dropped by 46% compared to last year. The organization provided the example of the largest oncologic hospital in the country, based in Bucharest, which is not a Covid hospital, but had a dramatic drop in the number of surgery interventions compared with last year, because of the lockdown imposed in March-May, and the restrictions associated to the state of alert afterwards<sup>47</sup>. The Coalition of Patients Organizations with Chronic Diseases (*COPAC – Coaliția Organizațiilor Pacienților cu Afecțiuni Cronice*) reported that 62% of patients with inflammatory rheumatic diseases face major problems in access to both hospitalization and general treatment during the pandemic<sup>48</sup>.

The Federation Sanitary Solidarity (*Federația Solidaritatea Sanitară*), the largest confederation of labour unions from the health sector, has reported that up to 30,000 persons or 10% of the total health workers, including administrative staff, were infected with Covid-19, different from the number of 6,300 of persons infected as published by the Government<sup>49</sup>. The Federation warned that this is adding an additional burden to the already stretched public health system, with the patients being the ones that suffer. Mass-media reported several cases of large County Hospitals being overcrowded, and patients forced to wait for hours, sometimes outdoors, for access to emergency healthcare, for example in the cities of Ploiești<sup>50</sup>, Miercurea-Ciuc<sup>51</sup>, Iași<sup>52</sup>, Târgu-Mureș<sup>53</sup> or Târgoviște<sup>54</sup>.

In **Romania**, there is no official or otherwise reliable data on access to, waiting times, and delays to get a Covid-19 test done and its results communicated. However, the government has admitted indirectly that there were delays in testing, by announcing, on 28 October, new measures to speed-up the procedures. Patients that report to the emergency rooms will be tested including by using fast tests, and the government will develop an online platform where the laboratories will upload the results, and the patients will be informed by text messages about the results<sup>55</sup>.

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<sup>46</sup> Observatorul Medical (2020), '[Impactul pandemiei covid-19 asupra accesului bolnavilor cronici la servicii medicale](#)', 19 October 2020.

<sup>47</sup> Hospice Casa Speranței (2020), '[În pandemie, spitalizarea bolnavilor cronici a scăzut cu 50%. Hospice Casa Speranței: nu abandonați bolnavii de cancer!](#)', 19 October 2020.

<sup>48</sup> COPAC (2020), '[62% of patients with inflammatory rheumatic diseases face major problems during the pandemic](#)', 28 October 2020.

<sup>49</sup> Federația Solidaritatea Sanitară (2020), '[Concluziile studiului privind impactul pandemiei COVID-19 asupra lucrătorilor din sănătate](#)', 18 October 2020.

<sup>50</sup> Digi24 (2020), '[Imagini revoltătoare la Ploiești. Îmbrânceli și zeci de bolnavi care așteaptă în ploaie în curtea Spitalului Județean](#)', 26 October 2020.

<sup>51</sup> G4Media.ro (2020), '[Spitalul Județean din Miercurea Ciuc sistează operațiile timp de o săptămână, suspendă concediile de odihnă și reorganizează mai multe secții din cauza pandemiei](#)', 26 October 2020.

<sup>52</sup> Libertatea (2020), '[Criza paturilor ATI pentru pacienții cu COVID-19, la Iași. Manager de spital: "Nu vă primim. Este dramatic. Nu avem locuri"](#)', 28 October 2020.

<sup>53</sup> DigiFM (2020), '[Spitalul de Urgență Târgu-Mureș a oprit internările pacienților cu boli cronice](#)',

<sup>54</sup> Libertatea (2020), '[O femeie de 83 de ani, ținută 8 ore în frig, în curtea Spitalului din Urgență din Târgoviște. Explicația dată de managerul spitalului](#)', 28 October 2020.

<sup>55</sup> Romania, Ministry of Health (*Ministerul Sănătății*), '[Ordin privind modificarea și completarea Ordinului ministrului sănătății nr. 1.513 / 2020](#)', press release, 28 October 2020.

### **3 Negative impact on social rights for vulnerable groups including measures to address this**

*Please select and provide information concerning two groups whose social rights were particularly negatively impacted with respect to developments/measures adopted in relation to COVID-19, between 1 September – 31 October 2020. For each of the two groups selected – highlight which social rights were most impacted. Also, identify any government and related measures that were introduced to alleviate the negative impact on these groups.*

#### **Methodological note**

In Romania, during the most part of the reference period, despite the rising number of Covid-19 cases, the government took mostly relaxation measures, including school re-opening on 14 September, and organizing local elections on 27 September. Only around mid-October, restrictions measures were gradually introduced, generally related to imposing social distancing and wearing face-masks. These measures had generally limited impact on the social rights related to work, housing or access to utilities. Education and health were more impacted, in the ways already described in the previous section. Because the more stricter measures were adopted late (relatively to the reference period of the report), there is very limited evidence that can sustain affirmations about their impact on particular groups.

#### **Young people**

In **Romania**, schools re-opened on 14 September but many schools are offering only online courses, as explained in the previous section. The right to education may be affected in the case of the pupils that can't connect to these courses. Please see the previous section for details.

#### **Patients with chronic diseases**

In **Romania**, an increasing number of hospitals are becoming Covid-19 hospitals, which is limiting access for patients with chronic diseases to medical services. Please see the previous section for details.

