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Implementation of the International Covenant on Economic, Social and Cultural Rights

**Third to fifth periodic reports submitted by States
parties under articles 16 and 17 of the Covenant**

Romania*

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Abbreviations

CASB	Country Agencies for Social Benefits
DRI	Department for Interethnic Relations
DRG	Diagnostic Related Groups
GEO	Governmental Emergency Ordinance
GD	Government Decision
GP	General Practitioner (medical)
NCCD	National Council for Combating Discrimination
NAEO	National Agency for Equal Opportunities between Women and Men
MoH	Ministry of Health
MERYS	Ministry of Education, Research, Youth and Sports
MoLFSP	Ministry of Labour, Family and Social Protection
MRDT	Ministry of Regional Development and Tourism
NASB	National Agency for Social Benefits
NAE	National Agency for Employment
NAR	National Agency for Roma
NSI	National Statistics Institute
NFS	National Fund for Solidarity
NHIF	National Health Insurance Fund
NCMHAF	National Centre for Mental Health and Combating Drugs

I. Introduction

1. The Government of Romania has the honour to submit to the Committee on Economic, Social and Cultural Rights the third, fourth and fifth periodic reports drawn up in accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (hereinafter the “Covenant”). The present reports cover the period from 1994 to 2009.

II. Implementation of the Convention

Article 2: Realization of recognized rights

2. The Romanian Constitution is the fundamental law of Romania that guarantees the respect of fundamental human rights and freedoms and their conformity with International Law. Article 1, paragraph (3) of the Romanian Constitution underlines that the supreme values of Romania are “human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism”.

3. Article 4, paragraph (2) states, also, that “Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.”

4. Article 20, paragraph (1) of the Constitution states that the constitutional provisions concerning the human rights and fundamental freedoms “shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to”.

5. Article 20, paragraph (2) provides that “where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions”.

6. The Romanian Constitution stipulates in article 47, paragraph (1) that “the State shall be bound to take measures of economic development and social protection, of a nature to ensure a decent living standard for its citizens.” The second paragraph of the same article stipulates that the Romanian citizens “have the right to pensions, paid maternity leave, medical care in public health centres, unemployment benefits, and other forms of public or private social securities, as stipulated by the law. Citizens have the right to social assistance, according to the law.”

7. Article 45 of the Romanian Constitution guarantees “the free access of persons to an economic activity, free enterprise, and their exercise under the law”.

Article 3: Equal opportunities for women and men

8. Equal rights between women and men are stipulated in several legal provisions, beginning with the fundamental law, the Romanian Constitution, and in detail in Law No. 202/2002 regarding equal opportunities between women and men.

9. The Romanian Constitution stipulates in article 16, paragraph (1) that “citizens are equal before the law and public authorities, without any privilege or discrimination” and, in article 41, paragraph (4), that “on equal work with men, women shall get equal wages.”

10. Article 41, paragraph (3) of the Constitution states that the Romanian State “shall guarantee equal opportunities among men and women” whose citizenship is Romanian and whose domicile is in Romania, to occupy such positions and dignities, as “access to public, civil, or military positions or dignities, according to the law”.

11. The Romanian Labour Code, provided by Law No. 53/2003, with its further modifications and completions, stipulates in article 6, paragraph 3 that “for equal work or work of equal value, sexual discrimination is forbidden on all elements and conditions of remuneration”. At the same time, article 5, paragraph 2 stipulates that “it is forbidden any direct or indirect discrimination of a person based on sex, sexual orientation, genetic characteristics, age, nationality, race, colour, ethnical origin, religion, political views, social origin, disability, family situation or responsibility, affiliation or trade union activity”.

12. Government Ordinance No. 137/2000, approved by Romanian Parliament by Law No. 48/2002 and further amended, represents the main legal act providing for the prevention and sanction of all forms of discrimination. The Ordinance establishes the legal definitions of direct and indirect discrimination, multiple forms of discrimination, victimization, harassment based on various criteria, including sexual harassment. It also states the principle of equality among all citizens, irrespective of race, nationality, ethnicity, language, religion, social status, beliefs, gender, sexual orientation, age, disability, and chronic non-infectious disease, HIV/AIDS or citizens belonging to a disadvantaged category. It also establishes the sanctions for the discrimination acts.

13. The main areas covered by the anti-discrimination law are the following:

- Equality in the economic activity, in terms of employment and professions;
- Access to legal, administrative and health public services, to other services, goods and facilities;
- Access to education;
- Freedom of movement, choice of residence and access to public places;
- Right to personal dignity.

14. The implementation of this legal act is ensured by the National Council for Combating Discrimination, which investigates allegations of discrimination and applies administrative sanctions.

15. Law No. 202/2002 on equal opportunities between women and men, as republished,¹ regulates the measures for promoting gender equality and for eliminating direct and indirect discrimination based on sex, in all spheres of public life in Romania. The law defines the key-terms of the discrimination phenomenon, such as equal opportunities, direct and indirect discrimination, harassment and sexual harassment, multiple discrimination, and equal pay for equal work or work of equal value.

16. Law No. 202/2002 regulates labour, education, health, culture and information fields, stating that media must not contain, promote or cause any discrimination based on the ground of sex. Public, local or central authorities, economic and social units, and the political parties and other non-profit entities, which carry on their activity according to their own statute, promote and support a well-balanced participation of women and men at the managing levels and in the decision-making process. At the same time, these structures

¹ Law No. 202/2002 on equal opportunities between women and men, republished in the Official Journal, First Part, No. 150, on 1 March 2007.

have to develop their own plans of action in order to ensure equal opportunities between women and men during their activity.

17. The National Agency for Equal Opportunities between Women and Men (NAEO) is the institution responsible for the application of the provisions of Law No. 202/2002. The Agency operates under the coordination of the Ministry of Labour, Family and Social Protection. NAEO also coordinates the application of the National Strategy for Equal Opportunities between Women and Men for 2010-2012 and the General Plan of Action for its implementation².

18. In June 2007, the application of the principle of equal treatment between women and men in the framework of social security professional schemes has been regulated by the Emergency Ordinance No. 67/2007³.

19. In 2008, the Emergency Ordinance No. 61/2008⁴ on the equal treatment and equal access of women and men in matters of providing access to goods and services was added to the consolidation of the legal and institutional framework regarding the implementation of the principle of equal treatment between women and men in Romania. Also, the Emergency Ordinance No. 61/2008 applies to national law EU Council Directive No. 2004/113/EC of 13 December 2004 on equal treatment and equal access of women and men in matters of providing access to goods and services.

Article 6: The right to work

20. Law No. 76/2002 on the unemployment insurance system and employment stimulation, with its further amendments and additions represents the legal framework for regulating the measures for the implementation of the policies and strategies with a view to protecting citizens against the unemployment risk, to scaling down its social effects, to ensuring a high level of employment and to adapting the labour force to the structural changes of the national economy to increase the mobility of the labour force accordingly and to protect persons within the unemployment insurance system.

21. According to article 1 of the above-mentioned law, every person is guaranteed the right of free choice to occupation and job, as well as the right to unemployment insurance measures. Article 4, paragraph 1 of the same law provides that any discrimination based on political grounds, race, nationality, ethnic, language, religion, social category, belief, gender and age is forbidden.

22. Law No. 76/2002 on the unemployment insurance system and employment stimulation also provides for the possibility of foreign citizens or stateless persons working in Romania to obtain unemployment allowances, according to the law. Thus, according to article 18, paragraph (2) (c) and paragraph (3), foreign citizens and stateless persons are insured, if they prove that they reside in Romania, they are employed or earn income according to the law. They must pay their unemployment contribution and have the right to obtain unemployment benefits.

23. According to article 20, paragraph (f), corroborated with article 22, paragraph (1) of the same law, if the foreign or stateless persons are not compulsory insured, according to

² Adopted by Government Decision No. 237/24.03.2010, published in Romanian Official Journal, part one, No. 242/15.04.2010.

³ Published in Romanian Official Journal, part one, No. 443/29.06.2007, approved by Law No. 44/2008.

⁴ Published in Romanian Official Journal, part one, No. 385/21.05.2008, approved by Law No. 62/2009.

the law, they can insure themselves by concluding unemployment insurance contracts with the branch of the National Agency for Employment (NAE) where they reside, as the case may be.

24. NAE provides for measures of increasing the employment rate, mainly through vocational training and counselling, information, job-matching, by supplementing the income of employees, by stimulating labour force mobility and by consultancy and assistance in starting-up businesses or independent activities.

25. NAE or the county or local agencies for employment ensure access to information and access to the above-mentioned services for foreign citizens or stateless persons interested in employment.

26. The employment program for 2005-2009 was based on the National Employment Strategy for 2004-2010, Government Program, National Reform Program, Law No. 76/2002 on the unemployment insurance system and employment stimulation with its further amendments and completions, and the European Union Strategy on Employment.

27. The main objectives of the Employment Program during this period were the following:

- Reduce and fight against long-term unemployment, reduce unemployment among youth, persons with special needs, young people from social-care institutions, ensure equal opportunities between men and women;
- Enhancing labour force quality and continuous vocational training;
- Extending the duration of active working life;
- Flexibility of the labour market by increasing the employability of the jobseekers;
- Social inclusion of the vulnerable groups into the labour market;
- Increasing the adaptability of labour force to the demands of the labour market by stimulating vocational and geographical mobility of the job seekers.

28. The implementation status of the National Employment Program for 2005-2009 was the following:

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
The total number of jobs occupied through the National Employment Program	507,363	509,127	506,804	412,922	304,588
Employment through offering job-matching services, out of which:	376,396	389,407	391,882	320,544	239,958
- Open-ended contracts	281,326	282,783	294,786	244,995	169,712
- Fix-term contracts	95,070	106,624	97,096	75,549	70,246
Employment following vocational information and counselling services	19,851	20,673	62,866	66,265	53,683
Employment by organizing vocational training courses	16,096	18,988	21,172	19,561	15,222
Employment by offering allowances to the unemployed who found employment before the unemployment benefit period expired	30,034	28,014	24,665	18,782	21,036

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Employment of unemployed over age 45 or of single family providers through job subsidizing	20,764	21,323	21,862	18,356	4,740
Employment of unemployed who had 3 years until retirement through job subsidizing	622	567	493	350	58
Employment by stimulating labour force mobility	3,823	3,626	3,098	2,636	2,233
Employment of graduates through job subsidizing	20,720	16,414	12,182	10,809	3,605
Employment of persons with disabilities through job subsidizing	217	5,429	6,044	5,669	94
Employment by granting credits to SMEs for job creation	3,045	186	286	285	10
Employment by offering consultancy services and assistance for starting an independent activity or for starting-up a business	922	633	581	593	869
Employment through temporary work community services	66,112	56,422	53,007	35,321	21,982
Employment by concluding solidarity contracts	1,260	1,705	1,976	1,229	710
Other measures	283	614	746	584	668

29. Following the monitoring of the employment program for increasing the employability of the labour force, the status of employment in target groups is the following:

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Young persons under 25 years	117,438	118,199	113,924	92,829	59,805
Persons active in rural areas	208,492	211,952	231,128	184,644	128,569
Women	201,257	197,864	201,608	169,468	128,711
Long-term unemployed	55,360	41,471	27,127	19,292	12,836
Persons with disabilities	658	775	1072	1061	582
Roma persons	10,366	13,810	15,987	13,130	7,734

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Persons released from prison	28	29	33	41	16
Young persons over 18 who left child-care system	244	242	198	192	97

30. As for the description of the vocational training programs in Romania, their actual way of action and their practical availability, the legal framework on continuous vocational training consists of:

(i) Governmental Ordinance No. 129/2000 on adult vocational training, with its further amendments and completions, which provides:

- Criteria and procedures for ensuring the quality of continuous vocational training programs;
- Vocational training, assessment and certification based on competences;
- Assessment and recognition of the competences acquired in formal and non-formal learning contexts;

(ii) Labour Code - Law No. 53/2003 which regulates vocational training within companies and stipulates the obligation of companies to provide vocational training for their own staff every two years (every three years for small and medium enterprises);

(iii) Law No. 76/2002 on the unemployment insurance system and employment stimulation, with its further amendments and completions, regulates the active and passive measures for combating unemployment;

(iv) Other norms on the vocational training adopted at sectoral level.

31. According to article 2 of Governmental Ordinance No. 129/2000 on adult vocational training, adults have equal rights in acceding to vocational training, without any discrimination based on age, gender, race and ethnic origin, political or religious affiliation.

32. The vocational training is achieved through courses organized by the vocational training providers; by the employers within their companies; practice and specialization courses inside companies in or outside the country; other forms of vocational training envisaged by the law.

33. Vocational training programs are organized according to the occupational standards, namely vocational training standards, recognized at national level.

34. The minimum duration of a vocational training program, expressed in training hours, for theoretical and practical instruction (for which a qualification certificate is issued on the level of qualification) is 360 hours for the first level of training; 720 hours for the second level of training; 1,080 hours for the third level of training.

35. The practice ensures 2/3 from the total duration of the vocational training program.

36. The current status of vocational training and counselling for the disadvantaged groups, through services provided by the NAE addresses equally all categories of persons active in the labour market, irrespective of their political affiliation, race, nationality, ethnic, language, religion, social category, belief, gender and age.

37. The vocational information and counselling provided play an essential role in the activity of the NAE.

38. The vocational information and counselling is provided in specialized centres, organized within the agencies for employment as well as by other accredited centres and service providers, the public or private sector, which conclude contracts with agencies of employment, in accordance with the provisions of the law.

39. Vocational counselling and training of job seekers, as well as interviewing methods and techniques in order to obtain employment are achieved by career guidance counsellors within the information and counselling centres or, on request, within other organized forms of training.

40. The NAE gives special attention to persons belonging to disadvantaged groups in the labour market, among which long-term unemployed, unemployed over 45 years of age, prisoners who are nine month away from their release date, persons belonging to Roma minority, persons with disabilities, victims of human trafficking, persons from rural areas, etc.

41. Higher attention is given to integrating women into the labour market, this being reflected in the percentage of women in the total number of participants to the services provided by NAE.

42. The table below shows the number of participants who used vocational training and counselling services during 2005-2009:

<i>Year</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Total number of participants in vocational training and counselling services	111,045	126,121	470,296	479,807	599,174
Out of which, disadvantaged groups:					
Women	52,007	56,368	205,994	219,470	260,962
Youth long-term unemployed	9,723	11,085	20,209	18,900	24,107
Adult long-term unemployed	20,510	26,717	73,960	66,146	78,899
Roma persons	8,103	7,797	45,629	38,645	47,361
Persons with disabilities	673	847	1,868	1,661	1,888
Post-institutionalized young persons	363	263	420	302	187
Persons released from prison	148	113	160	88	87
Persons in prison	1,009	940	1,179	1,085	583
The total number of participants in free vocational training services	42,996	46,681	46,999	43,915	36,378

<i>Year</i>	2005	2006	2007	2008	2009
Out of which, disadvantaged groups:					
Women	22,672	23,821	24,500	25,378	19,109
Youth long-term unemployed	1,660	1,061	858	670	509
Adult long-term unemployed	3,280	2,572	2,246	2,021	1,028
Persons activating in rural areas	12,256	20,478	21,147	18,725	11,940
Roma persons	1,601	2,283	1,613	1,109	775
Persons with disabilities	114	90	106	94	79
Post-institutionalized young persons	40	55	21	45	22
Persons released from prison	21	5	10	7	7
Persons in prison	901	1,206	1,744	1,546	631

Article 7: Just and favourable conditions of work

43. The principle of equal rights between men and women, such as equal pay for equal work, is provided by article 23 of the Universal Declaration of Human Rights adopted by United Nations General Assembly in 1948, document ratified by the Romanian State.

44. Romania is a party to ILO Conventions No. 100/1951 regarding equal wages, and No. 111/1958 regarding discrimination (employment and occupation) and has regularly sent its periodic reports regarding the implementation of these conventions.

45. The Constitution of Romania, as republished, provides in article 41 that women are entitled to equal pay for equal work as men.

46. The principle of equal pay for work of equal value is stipulated in Romanian legislation both in the Labour Code (Law 53/2003, with its further modifications and completions) and in Law 202/2002 on equal opportunities between women and men, with its further modifications and completions.

47. Labour is an important chapter of the law on equal opportunities between women and men. Chapter 2 of the above-mentioned law regulates equal opportunities between women and men in the labour field and refers to non-discriminatory access to choose or practice a profession or an activity, to obtain a job in all positions of equal payment, to equal conditions and professional counselling, to promotion to any hierarchical and professional level, to conditions of work that respect health and work security norms, benefits, protection and social insurance. It is compulsory for employers to ensure equal

opportunities and treatment among their employees and systematically inform them of their rights concerning their work relations. The document refers also to the employer's obligations (the obligation to insert certain references into the organization and into the functioning and internal order regulations that refer to the compliance of equal opportunities and treatment principle between employees), to sexual harassment at work and to provisions on the cessation of the working contract.

48. The law provides also for the protection of maternity at the work place. According to article 10, maternity cannot be a reason for discrimination and for firing a person during her maternity and child-raising leave. According to the same law, it is forbidden to ask a candidate applying for a job to present a pregnancy certificate and/or to sign a commitment that she will not become pregnant or give birth to a child during the period of validity of her working contract.

49. Law No. 202/2002 regarding equal opportunities between women and men is correctly applied in collective working agreements. Therefore, the collective working agreements contain specific measures which regulate the status of women at the work place, as well as the benefits they are entitled to, according to the law.

50. Here are some of provisions contained in collective working agreements regarding equal opportunities and equal treatment of women:

(i) Women have the right to equal treatment to men, in equal or comparable situations.

(ii) It is forbidden to set discriminatory provisions; if there are such provisions they will be considered null and void.

(iii) When employed, women have the right to a non-discriminatory treatment.

(iv) The post and the salary will be established according to the level of education and to the competences of the person employed.

(v) The principle "equal pay for equal work" must be respected.

(vi) The sexual identity, orientation or gender cannot be a barrier to promotion.

51. It is forbidden to fire female persons while they are sick, pregnant or during maternity leave or in other cases, according to the law.

52. Women will participate, equally to men, in training programs established with the purpose of reconversion, in case of the introduction of modern technologies, as well as in programs of professional retraining.

53. Gender-based segregation still persists in the labour market. In some labour fields, women represent the majority (e.g. health, education, public administration) whereas, in other fields, men hold the majority of jobs (e.g. heavy industry, the army). This professional segregation leads to a gender pay gap, taking into consideration that, in women-intensive labour fields, women are paid worse than men. The situation in Romania shows that the pay gap between women and men in 2008 was 12.7%, according to the European Commission Report on Equality between Women and Men 2010. Generally, for equal working conditions, female and male employment salaries are the same. As for the employment rate, statistics show that the employment rate for women between 15 to 64 years old is 52.9% and for men it is 65.6%, according to Romanian Statistical Yearbook 2008 of the National Institute of Statistics. Regarding the growth of activity rates for women in labour market, the new National Strategy for Equal Opportunities between women and men for the period 2010-2012 provides, in the medium term, for the identification of specific measures for reducing salary differences between women and men and, in the long term, for the

introduction of a gender perspective in preschool education to predispose young graduated women to choose better paid jobs, in order to adjust gender segregation on labour market.

54. The objective of the new National Strategy for Equal Opportunities for 2010-2012 and the General Plan of Action for its implementation, elaborated by NAE, is to find specific measures and to develop activities in order to respond to these challenges in the main area of intervention such as education, labour market, social life, combating gender stereotypes and in equal participation of women and men in the decision-making process.

55. The specific objectives for the labour market of the new Equal Opportunities Strategy are:

- Reducing gender pay gap;
- Promoting the principle of equal pay for work of equal value;
- Promoting measures allowing for flexible working time;
- Promoting equal access of women and men to initial and lifelong learning;
- Promoting the principle of transparency at all levels of the promotion process;
- Information on the legal provisions of labour market rights, both for women and men.

56. The General Plan of Action contains a series of actions aimed at fulfilling the objectives of the Strategy, including organizing conferences at national level on policies for reducing gender pay gap, where both trade union and employers' associations are represented; information and awareness-raising campaigns for fathers regarding the need for their involvement in raising and educating their children; publication and distribution at national level of a guide book with reconciliation methods for professional and family life; signing of a cooperation agreement between NAEO and social partners regarding equal opportunities to raise awareness on this topic.

57. Law No. 53/2003 on the Labour Code stipulates, in article 5, that any direct or indirect discrimination against an employee based on sex, sexual orientation, genetic characteristics, age, ethnic affiliation, race, colour, religion, political option, social origin, disability, family situation or responsibility, membership or union activities is banned.

58. The same article insists that the wages of women and men should be equal for equal positions and working conditions.

59. Article 157 of Law No. 53/2003 establishes that the wage system for the staff employed in public institutions, the State social insurance budget, local budgets and budgets of special funds are established by law, in consultation with the representative trade unions. According to this article, wages in the competitive sectors are set following individual and/or collective bargaining between employers and workers or their representatives.

60. Starting 1 January 2010, employees' wages paid from public funds are regulated by the Framework Law No. 330/2009. According to article 13 of Law No. 330/2009, basic salaries are differentiated by criteria of education and training, experience and responsibility at the workplace, as well as by the level of complexity of each specific activity. The wage of staff employed in the competitive sector is regulated by collective agreements concluded in the business, group of units and at industry level.

61. According to article 241 of Law No. 53/2003, the clauses of collective labour agreements have effect, as follows:

- (a) For all the employees of the same employer, in case of collective labour contracts concluded at such level;

(b) For all the employees hired by employers who belong to the group of employers for which the collective labour contract has been concluded at such level;

(c) For all employees hired by all the employers in the branch of activity for which the collective labour contract has been concluded at such level;

(d) For all employees hired by all the employers in the country, in the case of the collective labour contract at national level.

62. A single National Collective Labour Agreement is concluded at the national level, setting, inter alia, the minimum ranking coefficients on categories of employees according to the education level, which are applied to the minimum wage negotiated in each unit. These are minimal and compulsory coefficients and they must be observed in setting up the salaries for all the employees, regardless of gender.

63. The disparities between women's and men's salaries in different economic activities are caused by differences in the level of skills and hierarchical position at work. No discrimination based on gender has been reported. In the competitive sector, there may be certain disparities in women's and men's wages, as occurred during salaries' negotiations between the employer and the employees.

64. Thus, there may be differences in the wage levels, even if women and men perform the same type of activity, since in most collective labour agreements there are minimum and maximum salary limits set for each category of positions.

65. The gender pay gap was of 8%⁵ in Romania in 2008. Generally, for equal working conditions, women's and men's salaries are similar. Disparities throughout various economic activities are determined by the differences in qualification level and in hierarchical position of the job. Here are certain provisions contained in collective agreements, as follows:

66. The evolution of disparities between male and female salaries (gross average salary) in Romania, by activities (according to NACE Rev.1.1):

%	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Total												
Romania	24	24	20	17	17	18	17	18	14	13	10	11
Agriculture, hunting, forestry	9	5	3	8	7	5	4	10	3	11	4	7
Industry total	25	26	29	27	31	31	31	30	29	30	28	28
Construction	10	11	4	-1	4	-2	0	-7	-4	-11	-12	-8
Trade	15	25	20	19	19	23	21	26	29	23	15	21
Hotels and restaurants	21	26	26	12	33	25	26	20	5	20	17	17
Transport, storage and communications	13	10	0	-7	-9	-7	0	5	5	5	-1	2
Financial intermediation	2	10	9	10	15	11	9	29	21	23	14	21

⁵ Source: "Distribution of employees by wages and salaries groups in October", National Institute of Statistics, Bucharest, 2009

%	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Real estate transactions	11	12	7	-7	-10	-6	-6	-6	-14	-9	-12	-7
General Government	17	11	22	18	23	18	19	11	11	12	7	7
Education	15	9	13	11	13	15	13	8	10	15	11	16
Health	15	14	13	8	12	17	17	15	11	12	11	20

Source: "Distribution of employees by wages and salaries groups in October", National Institute of Statistics, Bucharest, 2007, 2008

67. The evolution of the disparities between men's and women's salaries (gross average salary) by activities (according to NACE Rev.2):

%	2008
Total	
Romania	8
Agriculture, forestry and fishing	5
Industry total	28
Electricity, gas, steam and air conditioning production and supply	7
Water distribution; sanitation, waste management, decontamination activities	-2
Constructions	-17
Wholesales and retail; repair of motor vehicles and motorcycles	20
Transport and storage	-1
Hotels and restaurants	19
Information and communication	15
Financial intermediation and insurance	25
Real estate transactions	10
Professional, scientific and technical activities	-4
Administrative services and support services	-24
Public administration	6
Education	13
Health and social assistance	14

68. The Government Decision No. 1051/2008 provides that, starting with 1 January 2009, the minimum gross wage in the economy, guaranteed in payment, shall be 600 RON/month, for a complete working time of 170 hours/month in average.

69. The value of the minimum gross monthly salary in the economy of 600 RON in 2009 represented an increase of 114%, compared to its value of 280 RON in 2004. In 2010, according to the Government Emergency Ordinance No. 1/2010, the increase in salary for the personnel paid from the State budget shall be made only for the salaries less than 705 RON/month and only where the cumulated bonuses and allowances do not exceed that value.