#### **Roma**

In **Romania**, the majority of Roma are living in poverty. In April 2020, the National Agency for Roma (*Agenția Națională pentru Romi*) identified 690 marginalized, compact Roma communities, where 499,133 people live in precarious conditions. In the affected communities, 53,489 persons have other chronic diseases, and 61,263 persons are over 65 years old (the two categories may overlap)<sup>56</sup>. These

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<sup>56</sup> Romania, National Agency for Roma (*Agenția Națională pentru Romi*), *Raport al Agenției Naționale pentru Romi cu privire la necesitatea intervenției autorităților competente în beneficiul membrilor comunităților vulnerabile cu romi în contextul implementării măsurilor de prevenire a răspândirii virusului COVID 19*, 16 April 2020, p. 3.

persons are likely to suffer disproportionately from the lack of access to health services mentioned in the previous section but no recent disaggregated data is available.

In **Romania**, past research suggests that Roma children are likely to be affected in a greater degree by schools going online. UNICEF Romania is mentioning Roma children among the most vulnerable groups, showing that “online education deepens inequalities in access to education of children from disadvantaged families who fail to provide the necessary technological equipment or internet access”, and they are also losing access to specific programs aiming at fighting dropout and at providing remedial education<sup>57</sup>. The Human Catalyst Association, in a policy brief<sup>58</sup> published on 19 March, estimates that 31% of the total number of students, or 440,000 students, coming from the most vulnerable communities, will be disproportionately affected by the school closures, and that so far there are no measures to prevent this discrimination. Although the report is not referring specifically to the Roma, the communities identified by the National Agency for Roma (*Agenția Națională pentru Romi*) largely overlap with those identified by the Human Catalyst Association. No recent data or research is available but, based on these past findings, it is likely that Roma children will be affected by the type of problems related to schools re-opening described in the previous section. A joint event of the NGO Human Catalyst Association and the Romanian Government (*Guvernul României*), based on the mentioned research, was announced for 10 November<sup>59</sup>, which suggests that the authorities acknowledge the results of the research and are willing to act upon it.

### **Older people and persons with disabilities in residential institutions**

In **Romania**, the National Authority for the Rights of Persons with Disabilities Children and Adoptions (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități Copii și Adopții*) reported that, by 30 October, 8,496 institutionalized beneficiaries were infected, including 508 deaths<sup>60</sup>. The percentages are calculated from the base of approximate 55,000 residents, out of which 22,000 are elderly persons in public and private institutions, and the rest children and adults with disabilities. Among the employees, the Authority reported 1,981 infected and six dead. According to mass-media, the situation is particularly difficult for older people in institutions. The rate of infections is 26.38%, and the number of deaths in residential institutions for elderly persons represents 7% of the total number of deaths nationwide<sup>61</sup>. The government is maintaining all the protections measures already reported in the previous bulletins, without new measures being introduced during the reference period. The restrictions related to residential institutions introduced in Spring were maintained during the Summer, and are still in place.

On 10 September, the National Authority for the Rights of Persons with Disabilities Children and Adoptions (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități Copii și Adopții*) announced the launch of a free-toll phonenumber (*Telverde*) for the children and adults in residential institutions. The purpose of the phone line is to reduce the feeling of insecurity of children and adults

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<sup>57</sup> UNICEF Romania (2020), [‘Evaluării situației copiilor și familiilor, cu accent pe categoriile vulnerabile în contextul epidemiei de COVID-19 din România’](#), April 2020.

<sup>58</sup> Human Catalyst (2020), [‘USER sau LOSER în vremea pandemiei POLICY BRIEF’](#), 19 April 2020.

<sup>59</sup> Romania, Human Catalyst Association, [Facebook page announcement](#), 8 November 2011.

<sup>60</sup> Romania, National Authority for the Rights of Persons with Disabilities Children and Adoptions (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități Copii și Adopții*), [‘Situația răspândirii COVID-19 la nivelul serviciilor sociale pentru categorii vulnerabile la 30 octombrie 2020’](#), press release, 30 October 2020.

<sup>61</sup> Europe Liberă (2020), [‘Rata de infectare în căminele de bătrâni este de 26,83%. Mortalitatea reprezintă 7% din totalul pe țară’](#), 16 October 2020.

in residential centres, to provide them with counselling and psychosocial assistance, but also to prevent and identify possible challenges and abuses to which they may fall victim of<sup>62</sup>.

At the same time, the National Authority for the Rights of Persons with Disabilities, Children and Adoption elaborated together with the National Institute for Public Health a Methodological Guide addressing measures to prevent the Covid-19 infection within the social services for children and adults with disabilities.

The guide was approved through an Order signed by the Minister of Health and the President of NARPDCA and was published in the Official Gazette no. 1002/29.10.2020, providing specific targeted measures to be adopted at the level of the above mentioned social services, in order to better protect the beneficiaries and the staff from contracting the Covid-19 infection<sup>63</sup>.

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<sup>62</sup> Romania, National Authority for the Rights of Persons with Disabilities Children and Adoptions (*Autoritatea Națională pentru Drepturile Persoanelor cu Dizabilități Copii și Adopții*), '[Lansare TELVERDE – Prevenirea impactului COVID-19 asupra protecției copiilor și adulților din sistemul de protecție și a personalului care îi îngrijește](#)', press release, 10 September 2020.

<sup>63</sup> <http://andpdca.gov.ro/w/info-covid-19-2/>