70. Compliance with the minimum gross salary, guaranteed in payment, is monitored by the Ministry of Labour, Family and Social Protection through the Labour Inspection and

National Agency for Social Benefits, and ensuring the minimum basic wage shall be pursued once the registration of the collective labour agreements is done. According to Law No. 108/1999, in the field of health and safety, the Labour Inspection has as responsibilities, inter alia, the control on the setting up and payment of salary rights, as well as of other rights deriving from work performed.

71. ILO Minimum Wage Convention No. 131(1970) states that the establishment of the minimum wage at the national level is an option based on an accumulation of factors, representing, primarily, the economic conditions of the society and the costs of living and needs of employees and their families.

72. Employees are entitled to social protection measures, as stipulated in article 41 of the Constitution. These measures refer to safety and health, working conditions for women and youth, to the minimum guaranteed gross salary, weekly rest, paid annual paid leave, provisions on work in special conditions, vocational training and other specific situations, established by law. Article 47 of the same Act stipulates that the State must take measures of economic development and social protection, in order to ensure citizens a decent standard of living.

73. The minimum gross salary in the economy, guaranteed in payment, corresponding to the normal working time is established, as provided by Law No. 53/2003 on the Labour Code, in article 159, by Governmental Decision, after consultation with trade unions and employers. Under this Act, the employer cannot negotiate and establish gross salaries, based on the individual employment contract, below the gross minimum hourly wage, guaranteed in payment, as determined by the Government. The same article provides that the employer is obliged to guarantee the payment of a gross monthly salary at least equal to the gross minimum wage in economy guaranteed in payment, as established by the Governmental Decision. These provisions apply also when the employee is present at work during the working program, but cannot perform his/her activity for reasons non-imputable to him/her, except for the strike.

74. A single collective labour agreement is concluded, at national level, annually, according to Law No. 130/1996 on the collective labour contract, republished, which applies to all employees whose salaries are set by means of negotiations.

75. The provisions of the collective labour agreement shall take effect for all the employees, regardless of their date of employment or membership in a trade union, as stated in Law No 53/2003, article 239. The Collective Labour Contract at national level sets the minimum gross wage negotiated for full working time, after consultations with trade unions and employers.

76. The rights provided in the collective labour agreement are considered as minimum rights, according to article 100 of the Collective Labour Contract at national level for the years 2007-2010. From the minimum level rights, the negotiation of collective agreements starts, at other levels, except for those set up in fixed or maximum amount. In determining the level of the gross minimum wage in economy guaranteed in payment, changes in consumer price index, labour productivity and the economic growth are taken into account, therefore no gender-based discrimination is being reported.

77. The employer is required to ensure health and safety of employees in all aspects of employment as Law No. 53/2003 on the Labour Code provides in article 171. Whereas article 176 states that employers shall organize vocational training in the field of health and safety.

78. Employers must provide employees access to the services of industrial health, as stipulated in article 182 of Law No. 53/2003.

79. Article 37 of Law No. 188/1999, republished with subsequent modifications, provides that public authorities and institutions have the obligation to ensure public servants normal working and hygiene conditions, such as to protect their health, as well as their physical and mental integrity.

80. Job vacancies in the public sector and in other budgetary units are filled only through competition or examination, as appropriate, as provided for by article 30 of Law No. 53/2003. Currently, hiring and promoting of civil servants is done according to Law No. 188/1999 on the status of civil servants, republished with subsequent modifications, and completed by Framework Law No. 330/2009, which also regulates the contractual personnel employed in the budgetary sector.

81. According to article 64 of Law No. 188/1999, republished with subsequent modifications, career development is ensured by promotion to a higher public office.

82. Under the same article, promotion to an immediate higher executive public position is done as a result of a competition or exam organized every six months by the public authorities and institutions; by transforming the position held by the civil servant as a result of the passing the competition or exam; no gender discrimination is allowed. The job description of the public servant who passes the promotion exam adds new tasks and responsibilities or, where appropriate, is increased with more complex tasks to be performed.

83. Article 68 of the above-mentioned law stipulates that, after obtaining a higher education diploma, executive civil servants are entitled to participate in the examination, in order to fill in a public office position of a class higher than they are currently employed, if the studies are completed in the specialty in which they operate or if the authority or public institution considers that the completed studies are useful in their activity. Promotion in the above-mentioned conditions is made by transforming the public position held by the civil servant, to a higher one, following passing the examination.

84. The promotion of employees in the budgetary sector can be done every 3 years, as provided by Framework Law No. 330/2009, Appendix No. I, article 8, depending on their individual professional performance, by at least two ratings of "very good" in the last 3 years, as measured by a committee appointed specifically for this purpose. The committee is nominated by the budgetary credit authority and includes trade unions or, where appropriate, employees' representatives. Any form of discrimination based on gender is forbidden in this process.

85. Article 7 of Annex No. III of Framework Law No. 330/2009 provides that the advancement of civil servants in the superior grade is based on individual performance at work and seniority in the previous professional grade.

86. In Romania, working time and rest time are regulated by Law No. 53/2003 on the Labour Code (Title III). According to the legal provisions in force, the Labour Code governs all individual and collective labour relations. The Labour Code also applies to employment relationships governed by special laws, only insofar as they do not require specific exceptions.

87. The Law also provides that collective labour agreements cannot contain clauses that establish rights at a level below those established by the collective agreements concluded at a higher level, and that the individual employment contracts cannot contain clauses that establish rights at a level below that established by the collective labour agreements. Consequently, collective agreements, regardless of the level at which they were concluded, cannot provide for rights below the limits set by the Labour Code, which have a minimal character.

Working time (arts. 109 to 116 of Law No. 53/2003 on the Labour Code)

88. For full-time employees, the normal working time is 8 hours per day and 40 hours per week. The distribution of working time during the week is usually uniform, 8 hours per day for 5 days, with two rest days.

89. Depending on the specific work place or work performed, one may opt for an unequal distribution of the working time, subject to observing the 40 hours per week, as the duration of weekly working time.

90. The maximum legal working time may not exceed 48 hours per week, including overtime. By exception, weekly working hours including overtime may be extended beyond 48 hours, provided that the average working hours, calculated over a period of reference of three months, do not exceed 48 hours per week. For certain sectors, businesses or professions established by the single collective labour agreement at the national level, reference periods longer than three months, but not exceeding 12 months, may be negotiated, through the applicable collective labour agreements concluded at industry level.

91. For certain sectors, businesses or professions, a daily working time longer or shorter than 8 hours may be established through collective or individual bargaining or by means of specific acts. A daily working time of 12 hours will be followed by a rest period of 24 hours.

92. For youth aged up to 18 years, the working time is 6 hours per day and 30 hours per week. When youth cumulate several functions under several individual employment contracts, the working hours are added together and cannot exceed, cumulatively, the aforementioned duration.

Overtime (art. 117 to 121 of the Law No. 53/2003 on the Labour Code)

93. The work performed beyond the normal duration of weekly working time is considered overtime. Overtime cannot be assigned without the employee's consent, except for situations of force majeure or emergency work required in order to prevent accidents or remove the consequences of an accident.

94. Overtime is compensated with paid free hours in the 30 days following its performance. Under these circumstances, the employees receive the appropriate wages for the hours carried out over the normal working hours.

95. If the compensation of paid free hours is not possible within 30 days, the additional work will be paid to the employee by adding an appropriate salary increase, proportional to the duration of the work done. The additional payment, granted under the above-mentioned terms, shall be determined by negotiations under the collective labour contract or, where appropriate, under the individual employment contract, and shall not be less than 75% of the basic salary. Youth aged up to 18 years may not perform overtime work.

Lunch breaks and rest days (arts. 130 and 131 of the Law No. 53/2003 on the Labour Code)

96. Where daily working time exceeds 6 hours, employees are entitled to a lunch break and other breaks, as laid down by the applicable collective labour agreement or the internal regulations. Youth aged up to 18 years have a lunch break of at least 30 minutes when their daily working time is more than 4.5 hours. Breaks, except as otherwise provided for in the applicable collective labour agreement and the internal rules are not included in the normal daily working time.

97. Between two working days, the employees are entitled to rest that cannot be less than 12 consecutive hours. By exception, in the case of shift work, the rest cannot be less than 8 hours between shifts.

Weekly rest period (arts. 132 and 133 of the Law No. 53/2003 on the Labour Code)

98. The weekly rest is granted in Romania in two consecutive days, usually on Saturday and Sunday. If the rest on Saturday and Sunday is prejudicial to the public interest or the normal course of work, the weekly rest period may be granted on other week days determined by the applicable collective labour agreement or by the internal regulations. In this case, the employees benefit from an increase of wage set by the collective labour agreement or, where appropriate, by the individual employment contract.

Holidays (arts. 134 to 138 of the Law No. 53/2003 on the Labour Code)

99. The public holidays provided as non-working days are as follows:

- 1st and 2nd of January;
- 1st and 2nd day of Easter;
- 1st of May;
- 1st and 2nd day of Pentecost
- Assumption Day;
- 1st of December;
- 1st and 2nd day of Christmas;
- 2 days for each of the 3 annual religious holidays, declared as such by the registered religious denominations, other than Christian, for persons belonging to those denominations.

100. The applicable collective labour agreement can also establish other days off.

101. These provisions do not apply to workplaces where the activity cannot be interrupted because of the production cycle or of the specifics of activity. In such cases, the employees are compensated appropriately by time off in the following 30 days.

102. When time off cannot be granted, for justified reasons, the workers receive, for the work performed on holidays, an increase of their basic wage that cannot be less than 100% of their basic salary for the work performed in normal working hours.

103. The annual leave is regulated in Romania by the Labour Code in Chapter 3 – Holidays, Title III on working time and rest.

104. The minimum duration of the annual leave is 20 days. Under the provisions of the single collective labour agreement at national level, applicable to all employees and employers, the minimum duration of annual leave is 21 days.

105. The effective duration of the annual leave is determined by the applicable collective labour agreement and is provided in the individual employment contract, proportional to the work carried out in a whole year.

106. Public holidays that are non-working days, as well as the paid free days established by the applicable collective labour agreement are not included in the duration of the annual leave.

107. Compensation in money of the non-consumed annual leave is allowed only in case of the termination of an individual contract.

Article 8: Trade unions

108. According to article 40 of the Constitution, republished, citizens may freely associate in political parties, trade unions, employees' associations and other forms of association.

109. Basic trade union rights are provided for in article 2, paragraph (1) of Law No. 54/2003 on trade unions. Employees and public servants have the right to form and join trade union organizations. Moreover, employees, farmers and persons who undergo a vocational training course are entitled, without restriction or prior authorization, to join a trade union. At least 15 people are needed from the same industry or profession, even if operating with different employers, in order to set up a trade union. No person may be forced to participate or not participate, to withdraw or not to participate to a trade union.

110. A person may belong only to a single trade union at a time.

111. Minors may also be members of trade unions as of age 16, without having the prior consent of their legal guardian, as provided for in article 3 of the above-mentioned law.

112. People holding management positions, high public officials, magistrates, military personnel within the Ministry of National Defence and within the Ministry of Home Affairs, Ministry of Justice, the Romanian Intelligence Service, the Protection and Guard Service, Foreign Intelligence Service and Special Telecommunications Service and their subordinated units cannot join trade unions, as per article 4 of the above-mentioned law.

113. Trade unions are entitled to use specific means, with a view to achieve the purposes for which they are set up, such as negotiation and mitigation, mediation procedures, arbitration or conciliation, petition, protest, demonstration and strike, in accordance with their statutes and as provided by the law (article 27 of the above-mentioned law).

114. Legal actions - according to article 28, of the above-mentioned law, trade unions can defend before the Court, judicial bodies, other institutions or State authorities, the rights of their members, resulting from the Labour Code, civil servants' statutes, collective agreements and individual employment contracts, as well as from agreements on civil servants' employment relations, through their own or elected defenders. In exercising the competences mentioned before, trade unions have the right to take any legal action under the law, including legal proceedings on behalf of their members, without an express mandate from those concerned. Action will not be commenced or continued by the trade union if the other party opposes or waives the trial.

115. Associations - articles 41 and 50 of the Law provides for the association of legally-established trade unions, on criteria such as branch of activity, profession or geographic location. Two or more trade unions established in different units in the same industry or profession may associate to form a trade union federation. Two or more trade union federations of various industry or professions may associate to form a trade union confederation. Trade union federations and confederations of trade unions may be part of the unions. Trade unions may also join similar international organizations.

116. Mitigation of labour disputes - Law No. 168/1999 on mitigation of labour disputes stipulates in article 41 that:

(1) The strike may be declared only if there have been previously exhausted all the possibilities of solving the conflict of interests through the procedures provided by this law and only if the moment of opening the strike has been made known to the management 48 hours in advance.

(2) Before the start of the strike, the mediation and arbitration of the conflict of interest are mandatory only if parties jointly decided to take those steps.

117. Strikes - according to article 42 of the above-mentioned law:

(1) The decision to go on strike is taken by the representative trade unions part to the conflict of interests, with the consent of at least half of those unions' members;

(2) For the employees of establishments where representative unions are not organized, the decision to go on strike is taken by secret ballot, with the consent of at least a quarter of the employees of the respective establishment or, as the case may be, in the division, compartment or group of employees where the conflict of interest occurred.

118. Special groups - regarding the right of certain categories to associate, according to the provisions of the fundamental law, Law No. 188/1999 in article 29, paragraphs 1 and 2, stipulates the right of public servants to establish and join trade unions. Law No. 188/1999 on the status of public servants, republished, was amended and completed by the entry into force of the Law No. 251/2006, on 19 July 2006 and according to article 27 of this:

(1) The right to form and join trade unions is guaranteed to public servants;

(2) Public servants may freely establish trade unions, join them or exercise any mandate within trade unions;

(3) In the situation where high public servants and public servants holding management positions are elected in a trade unions' governing body, they become subject to the obligation to choose one of the two functions within 15 days after the date of their election in that governing body. If the public servant chooses to carry on his/her activity in the trade unions' governing body, he/she shall be suspended from service for a period equal to the mandate of management position in the trade unions' governing body;

(4) Public servants may form or join professional organizations and other forms of organization aimed to protect their professional interests.

119. Restriction of the exercise of certain rights of special categories of employees is allowed in the terms established by article 53 of the Constitution, republished, which underlines that the measure shall be proportional to the situation that has caused it, applied without discrimination and without infringing upon the existence of such rights or freedoms.

120. Regarding the way judges, prosecutors and staff of the Ministry of Justice and Civil Liberties exercise their right to organize and the way their interests are protected, Law No. 303/2004 on the status of judges and prosecutors provides, in article 76, that "judges and prosecutors are free to organize in or join local, national or international professional organizations in order to protect their professional interests, as well as in those organizations provided for in article 11 paragraph (3)" (article 11 paragraph (3) states that "judges and prosecutors may be members of scientific and academic societies and of any private legal persons without financial purposes").

121. Moreover, Law No. 54/2003, article 2, paragraph (1) stipulates that staff of the courts, prosecution and civilian personnel of the Ministry of Justice have the right to organize or join trade unions. Magistrates have the right to organize in professional associations and other organizations aiming to represent their interests, promote training and protect their status.

122. Special agencies - the Romanian Intelligence Service (RIS), the Protection and Guard Service (PGS), the Foreign Intelligence Service (FIS), the Special Telecommunications Service (STS) are organized and conduct activities concerning the collection, verification and evaluation of the necessary information in order to prevent and counteract any actions that, according to the law, constitute threats to the national security of Romania. Special agencies are part of the national defence system, and their activity is organized and coordinated by the Supreme Council for National Defence (SCND). The

personnel of these services have all the rights and obligations that the regulations and the military statutes and rules provide for the military personnel of the Romanian army, including restriction in exercising certain fundamental rights and liberties. The above-mentioned agencies and their subordinate bodies have specific legislation defining the purpose of their activity and the status of their personnel.

123. RIS operates under the Law No. 14/1992 regarding the organization and functioning of RIS.

124. PGS operates under the Law No. 191/1998 regarding the organization and functioning of PGS.

125. FIS is governed by Law No. 1/1998 regarding the organization and operation of the FIS.

126. STS operates under the Law No. 92/1996 regarding the organization and operation of STS.

127. Article 4 of Law No. 54/2003 on trade unions stipulates that special agencies are among the institutions whose military personnel cannot set up trade unions, given the special status of the military personnel, which is different from that of the personnel employed on the basis of a labour contract, as well as from that of civil servants. The law expressly allows for these categories of personnel to establish and join different organizations set up in order to defend their economic and social rights.

128. Regarding the employees of special agencies, article 27 of Law No. 14/1992 stipulates that “the staff of the Romanian Intelligence Service consists of permanent military personnel and civil employees who perform operative and administrative missions [...], the provisions of the Labour Code and of the statutory norms and regulations apply to the civil employees of the special agencies.”

129. The provisions of article 118 of the Constitution regarding the army stipulate that national defence structure, the preparedness of the population, of the economy and territory for defence and the status of military staff shall be determined by organic law.

Article 9: Social security

130. The branches of social security in Romania are as follows:

- Medical care
- Sickness benefits (cash)
- Maternity benefits
- Old age benefits
- Invalidity benefits
- Survivors' benefits
- Employment injury benefits
- Unemployment benefits
- Family benefits.

131. The health insurance system was introduced by Law No. 145/1997, thus abolishing the State-financed medical system based on health insurance. The new system is founded on collecting income through mandatory contributions and on specific ways of redistributing and allocating it into the healthcare system.

132. Currently, the social health insurance system is regulated by Law No. 95/2006, Title VIII, on reform in the health care field that abrogated the Government Emergency Ordinance No. 150/2002 on the organization and operation of social health insurance, which, in turn, previously abrogated Law No. 145/1997 on the health insurance system.

133. According to the provisions of Law No. 95/2006, article 208, the social health insurance system represents the main financing tool for the health protection of the population, ensuring the access of every insured person to a package of basic services. The system aims at protecting the insured against the costs of medical services in case of disease and accident and ensuring the general protection of the insured, in an equitable and non-discriminatory manner.

134. Other forms of health insurance may function in various special situations. These forms are not compulsory and they may be offered voluntarily by authorized insurance companies, in accordance with the legislation in force. The voluntary complementary or supplementary health insurance may cover the individual for risks in special situations and/or in addition to the services covered by the social health insurances. The voluntary health insurance does not exclude the obligation to pay the contribution for the social health insurance.

135. The insured person may be, in accordance with the law, any Romanian citizens residing in Romania, as well as foreign citizens and stateless persons who have requested and obtained the extension of their temporary right to residence or who have their residence in Romania and may prove the payment made to the contribution fund. The person concerned concludes, in that capacity, an insurance contract with the health insurance company, directly or through his/her employer. The capacity of the insured person can be proven by a document (certificate or insurance card) issued by the insurance company where the insured is registered. After that, based on Title IX of Law No. 95/2006, such documents must be replaced by an insurance electronic card.

136. The insured person is entitled to the basic medical services package starting on the date of payment to the Exclusive Social Health Insurances Fund. The indebted payments are to be recovered by the branches of National Health Insurance House (NHIH) and the National Agency for Fiscal Administration (NAFD), in accordance with the law. The capacity of the insured person and the insurance rights cease with the loss of his/her residence or residence right on Romanian territory. Subsequently, there are no categories of employees who do not benefit from the right to social health insurance.

137. The rights of the insured to the basic health services package are established, every year, through the Framework Contract drafted by NHIH, after consultation with the institutions involved in the healthcare and are approved by the Romanian Government.

138. The Framework Contract on the conditions of medical care in the social health insurance system stipulates that medical care is provided according to the contracts concluded between the providers of medical services in the primary medical care, specialty ambulatory medical care, emergency and medical transportation, medical care at home and alternative care, medicines with or without personal contribution and medical devices, on one hand, and a part of the insurance company, on the other hand.

139. The basic medical services package is granted to the insured and includes medical services, health-care services, medicines, medical materials, medical devices and other services. All these services are paid from the resources of the fund on the grounds of the Framework Contract.

140. The minimal medical services package is granted to the insured person who cannot prove his/her insured quality and includes medical services only in case of medical surgeries and diseases with endemic and epidemic potential, including those provided by

the National Programme for Immunization, pregnancy and post-birth mothers monitoring, family planning services established by the framework contract.

141. In order to benefit from the rights resulting from the social health insurance system, in accordance with article 219 of the Law, the insured has the obligation to register with a family doctor, to pay the contribution due to the contribution fund and submit the supporting documents attesting the quality of insured to the medical service providers. The Exclusive National Health Insurance Fund is funded by means of contributions from individual and legal persons, subsidies from the State budget and income, donations, sponsorships, profits obtained from the exploitation of the assets of insurance houses or other profits, in accordance with the law. The monthly contribution of the insured is 5.5% applied on the salary income, income from liberal activities, unemployment allowances and pensions. The individual or legal persons who are employers have the obligation to pay to the fund a contribution of 5.2% of the salary fund for the insurance of the employees of the business concerned.

142. Beneficiaries of the medical insurance, without the payment of the financial contribution are the following categories of persons:

- All children up to 18 years, youth between 18 and 26 years while students, including high school graduates until the beginning of their university studies, but not more than 3 months, trainees or students if they are not gaining income from work;
- Youth up to 26 years, coming from the child-care system who do not gain any income or who do not benefit from social allowances, spouses and parents without personal income who are in the care of an insured person;
- Persons whose rights are established by special laws (persecuted persons, prisoners, deportees, war veterans, etc.);
- Persons with disabilities who have no income from employment, retirement funds or other sources, except for those obtained according to the law concerning special protection and employment of persons with disabilities;
- Ill persons with diseases included in the national health programmes established by the Ministry of Public Health, until their recovery from the illness, if they do not possess any income from work, retirement funds or other sources;
- Pregnant women and post-birth mothers, if they do not have any other income below the minimum basic gross salary per country.

143. All the persons who fall into the following situations are insured (if payment is made to the contribution fund and as long as the situation lasts):

- Rest leave due to temporary work incapacity, as a result of a work accident or a professional disease;
- Leave for raising children up to 2 years, and up to 3 years in case of a child with disabilities;
- Undergoing a custodial sentence or in custody;
- Persons who benefit from unemployment allowances;
- Returned or expelled or are victims of human trafficking during the identification procedure;
- Persons who are part of a family entitled to support allowances;
- Retired persons, for pension income up to the limit submitted to income taxation;

- Persons who are undergoing a postponement or interruption of custody, if they do not have any income;
- Monastic staff of the recognized religious denominations, if they do not obtain any income from work, pensions or other sources, based on the nominal lists communicated, on a quarterly basis, to the National Health Social Insurances House, by the Ministry of Culture and National Inheritance, upon the proposal of the central religions units.

144. All persons who are not part of the above-mentioned categories have the obligation to become insured and pay the contribution, in accordance with the law in force.

145. There are two health insurance systems in Romania, a public social health insurance system and a private health insurance system. Public health assistance is coordinated by the Ministry of Public Health, it is performed through the Ministry of Public Health and is carried out through all types of State and private medical units, set up and organized in accordance with the law.

146. The providers of medical services may be public or private. Private providers of medical care have contractual relationships with a social health insurance company or they may operate only as private entities. Similar to the aforementioned, there may be voluntary (private) insurance programs which may be offered by authorized bodies, in accordance with the law. The Surveillance Commission of Insurances monitors the activity of the insurers authorized to practice voluntary health insurance in accordance with the law.

147. With Romania's accession to the European Union on 1 January, 2007, Romanian citizens benefit from medical services while on the territory of EU/EEA member states, without any conditional personal contribution, as set by Regulation (EEC) No. 1408/71 of the Council on the application of the social security regimes to the salaried employees, liberal workers and to their families travelling within EU and Regulation (EEC) No. 574/72 on the establishment of the application norms for Regulation (EEC) No. 1408/71.

148. The enforcement of the above-mentioned EU regulations has led to the improvement of the legal framework of social security coordination in the healthcare sector. Methodological norms have been elaborated on the use, in the social health insurances system, of the forms deriving from the application of EEC Regulation No. 1.408/71 of the EU Council concerning the enforcement of the social security regimes in relation with the employees, liberal workers and their families travelling in the European Union area, as well as of EEC Regulation No. 574/72 on the establishment of implementing norms on the forms of reimbursement and recovery of expenses for medical assistance, based on the international documents in the health field to which Romania is a party to. Another normative act that consolidated the legal framework in social security health care system referred to the application of the EEC Regulations for the approval of the technical characteristics, means of issuance, use of the European health insurance card and of the temporary model of the certificate intended to replace the European health insurance card.

149. On 1 May 2010, (EC) Regulation No. 883/2004 on the coordination of the social security system entered into force, as amended by (EC) Regulation No. 988/2009 of the European Parliament and EU Council of 16.09.2009 to amend the (EC) Regulation No. 883/2004 regarding the social security system coordination and the establishment of its schedules, Regulation (EC) No. 987/2009 for the enforcement of Regulation (EC) No. 883/2004, as well as the new Decisions and Recommendations of the Administrative Commission for Social Security of Migrants Workers. The legislation in force underwent a number of changes with provisions meant to improve citizens' rights to social security.

150. The international and, in particular, EU assistance has a significant role in the full implementation of the right to social security in Romania, taking into account that, prior to

Romania's accession to EU, EU Member States built up experience and developed good practices in the field of social security, being able to provide support and assistance to the newly integrated EU Member States.

151. A 3.2 percent rate of the GDP was allocated, in 2009, to the social health insurance with budgetary credits and commitment credits.

Pillar I – Right to social insurance benefits - Public pension system

152. The Romanian public pension system is regulated by Law No. 19/2000 on the public pension system and other social insurance rights and it guarantees the right to social insurance benefits.

153. According to the Law on the public pension system, the right to social insurance benefits is guaranteed by the Romanian State, the benefits representing a replacement income at retirement age.

154. The main features of the new system are:

- Increase of the standard retirement age from 57 years to 60 years for women and from 62 to 65 years for men, by means of a gradual approach, until 2015; in January 2010, the retirement age was 58 years and 9 months for women, and 63 years and 9 months, for men and the minimum contribution period was of 12 years and 6 months both for men and women;
- Until 2015, the minimum contribution period both for men and women will increase from 10 to 15 years;
- Introduction of a new formula of pensions, based on a systems of points, which takes into account the contribution made during the whole period of active life, with redistributive formulae included in the calculation;
- Revised calculation method of benefits operates by: (i) transforming the monthly insured income, in points, in relation to the National Average Gross Wage; (ii) the average number of points is multiplied by a value established, yearly, according to the Law on the State social insurance budget; the multiplication value can be modified, during the year, by the rectification laws of the State social insurance budget.

155. Article 40 of Law No. 19/2000 stipulates the following categories of pensions granted by the public pension system:

- (a) old age pension;
- (b) early retirement pension;
- (c) partial early retirement pension;
- (d) invalidity pension;
- (e) survivor's pension.

Old age pension

156. In accordance with provisions of Law No. 19/2000, the old age pension is granted to the insured who, at the retirement date, meet both eligibility conditions with respect to the standard retirement age and minimum contribution periods required by the public system.

157. The standard retirement age is set at 60 years for women and 65 years for men; the minimum contribution period is set at 15 years, both for women and men, and the full contribution period is 30 years for women and 35 years for men. These old age limits will

be attained by increasing, gradually, until January 2015, current retirement ages of 57 years for women and 62 years for men; consequently, the minimum contribution period of currently 10 years will gradually increase to 15 years, as well as the full contribution period from currently 25 years for women and 30 years for men.

158. The insured who have completed the full contribution period and who worked, partially or totally, in outstanding and special work conditions, are entitled to old age pension at lower standard retirement ages.

Early retirement pension

159. The insured who exceeded their contribution period with at least 10 years may claim for early retirement pension at maximum 5 years before the standard retirement age. The amount of early retirement pension is setup based on the same conditions as the old age retirement pension. When reaching the standard retirement age, the early retirement pension turns into old age pension and is reassessed by the addition of assimilated contribution period and the contribution period accomplished in the early retirement period.

Partial early retirement pension

160. The insured who have completed the full contribution periods and those who have exceeded with up to 10 years the full required contribution period, may claim for partial early retirement pension by reducing the standard retirement age with a maximum 5 years.

161. The amount of the partial early retirement pension is setup with reference to the old age pension by cutting it in ratio with the completed contribution period achieved and the number of months by which the standard retirement age was reduced.

162. When the standard retirement age is reached, the partial early retirement pension turns into old age pension and shall be reassessed by removing the reduction and by adding the assimilated periods and the contribution periods achieved during the anticipation period.

163. The assimilated periods (when the insured attended full-length day courses in legal university institutions, along the normal duration of these courses and graduated or served the full or short term military service, for its legal duration, had been drafted, mobilized or prisoner of war or received invalidity pension) shall not be accounted either for the award of early or partial early retirement pension.

Invalidity pension

164. The insurance holders are entitled to invalidity pension if they lost, totally or at least half of, their working capacity, as a consequence of:

- (a) Occupational accidents, according to law;
- (b) Professional diseases and tuberculosis;
- (c) Ordinary diseases and accidents unrelated to work.

165. Similarly, insurance holders serving military duties, the pupils, apprentices and students who have lost, totally or at least half, their work capacity as a consequence of professional accidents or diseases arising during and because of professional practice, etc. are also entitled to disability pension. In terms of workplace requirements and the extent of work capacity loss, the invalidity is classified as follows:

(a) First degree: characterized as total loss of work capacity, self-service ability, self-guidance or space orientation, the disabled person being in need of assistance or permanent surveillance by another person;

(b) Second degree: characterized as total loss of work capacity, the person having self-service, self-guidance and space orientation ability without the help of another person.

(c) Third degree: characterized as loss of the minimum half of the work-capacity, the person being still able to perform a professional activity.

166. When establishing the invalidity pension the insured shall be granted a potential contribution period, determined as the difference between the full contribution period and the contribution period actually completed until being classified per invalidity degree.

167. In case of the insured persons who performed at least half of the required contribution period as stipulated by law, the potential contribution period is established as the difference between the full and the required contribution periods.

168. If the disability occurred as a result of an occupational injury, of a professional disease, of tuberculosis, cancer, AIDS, as well as if it occurred during and as a result of serving military duties, the insured person would be eligible for a disability pension, regardless of the contribution history.

Survivor's pension

169. The children and surviving spouses are entitled to survivor's pension if the deceased was a pensioner, or met the eligibility conditions for a pension.

170. Children are entitled to survivor's pension:

(a) Until the age of 16;

(b) If they continue to study in a legally organized education institution until graduation, on condition of not exceeding the age of 26;

(c) During the entire invalidity period, regardless of classification into an invalidity degree, on condition that the invalidity occurred in one of the situations stipulated under point (a) or (b).

171. The surviving spouse is entitled to survivor's pension for a period determined on the basis of the survivor's age, length of the marriage, number and age of children, death circumstances and the surviving spouse's monthly earnings.

172. The surviving spouse is entitled to survivor's pension during his/her entire life, beginning with the standard retirement age, if the duration of marriage was of at least 15 years.

173. When the duration of marriage was less than 15 years, but of at least 10 years, the amount of survivor's pension the surviving spouse is entitled to is proportionally reduced by 0.5% for each month, respectively or by 6.0% for each year.

Option between two categories of pension

174. When the standard retirement age or the reduced standard retirement age is reached, in order to obtain the old age pension the beneficiary of the invalidity pension may opt for the most favourable of the two pensions, according to Law No. 19/2000.

175. The attendant's allowance in case of the retired of first invalidity degree is preserved, regardless of the chosen pension.

176. The surviving spouse entitled to a personal pension, but who also meets the eligibility conditions for receiving survivor's pension following the partner's decease, may opt for the most favourable of the two pensions.

The minimum guaranteed social pension

177. Starting 1 April 2009, the minimum guaranteed social pension was provided for by Emergency Governmental Ordinance No. 6/2009. This is a benefit granted to the retired by Romanian statutory pension system, regardless of their retirement date, who have their residence in Romania, if the amount of pension, due or currently paid, is lower than the amount of guaranteed minimum social pension.

178. The funds needed for ensuring these financial supplements to pensions are covered by the State Budget, through the Ministry of Labour, Family and Social Protection.

179. The minimum guaranteed social pension was introduced by the Romanian Government in 2009 by adopting the measures outlined in Emergency Ordinance No. 6/2009, against the background of international financial and economic crisis and with a view to protecting the social condition of the elderly.

180. The establishment of this social security measure is aimed at improving the living standard of the retired and at protecting the most vulnerable segment of population. Article 2 (GEO No. 6/2009) states that “the retired persons from the public pension system, residing in Romania, irrespective of the subscription date to pension shall benefit from the minimum guaranteed social pension, if their pension level, due or in payment, is below the level of the minimum guaranteed social pension”.

181. For the retired persons who receive survivor's pension, the minimum guaranteed social pension is granted to each survivor separately.

182. The minimum guaranteed social pension represents the difference between the ceiling of the minimum guaranteed social pension and the pension quantum, due or in payment, in the public pension system.

183. When the retired is entitled cumulatively to one or more pension rights in the public pension system, as well as to pension from non-integrated systems, benefits instituted and paid by the public pension system under special laws, when granting the minimum guaranteed social pension, the aggregated quantum of all sources of income is taken into consideration. Thus, the minimum guaranteed social pension is granted only when the cumulated income of the beneficiary is situated under the ceiling of the minimum guaranteed social pension.

184. The ceiling for the minimum guaranteed social pension was 300 RON beginning 1 April 2009, and 350 RON, starting 1 October 2009. Depending on this ceiling, the number of beneficiaries of the minimum guaranteed social pension was as follows:

PHASE (2009)	Beneficiaries		
	Total	Pensioners in the public pension system	Pensioners from agriculture
April	434,867	276,519	158,348
May	432,507	275,804	156,703
June	428,406	273,128	155,278
July	430,000	276,105	153,895
August	430,908	278,247	152,661
September	430,698	279,275	151,423
October	652,862	409,113	243,749
November	653,587	411,443	242,144

185. The amounts provided by the State budget were:

- April to September 2009: 32.8 million RON (monthly average);
- October 2009: 58.2 million RON;
- November 2009: 58.2 million RON.

Statistical data for year 2009

186. The average monthly number of persons was 5,758,093 in 2009, covered by the pay-as-you-go system (according to Law No. 19/2000). The monthly average number of insured persons who carry out self-employed activities (based on the insurance statement) was 105,451. The monthly average number of insured persons was 124,144, on the basis of their voluntary insurance contract.

187. The distribution of monthly average number of insured persons, in accordance with the work conditions for the same period of reference was as follows:

- (a) Normal work conditions: 5,636,183 persons;
- b) Outstanding work conditions (at least for a day during the accounted year): 71,386;
- c) Special work conditions (for at least one day during the accounted year): 50,524.

188. As regards the average number of beneficiaries of different categories of benefits, the statistical data for year 2009 are as follows:

- Old age pension beneficiaries: 3,116,186;
- Early retirement pensions: 9,279;
- Partial early retirement pensions: 111,858;
- Invalidity pensions - total: 903,051;
- Survivor's pensions - total: 577,098;
- Retired, taken over from the former farmers pension system, not subject to the provisions of GEO No. 4/2005: 799,227.

189. In December 2009, the average old age pension for insured with full contribution period amounted to 1,015 RON. The average gross wage amounted at 2,023 RON, the average net wage: 1,477 RON. Based on the former data, the rate of replacement of average gross wage was: 50.17 while the rate of replacement of average net wage was of 68.72 (data valid for December 2009).

190. Between 1 October 2008 and 1 April 2009, the value of the pension point amounted to 697.5 RON. Between 1 April 2009 and 1 October 2009, the value of the pension point amounted to 718.4 RON.

191. Since 1 October 2009, the value of a personal pension point was set to 732.8 RON. This value is calculated by updating the value of the pension point recorded in each December, with at least the inflation rate foreseen for the next budgetary year. The value of a personal pension point may be raised through the rectification laws of the State' social insurances budget, in relation with the developments of the macro-economic indicators.

192. The State social insurance budget includes the public system's income and expenditures. The incomes of the State social insurance budget come from the social

security contributions, interests, increments for delayed payment of contributions, as well as from other incomes, according to the law. The social insurance contributions are due starting with the insured's inclusion into one of the categories stipulated by the law or starting with the date when the social insurance contract is concluded. The social insurance contribution due by employers is equivalent to the difference between the social insurance contribution quotas set up differentially, according to the work conditions, through the Annual Law on the State' social insurance budget and the level of individual social insurance contribution quota.

193. The social insurance contributions due for 2009, according to Law No. 19/2000 on the State social insurance budget, were set at:

- 31.3% for normal work conditions;
- 36.3% for exceptional work conditions;
- 41.3% for special work conditions.

194. In all the three above-mentioned situations, the individual social insurance quota is 10.5 % paid by the employee, while the employer covers the rest of due contributions up to the legal limit stipulated by the law.

195. The State social insurance budget represented, in 2008, 6.73% of the Gross Domestic Product, while in 2009 its weight was 8.11%.

196. There are, at present, several special social security schemes different from the public pension system, which are related to the profession of the beneficiaries and include special provisions for retirement.

197. Professional social security schemes are different for each of the special categories (parliamentary civil servant, military personnel, judges and prosecutors, auxiliary specialized personnel of the judicial courts and Prosecutor's Offices, diplomatic and consular personnel, deputies and senators, police officers, as contained in Law 7/2006 on the statute of parliamentary civil servant, Law No. 164/2001 on military state pensions, Law No. 80/1995 on the statute of military personnel, Law No. 303/2004 on the statute of judges and prosecutors, Law No. 567/2004 on the statute of auxiliary specialized personnel of the judicial courts and Prosecutor' Offices, Emergency Ordinance No. 36/2003 on retirement system of diplomatic and consular personnel members approved by Law 595/2003, Law No. 96/2006 on the statute of deputies and senators, Law No. 179/2004 on State' pensions and other social insurance rights of police officers). Persons who are covered by these laws benefit from service pensions when meeting certain conditions of contribution periods in the profession, regulated as such by the respective laws. Professional social security schemes are financed by the State social insurance budget up to the pension level from the public system, namely from the State budget for the difference up to the service pension level.

198. As for the special retirement schemes mentioned above, according to the Draft Law on the unitary system of public pensions, approved by the Government and currently under parliamentary debate, persons belonging to the special retirement regimes will be integrated in the unitary pension system. Thus, all persons active at present in fields that are subject to special retirement laws will be covered by the unitary pension system. Consequently, this merge aims at imposing the same rights and obligations as provided by the public pension system on all the insured persons.

199. The mandatory private pension system (Pillar II), regulated by Law No. 411/2004 on privately administered pension funds, republished, with subsequent amendments and completions, represents an individual "defined contributions" system. This system is based, on part of the individual contributions to the public pension system, the individual

contributions being accumulated in an “individual account” managed by a Pensions Fund Administrator.

200. The Pillar II pension system is privately managed and its supervision and control is performed by the Supervisory Commission of the Private Pension System. The contributions represent part of the social insurance contribution to the public pension system which is directed towards a “Private Fund” (2% the first year and increasing in stages by 0.5 point each year until reaching a contribution rate of 6% after 8 years). For 2010, the contribution to the privately administered pension fund represents 2.5% from the individual social insurance contribution to the public pension system. The participants are insured by the public pension system, according to the provisions of Law No. 19/2000, with participation being mandatory for persons up to 35 years and voluntary for those aged 35 to 45 years. A person is not allowed to participate to several privately administered pension funds at the same time. The retirement age for the private pension system is the standard retirement age for the pension system, as regulated by Law No. 19/2000.

201. The Pension Fund is established through a civil company contract and represents a pool of assets jointly owned by the members with no legal personality and having the obligation to achieve and maintain minimum 50,000 members, over a period of 3 years beginning with the date of authorization. The administrator of the Fund represents a Pension Company authorized by the Supervisory Commission of the Private Pension System. Its only task is to manage the Pension Funds. The payment of private pensions from the private pension system is not regulated yet by Romanian law.

202. Voluntary pensions (Pillar III), which are regulated by Law No. 204/2006 on voluntary pensions, with subsequent amendments and completions, represents a voluntary system of privately administered pension funds which provides more individual supplementary savings at retirement. The voluntary pension system is based on “defined contributions”, by which participants and/or employers transfer monthly contributions to a voluntary pension fund.

203. Pillar III of voluntary pensions is privately administered and its supervision and control is ensured by the Supervisory Commission of the Private Pension System. The Pillar III system is based on capitalization of interests, namely on investing and accumulating contributions.

204. The participant in a voluntary pension fund may be an employee; a public officer; a person authorized to carry out a self-employed activity, according to the law; a person who carries out his/her activity in elected positions or is appointed to a position with the Executive, Parliamentary or Judiciary Authority, during his/her mandate; a member of a cooperative society, according to Law No. 1/2005 on the organization and functioning of cooperation, as well as any other person earning income from exercising his/her profession and who subscribes and contributes to a voluntary pension fund and/or on whose account contributions are paid to a voluntary pension fund and is eligible for a future voluntary pension. The subscription to a voluntary pension fund is an individual option.

205. The contribution to a voluntary pension fund can be up to 15% of the monthly gross salary or of income equivalent to a salary of the person who subscribes to a voluntary pension fund. The contribution can be shared between the employer and the employee, according to the provisions of the collective labour agreement or, should such an agreement not be concluded, on the basis of a protocol concluded with employers’ representatives.

Social security of persons moving within the European Union - family benefits

206. As a Member State of the European Union since 1 January 2007, Romania applies EEC Regulation 1408/71 as of this date. The agency in charge of implementing the provisions on social security of migrant workers is the Ministry of Labour, Family and

Social Protection. Starting 1 March 2009, the National Agency for Social Benefits has become the liaison body for social benefits, including ensuring the social benefits for workers, self-employed persons and their families who move within the European Union territory. National Agency for Social Benefits coordinates the County Agencies for Social Benefits, at local level, which are the institutions in charge with the payment of benefits.

207. The Ministry of Labour, Family and Social Protection, as the competent authority in the field, is in charge with the development of the legal framework for the implementation of the Community regulations in the field of family benefits. Three groups of family benefits ensured by the State which are under the provisions of EEC Regulation are as follows:

- State child allowance;
- Monthly benefit for raising a child;
- Monthly bonus, special bonus and monthly benefit for raising a disabled child.

208. The number of persons who applied and benefitted from family benefits, according to the above-mentioned Regulation, increased in 2009 compared to 2008 by approximately 5 times, from 680 to 3,811. The number of nationally suspended rights resulting from the implementation of EEC Regulation 1408/71 increased in 2009 to 5,106 cases as compared to 3,093 cases in 2008. The top three countries Romania cooperates with, under EU Regulation 1408/71, are Italy, Spain and Germany, countries where most Romanian citizens earn taxable income as a result of their occupational activities.

Article 10: Protection of the family, mothers and children

209. Romania signed and ratified the United Nations Convention on the Elimination of all Forms of Discrimination against Women in 1982, and its Optional Protocol in 2003. On 26 May 2006, Romania presented its sixth periodic report on the implementation of the Convention to the Committee on the Elimination of all Forms of Discrimination against Women. Following the presentation of the periodic report, the Committee formulated a set of conclusions and recommendations to Romanian authorities aimed at improving the situation of women.

210. In order to raise awareness on the issues covered by the Convention, a link to the site of the Convention has been placed on the website of the National Agency for Equal Opportunities between Women and Men.

211. The protection of maternity at the working place is stipulated in the Romanian legislation, as follows: the Labour Code, Governmental Ordinance No. 96/2003 on the protection of maternity at the working place, with its further modifications and completions, Law No. 202/2002 on equal opportunities between women and men, with its subsequent modifications and completions. Both women and men can benefit from the parental leave. The parental leave is regulated by Government Emergency Ordinance No. 148/2005 on supporting families to raise their children with its modifications and completions. Paternal leave is regulated by Law No. 210/1999 on paternal leave and is set at 5 working days. The period can be prolonged by 10 days, if the father has followed a child-care course. Paternal leave is granted at request, for the first 8 weeks from childbirth. Paternal leave allowance is paid by the company from its salary fund and is equivalent to the usual wage of the employee for that period.

212. Legal age of marriage in Romania is age 18 both for women and men.

213. A special goal was set by the Romanian Government and the Ministry of Labour, Family and Social Protection for the period 2007-2009 to protect the family and children,

by creating equal opportunities for all. To achieve this goal towards supporting the family and children, the following objectives were set:

- Ensuring the institutional and financial conditions for sustaining the family, especially young families and families with special needs;
- Establishing an efficient system of granting social benefits for families with children;
- Ensuring a minimum income for all the families in order to reduce poverty rate;
- Increasing the amount of child benefits;
- Developing special programs for the protection of children in need.

214. The main strategic directions adopted by the Ministry of Labour, Family and Social Protection in the social assistance system, remained oriented in support of the family and its members.

215. A series of important modifications regarding family benefits took place, in Romania, in the last years (2007–2009) with a view to strengthening social inclusion and ensuring a higher quality of life for the most vulnerable and for families in a difficult condition.

216. National Agency for Social Benefits (NASB) operates, under the Ministry of Labour, Family and Social Protection (MoLFSP), since November 1st, 2008. The Agency aims at administrating the social benefits granted from the State budget, in a single payment. The Agency provides the payment of social benefits, as defined in article 17 of Law No. 47/2006 on the national social security system. NASB functions through subordinated territorial agencies for social benefits which are institutions with legal personality that operate decentralized public services. The National Agency for Social Benefits applies the principle of equal treatment and equal opportunities for every citizen. It aims at increasing the beneficiaries' quality of life by simplifying the procedures and the payment itself.

217. Article 1 of the Romanian Family Code states that the “State protects the marriage and the family; it supports, through economic and social measures, the development and consolidation of the family. The State protects the mother and the children's interests and treats with special care the raising and education of youth. The family is founded on the freely consented marriage between spouses. The man and the woman have equal rights in spousal relations and in exercising their rights with regard to the children. Parental rights are exercised only in the interest of the child.”

218. The child at the age of 14 has limited legal capacity, according to article 9 of Decree No. 31/1954. The child can sign legal acts, but only with the consent of his/her parents or guardian. The child of 16 years old is able to sign a work contract without the consent of his/her parents. Children become legally adults at the age of 18, as provided by article 8 of Decree No. 31/1954. Also, the full legal capacity of the child starts when the child becomes a major. Once a minor is married, he/she obtains full legal capacity.

219. Social assistance programs for families and children were continued by the Romanian Government during 2007-2009, and other programs were adopted in this field. Most family allowances have a non-contributing character. Children and their families, families with many children, families in financial difficulties benefit from this system. Family benefits are awarded at birth, for the education of children and for the care and raising of a child. The social assistance benefits are awarded to persons or families in difficulty and to those who have insufficient income to cover their minimum needs.

- Financial aid for new families - Law No. 396/2006 on awarding a financial aid at the establishment of the family provides for a financial aid to the families who have their residence in Romania and where both spouses are in their first marriage. The amount of the aid is the equivalent in RON to 200 EUR. In 2007, a monthly average number of 11,162 newly established families received financial aid at marriage. In 2008, only a monthly average number of 8,872 newly established families received this benefit, while in 2009, the program was applied to a monthly average number of 8,557 newly established families.
- State child allowance is a universal right and is granted according to the Law No. 61/1993 regarding State child allowance, republished, with modifications and completions. The State child allowance is awarded, without discrimination, to all children up to 18 years, based on the principle of universality. After 18, the youth who follow educational courses or vocational educational courses have the right to receive State child allowances until they finish their studies. The same right to State child allowance applies to children belonging to foreign citizens and stateless persons residing in Romania, according to the law. State child allowance is awarded on a monthly basis, in a fixed amount, no matter the revenues of the family.
- State child allowance is annually increased by taking into account the inflation rate.
 - (a) Monthly State child allowance was, during 2007-2009, 200 RON for children with disabilities, aged up to 2 or 3 years;
 - (b) In 2007, monthly State child allowance was 50 RON for children with disabilities older than 2 or 3 years, and it was twice increased in 2008 to 64 RON and to 80 RON. In 2009, the State child allowance was increased again to 84 RON for children with disabilities after the age of 3.
 - (c) For children without disabilities, older than 2 or 3 years, monthly State child allowance was increased from 25 RON in 2007, to 32 RON and 40 RON in 2009, and again in 2009 to 42 RON.
 - (d) The monthly average number of beneficiaries during 2007-2009 was:
 - 4,207,244 beneficiaries in 2007;
 - 3,775,707 beneficiaries in 2008;
 - 3,892,332 beneficiaries in 2009.
- Maternity indemnity program continued to be implemented during 2007-2009. Government Emergency Ordinance No. 158/2005 on leaves and indemnities for health insurance stipulates that mothers have the right to maternity leave and indemnity in order to raise and care for their children. The above-mentioned act states that contributing women have the right to maternity leave for a period of 126 days, during which they are entitled to a maternity indemnity. The calculation basis for the maternity indemnity is determined as an average of the income earned in the last six months. Based on this indemnity, the contribution for leaves and indemnities is calculated, for the 12 months which constitute the contribution stage. Confinement leave is provided for a period of 63 days before birth and 63 days after birth. The two parts of the maternity leave can be combined with each other, taking into account the doctor's recommendations and the option of the beneficiary. The minimum duration of leave after giving birth is 42 days. Insured persons with disabilities are entitled, at their request, to a pregnancy leave, beginning with the sixth month of pregnancy. In the situation of a still-born child or of death after being born, the maternity indemnity is conferred for the whole period. An indemnity for

the child care of a sick child is granted up to the age of 7 and, in case of a child with disabilities, up to the age of 18.

220. Complementary family allowance and single parent family allowance. This program has continued taking into account the increased risk of poverty and the needs of the families with children and of single-parent families. These allowances are granted, based on Governmental Emergency Ordinance No. 105/2003 regarding the complementary family allowance and the allowance for sustaining single parent family. In 2008 and 2009, the reference income levels for these allowances were constantly increased. Starting with 2009, all families (wife and husband and their children until the age of 18 who are sustained by their parents and who live with their parents) and single-parent families whose monthly income per each member is lower than 470 RON have the right to complementary allowance.

221. Starting with 2008, the level of these allowances has also been increased. The level is established by taking into account the number of family members. The monthly amount of complementary allowance was during 2008 -2009, as follows:

- 50 RON for a family with one child;
- 60 RON for a family with two children;
- 65 RON for a family with three children;
- 70 RON for a family with four children or more.
- The monthly amount of single parent family allowance during 2008 -2009 was:
- 70 RON family with one child;
- 80 RON for a family with two children;
- 85 RON for a family with three children;
- 90 RON for a family with four children or more.

222. The evolution of complementary allowances and single parent family allowance, 2007-2009:

<i>Type of family</i>	<i>Amounts of complementary allowance (RON)</i>			<i>Amounts of the single parent family allowance (RON)</i>		
	2007	January – November 2008	November 2008 -2009	2007	January – November 2008	November 2008 -2009
family with one child	36	38	50	52	54	70
family with two children	42	44	60	62	65	80
family with three children	47	49	65	70	73	85
family with four children or more	52	54	70	79	83	90

223. The monthly average number of beneficiaries for the period 2007-2009 was:

- (i) complementary allowance:
- 2007: 576,844 beneficiaries;
 - 2008: 506,096 beneficiaries;
 - 2009: 547,921 beneficiaries.

(ii) single-parent family allowance:

- 2007: 221,194 beneficiaries
- 2008: 189,768 beneficiaries
- 2009: 193,898 beneficiaries.

224. Childbirth allowance is established by Law No. 416/2001 on the minimum guaranteed income and it is granted to mothers, as a single payment for each of the first four children born alive, in order to compensate the expenses related to childbirth. The entitlement and the payment of the childbirth allowance are awarded on the basis of claim and acts of proof, emitted by the mayor of the place of residence of the mother or, of the place the child is registered. The allowance can be also granted to the legal representative of the child when the mother is not in the situation to benefit from this right. The level of this allowance was 204 RON in 2007, 213 RON in 2008 and 230 RON starting with 2009. The payment of this allowance is covered by the State budget. The monthly average number of beneficiaries in 2007 was 15,621 newborn children, in 2008, 15,886 newborn children and in 2009, 16,551 newborn children.

225. Monthly allowance for children in childcare. The allowance is stipulated by the Law on the protection and promotion of the rights of children in difficulty. According to this Law, each child in the child-care system or in the custody of a person is granted a monthly allowance for his/her care and education. The monthly amount of the allowance in 2007 was 86 RON. In 2008, the amount was increased at 90 RON per month and in 2009 it was 97 RON. The monthly average number of beneficiaries was 48,081 children in 2007, 50,207 children in 2008 and 48,441 children in 2009. This allowance is also supported by the State budget.

226. Trousseau for the newborn child is granted to all newborn children according to Law No. 482/2006 for granting the trousseau for newborn children. This trousseau includes clothes, laundry and goods for care in the amount of 150 RON per child. It is granted once for each birth by the local public authorities when the child leaves the hospital or when the birth certificate is issued. This program continued during 2007–2010 in order to prevent the abandonment of the child and to increase the birth rate. The total number of beneficiaries during 2007-2009 was:

- 2007: 142,360 newborn children;
- 2008: 199,856 newborn children;
- 2009: 202,684 newborn children.

227. Day nursery tickets are stipulated by Law No. 193/2006 for granting day nursery tickets. These tickets continued to be granted by the employer in order to support the parents who are not entitled to child raising allowance. The maximum amount of these tickets was 300 RON in 2007, 340 RON in 2008 and starting in 2009, the maximum amount of day nursery tickets is 360 RON.

228. Financial benefits for persons with disabilities are granted to such persons, based on the disability degree. According to Law 448/2006 regarding the protection and promotion of the rights of persons with disabilities, the disabled adult has the right to a monthly indemnity, irrespective of person's income. The monthly indemnity is paid by the State budget, through transfers from the State budget to local communities' budgets. In 2007, the levels of monthly indemnities were:

- 179 RON for the adult with severe disability;
- 147 RON for the adult with increased disability;

In 2008, the levels were increased, as following:

- 187 RON for the adult with severe disability;
- 154 RON for adult with increased disability;
- Starting with 2009, the levels of monthly indemnities have been:
- 202 RON for the adult with severe disability;
- 166 RON for adult with increased disability.

229. The adult with disability has also the right to a monthly personal complementary budget in amount of:

- In 2007,
 - 80 RON for adult with severe disability;
 - 60 RON for adult with increased disability;
 - 30 RON for adult with medium disability.
- In 2008, the amounts were:
 - 84 RON for adult with severe disability;
 - 63 RON for adult with increased disability;
 - 31 RON for adult with medium disability.
- Starting with 2009, the amounts have been:
 - 91 RON for adult with severe disability;
 - 68 RON for adult with increased disability;
 - 33.5 RON for adult with medium disability.

230. The monthly average number of beneficiaries, during 2007-2009, was the following:

<i>Type of benefits</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Monthly indemnity for adult with severe and increased disability	427.175	473.574	525.288
Monthly personal complementary budget for adult with severe, increased and medium disability	507.295	561.736	634.548

231. According to the provisions of the above-mentioned law, the person taking care of a child with disability has the following rights:

- (a) Parental leave and child raise benefits, in amount of 450 RON for the child with disability with the age between 3 and 7.
- (b) Short work program (four hours) for the parent taking care of a child with increased or severe disability until the age of 18, at the request of the parent.
- (c) Medical leave, for caring for a child with disability and who is hospitalized or is treated at home, until the age of 18.
- (d) Monthly indemnity for raising a child with disability until the age of 3 years old, in amount of 450 RON for the person with disability who has no professional income;

in (e) Monthly indemnity for raising a child with disability aged between 3 and 7, amount of 300 RON, granted to the person with disability who has no professional income;

(f) Monthly indemnity for raising a child with disability until the age of 3, in amount of 300 RON, granted to the persons who are not entitled to child raising benefit according to the Government Emergency Ordinance No. 148/2005 and also a monthly indemnity of 150 RON for the child aged between 3 and 7.

(g) Monthly allowance, increased with 50% for children in childcare institutions.

232. The person with disabilities who has a normal child and who does not earn any other income has the right to a monthly child-care benefit until the age of two of the child in the amount of 450 RON and to a monthly aid in amount of 150 RON for raising the child aged between 2 and 7 years. These rights and the amounts mentioned above have been paid by State budget, starting with 2007.

233. Indemnity for adults and children with HIV/AIDS is provided on the basis of Law No. 584/2002 concerning the measures for preventing the dissemination of HIV/AIDS in Romania and the protection of persons with HIV/AIDS. Adults and children with HIV/AIDS have the right to this indemnity.

234. The monthly amounts for children beginning with 2009 are the following:

- 11 RON X 28 days = 308 RON
- 11 RON X 30 days = 330 RON
- 11 RON X 31 days = 341 RON

235. Monthly amounts for adults are as following:

- 13 RON X 28 days = 364 RON
- 13 RON X 30 days = 390 RON
- 13 RON X 31 days = 403 RON

236. Average number of beneficiaries of indemnity for adults and children with HIV/AIDS in 2009 was 6,531.

237. Child-raising benefits are granted based on professional activity, as provided by Governmental Emergency Ordinance No. 148/2005 on the support of the family to raise a child. Beginning 1 January 2006, according to the Law on the Fiscal Code, persons who made taxable professional income for 12 months prior to the date of birth of the child, have the right to parental leave until a given age of 2 or 3 years for the disabled child and to a monthly child-raising benefit. The monthly amount of the child-raising benefit was 600 RON during 2007–2008. Beginning with 2009, the monthly amount of the child-raising benefit has been 85% of the average of the net professional income made during the past 12 months before childbirth, but a minimum of 600 RON and a maximum of 4,000 RON. Persons who decide to continue working after childbirth have the right to a monthly incentive benefit until the child is 2 or 3 years old in case of the child with disability. The monthly amount of the incentive was 100 RON, during 2007 -2009.

238. Persons who receive the monthly child-raising benefits and, at the same time, request the incentive benefit, have their child-raising benefits suspended. Any of the two parents has the right to request the child-raising benefits or the incentive benefit, but they must opt for one of them. The same indemnities apply to persons who adopted a child, who have a child put up for adoption, who have a child in the child-care system or in emergency care, except for foster parents (maternal agent) or guardian person. The above-mentioned indemnities are granted to each of the first three births or of the first three children. The leave period is extended accordingly, in case of an overlap of two or three situations which

might generate this right. The persons with children have the right to parental leave without payment of an indemnity after the first three births, or after the first three children. This parental leave is of 3 months and is granted to each of the parents. The monthly average number of beneficiaries was, during 2007 - 2009, the following:

<i>Type of benefits</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Child raise benefits	189,990	179,070	182,098
Monthly incentives	16,608	17,928	15,069

239. The Romanian legislation in the field of work health and security has remained into force and contains provisions in order to improve the work health and security of the employed pregnant women, during childbirth and breastfeeding period.

240. The general work protection norms - according to the Government Emergency Ordinance No. 96/2003 regarding the protection of maternity at the work place, with modifications and completions, state that a work place is established for the pregnant women and also during breastfeeding, after a medical examination, compatible with their physiological condition, by avoiding work places exposed to chemical substances, ionic radiation, weight manipulation.

241. Child protection and child labour. the Constitution of Romania stipulates, in article 49, paragraphs (3) and (4), that the exploitation of minors, their use in activities harmful to their health or normal development is forbidden. Article 49 on the Protection of children and young people states that:

(1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.

(2) The State shall grant State allowances for children and benefits for the care of sick or disabled children. Other forms of social protection for children and the young shall be established by law.

(3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or endanger their life and normal development are prohibited.

(4) Minors under the age of fifteen cannot be employed for any paid labour.

(5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural life and sports of the country.

242. Article 49 of the Constitution establishes, in its content, a fundamental civil right. This right is guaranteed by the State's obligation to ensure the necessary conditions for the children and young persons to develop harmoniously. The Constitution guarantees a special regime for protection and assistance for children and young people. Paragraph (4) of article 49 of the Constitution provides for the interdiction to employ minors under the age of 15. An international obligation is, thus, implemented in the national legislation, establishing that the minimum age for employment must not to be inferior to the age up to which the educational process is compulsory. Practically, all the provisions of article 10, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights, according to which children and young persons must be protected against economic and social exploitation are integrated in the national law.

243. The working time and rest time for young people is covered by Governmental Decision (G.D.) No. 600/2007 on the protection of young people at work. The provisions of

this decision aim at ensuring the protection of youth against economic exploitation and against any work likely to harm their safety, health, physical, mental, moral or social development or that might jeopardize their education. There are, also, regulations intended to protect young people at work in Law No. 53/2003 on the Labour Code, with the subsequent modifications and completions.

244. The provisions of G.D. No. 600/2007 apply to any person aged up to 18, who has concluded an individual employment contract in accordance with the applicable law. The employment of children is allowed starting with the age of 16, only for light work, and with the age of 15 only with the parents' consent. According to the national legislation, under the age of 18, no category of persons is allowed to perform heavy, harmful or dangerous activities.

245. According to the aforementioned legal act, the employer is obliged to provide young people with working conditions appropriate to their age. Moreover, the employer is required to protect young people against specific risks to their health, safety and development, risks arising from their lack of experience and awareness of the existing or potential risks.

246. Working time is a maximum of 6 hours per day and 30 hours per week for young people. When young people accumulate several functions under several individual employment contracts, the working time is added and cannot exceed the total working time referred to above.

247. According to the national regulations, young people must have a lunch break of at least 30 consecutive minutes if their daily working time exceeds 4 and a half hours, as well as an additional annual leave of at least 3 days.

248. Both Government Decision No. 600/2007 and Law No. 53/2003 on the Labour Code expressly provide that young people cannot perform overtime work or night work. According to article 280, paragraph (1) of the Labour Code, employment of minors with the infringement upon legal requirements of age or using them for performing activities in violation with the law on the employment of minors is a crime and is punishable by imprisonment from 1 to 3 years.

249. The entry into force of the provisions on the protection of young people at work, contained both in the Labour Code and Government Decision No. 600/2007 has resulted in increasing the protection of youth against economic exploitation, against activities likely to harm their safety, health or physical, mental, moral or social development or that would jeopardize their education. These specific regulations have created the possibility of solving the problems arising in the labour market, being designed to ensure, in the long term, a high level of protection of certain categories of young people.

Article 11: The right to an adequate standard of living

Economic trends

250. An economic growth process has been in place in Romania since 2001, each year bringing around 6.3% of GDP growth. In 2009, global economic and financial crises have determined a downward cycle in the evolution of the economy. Under these circumstances, the economy recorded negative a growth rate of -7.1%. The Gross Domestic Product per capita in 2007 was 10,400 SPB, representing 42% of the EU-27 GDP per capita.

251. In 2008, the total monthly income, in nominal value, was 2,131.7 RON per household, and 731.5 RON per person, with 26.4% and 26.6% respectively higher than in 2007. The main source of the total income both in 2008 and 2007 was personal earnings (83.1%, with 2% increase, as compared to 2007). A high percentage of the income in kind

(16.9%) was also recorded, although this category decreased as compared to the previous year (-2 %), due to the equivalent value of food consumption from individual resources.

252. Salaries and other related earnings represent the most important income source of the population and they have the highest rate in households' total income (52.1%, increasing in 2008 with 2.8% as compared to 2007). Nevertheless, their contribution to the national income is low, compared to the developed market economies, due to the small number of household members who are employed.

253. Income from social benefits represents another category of income which had an important role in the structure of households' total income, both in 2008 and in 2007 (21.6%, with 1.8 % higher in 2008 than in 2007).

254. The income from agriculture, independent activities and real estates still has a low share in the total income of the households (5.7%).

255. The total households' expenditures recorded in 2008 shows that there was a monthly average of 1,915.2 RON per household and 657.2 RON per person, which is close to the total income level (89.8%). The main households' expenditures consisted in food and non-food products, transfers to public administration and to social insurances budgets, as taxes and contributions and expenses necessary for household output.

256. As compared to the average total consumption expenditures registered for the households (1,365.4 RON), only the employees' households exceeded the average level (with 26.5%), other households categories being under the national average: households of farmers with 31.8%, unemployed households with 19.6%, households of self-employed with 3.5% and pensioners households with 16.8%.

Demographic trends

257. The demographic changes recorded at European level have negative effects in Romania, too, a slow and continuous process of population decrease being registered. The elements which trigger this phenomenon are the low birth rate (from 13.6‰ in 1990 to 10.4‰ in 2009), high mortality rate (from 10.6‰ in 1990 to 12.0‰ in 2009), also the rate of natural increase declining from 3.0‰ in 1990 to -1.6‰ in 2009.

258. The social consequences of these tendencies have led to pressure of the elder population upon the adult population, potentially active persons, and also upon the social protection system (employment, health, social assistance, social insurance).

259. The population under 15 years is continually decreasing, from 19.0% in 1999, to 15.1% in 2009; while the population of 65 years and above has increased from 13.0% to 14.9%.

260. The percentage of the population over 65 in 2008 was 15.7%, representing less than the EU-25 average level of 17.0%, while the youth percentage is 15.1%, almost equal to the EU-25 average of 15.7%.

261. Regarding the Romanian households, no change has been recorded in urban households in 2008 compared to 2007 (from 55.4% in 2007, to 56.5% in 2008) and neither in the rural households (from 43.6% in 2007, to 43.5% in 2008). The average of a household was 2.914 persons in 2008, as compared to 2.920 persons in 2007. Households made up of 1 to 2 persons have been more numerous in urban areas than in rural areas; while households of 5 to 6 persons or more were more present in rural area (66.6%).

262. According to the number of children under 18 years supported by relatives, households' distribution is characterized by a high number of households without children (69.6% of the entire number of households), a high percentage both in urban and rural areas (68.3 % for urban areas, and 71.3% in rural areas). Regarding the households with children,

the most frequent are households with one child (56.8%); households with one or two children are mostly found in urban areas; those with three, four or more children, in rural areas.

General framework on housing

263. The Ministry of Regional Development and Tourism (MRDT) is in charge of analysing and drawing up the necessary instruments and methodologies for the legal and institutional framework aimed at improving the quality of housing, housing conditions of the disadvantaged groups, which represents a complex challenge. The initiatives taken by the MRDT are harmonized with other particular actions carried out by public institutions at national and European level, with the view of putting into practice the provisions of the Leipzig Charter for Sustainable European Cities and the Report on Housing and Regional Policy approved by the European Parliament in May 2007. Each of these two documents contain proposals regarding the improvement of the life and housing quality, the integration of marginalized ethnic groups and the development of effective housing and urban policy.

264. Currently, the MRDT is working on a draft law on construction, operation and administration of housing that will govern the social, economic, technical and legal aspects of building, use, operation and management of housing, based on the following principles: (a) free and unrestricted access to housing, as a right guaranteed by law; (b) solving the housing needs, as a major goal of central and local administration.

265. Taking into account the provisions of the social inclusion program in Romania and the need to improve access to decent housing and public services, such as water, electricity, sanitation and heating systems for the Roma communities, the pilot program "Social housing for Roma communities" was initiated. This program runs on the basis of Governmental Decision No. 1237/ 2008, regarding the approval of the pilot program "Social housing for Roma communities" and will be financed from the State budget, through the MRDT budget as the main financial authorizing officer.

266. Pilot program "Social housing for Roma communities" represents an experimental component of the social inclusion program in Romania and is considering the implementation of projects for social housing in eight development regions of Romania, in locations determined by the Ministry of Regional Development and Tourism (MRDT) together with local government authorities and the National Agency for Roma (NAR). The design and execution of the social housing buildings are financed by the State budget, within the limit of the funds allocated for this purpose, through the Ministry of Regional Development and Tourism budget. The land for construction of social housing for Roma belongs to the public domain of the administrative-territorial councils. After completion, social housing for Roma communities subject to the public domain of the administrative-territorial units and are managed by the local councils. In 2010, within the pilot program "social housing for Roma communities", a number of 301 apartments are expected to be completed, under the conditions of assured financing sources from the State budget.

267. Financing program for social housing construction under Law No. 114/1996 is conducted in accordance with Law on Housing No. 114/1996, republished, with subsequent amendments, regarding the allocation of social housing (housing with subsidized rent) to any persons or families whose economic situation does not allow access to owning a house or renting one within the market conditions. This law does not contain discriminatory provisions or conditions or barriers on access, related to ethnicity, regarding the access to social housing. This program aims to build social housing - rental housing for certain categories of disadvantaged persons mentioned by law, whose level of existence does not allow access to a home ownership or rental housing within the market conditions. The program aims to ensure decent living conditions for disadvantaged social categories.

268. Promoting the social housing investments represents the duty of the local public authorities. The State supports financially the construction of such housing, at local level, through the allocation of funds from the State budget to supplement the local budgets, through the budget of the Ministry of Regional Development and Tourism, at the requests duly motivated by the local councils. Local councils provide for housing allocations, following the proposals of a social commission which analyses the housing applications at local level.

269. According to GD No. 1097/2008 amending the rules of application of Law No. 114/1996 approved by GD No. 1275/2000, people entitled to social housing are: families or individuals with a monthly net income per person in the last 12 months, below the average net monthly income, as announced by the National Statistics Institute, earlier in the last statistical bulletin month in which it examines the request and before the month in which housing is allocated. During 1998 - 2009, 3,788 housing units were finalized within the financing program for social housing construction under the Law 114/1996. By Law No. 11/2010 on 2010 State Budget Law, the State budget funds allocated to this program are worth of 30,000 RON. In 2010, 578 housing units are expected to be finalized.

270. Financing Program for construction of social housing for tenants evicted under the Governmental Emergency Ordinance (GEO) No. 74/2007 is conducted in accordance with GEO No. 74/2007. This program intends to provide, at local level, a fund for social housing of tenants to be evicted or evicted from their homes that are or have been returned to former owners, where such requests were recorded. The funding is ensured from the State budget and from the local budgets. The substantiation of the necessary amounts required from the State budget is based on the requests of the local councils, through the Ministry of Regional Development and Tourism, as main financial authorizing officer.

271. Access to the Rental Housing Fund is provided for individuals or families to be evicted or evicted from their homes returned in kind to the former owners, under GEO No. 74/2007. The Funding for the construction of housing for tenants evicted under the GEO No. 74/2007 is developing in accordance with the investment programs promoted at local level, where the local councils are the beneficiaries. During 2007–2009, 1,965 homes have been finalized under GEO No. 74/2007 program funding for construction of social housing.

272. State budget funds allocated to this program, according to 2010 State Budget Law, are worth 40,000 RON. In 2010, 824 homes are expected to be finalized.

Social protection measures on housing

273. According to article 47, paragraph (1) of the Romanian Constitution, “The State shall be bound to take measures of economic development and social protection, of a nature to ensure a decent living standard for its citizens”.

274. By its content, the right to a decent living standard includes citizen’s right to reasonable life conditions to ensure a decent life for the citizen and her/his family. As in the case of other rights, this is a complex right referring especially the right to reasonable living conditions and their continuous improvement; the right to food, to clothes and to adequate housing. The State has to contribute decisively in improving the life conditions in order to achieve decent living standards. Therefore, article 1, paragraph (1) of the Constitution binds the State to take proper measures towards the economic development and social protection.

275. The following programs have been developed during 2007-2009, in order to ensure a decent standard of living for all persons:

Social aid

276. Law No. 416/2001 on the minimum guaranteed income set up the minimum guaranteed income in order to improve the situation for the people affected by the transition to market economy. The law regulates the award of social benefits for families and persons without income or having a small income, in situations and when these categories cannot ensure on their own minimum conditions for a decent living. The law on the minimum guaranteed income stipulates the following:

- setting up of a monthly level of the minimum guaranteed income, in accordance with family structure, as follows:

Family type	<i>The minimum income guaranteed level</i>			
	<i>(RON)</i>			
	- 2009-			
	- 2007-	- 2008-	January - June	July - December
single person	96	100	108	125
families of 2	173	181	196	225
families of 3	241	252	272	313
families of 4	300	314	339	390
families of 5	356	372	402	462
For each additional person exceeding the number of 5	24	25	27	31

- the minimum guaranteed income is ensured by the local councils through granting a social aid and is calculated as the difference between the MIG levels that are stipulated by law in accordance with family structure and the monthly net income of the eligible family or a single person, starting with July 2009 the funds for social aid were completely ensured from the state budget, according to the GEO No. 57/2009;
- families and single persons with monthly net income under the level of MIG have the right to a social aid for family, increased by 15 percent, as long as at least one family member demonstrates the holding of a labour agreement or a civil agreement or provides services in order to obtain income;
- one of the persons who is able to work, coming from a family which receives the minimum guaranteed income shall carry out community services or other type of work to the benefit of local community, as assigned by mayors, but not exceeding the regular work schedule, on a monthly basis, and observing the labour security and sanitary norms. Should they refuse to perform the community services, the right to a social aid is suspended; the number of hours is calculated based on the amount of social aid, compared to the amount of the minimum gross wage.

277. The program of minimum guaranteed income had a direct impact on decreasing the poverty rate, especially for extreme poverty. During 2007-2009, the monthly average number of social aid requests remained constant at approximately 280,000.

Emergency aids

278. Emergency aid is granted, based on Law No. 416/2001 regarding the minimum guaranteed income, with modifications and completions, to families and persons in emergency situations because of natural disasters, fires, accidents at work and in other

particular situations. In 2007, emergency aids have been granted to 17,628 families and single persons. In 2008, 25,385 emergency aids have been paid to persons and families in difficulty.

Financial aid for heating

279. Financial aid for heating has been granted as a “means tested program” according to the GEO No. 5/2003, with modifications and completions, for the payment of the energy used for home heating. Categories entitled to this aid are families and single persons using heating energy in centralized house heating systems and for the preparation of hot water, persons who use natural gases for house heating, persons using wood, coal, oil and other similar fuels for heating their homes.

280. Families and single persons with low income, using heating energy in the centralized house heating system have the right to a monthly financial aid for home heating. The aid is a fix amount of money established taking into account the monthly net income per family member, and compensating the value heating energy invoice with a percentage between 100% and 10%, depending on the average level of monthly net income per family member.

<i>Compensation of the value of heating energy invoice (percentage)</i>	<i>Monthly net income per family member (RON)</i>
90%	Up to 155
80%	Between 155,1 and 210
70%	Between 210,1 and 260
60%	Between 260,1 and 310
50%	Between 310,1 and 355
40%	Between 355,1 and 425
30%	Between 425,1 and 480
20%	Between 480,1 and 540
10%	Between 540,1 and 615

281. Families and single persons with low income who use **natural gas** for house heating or **wood, coal, oil** and other similar sources have the right to a monthly aid for home heating and the amount is established taking into account the monthly net income per family member.

<i>Monthly net income per family member</i>	<i>Amount of the benefits -RON-</i>	
	<i>Natural gas</i>	<i>Wood, coal and oil gas</i>
Up to 155 RON	262	54
Between 155.1 and 210 RON	162	48
Between 210.1 and 260 RON	137	44
Between 260.1 and 310 RON	112	39
Between 310.1 and 355 RON	87	34
Between 355.1 and 425 RON	62	30
Between 425.1 and 480 RON	44	26
Between 480.1 and 540 RON	31	20

<i>Monthly net income per family member</i>	<i>Amount of the benefits</i>	
	<i>-RON-</i>	
	Natural gas	Wood, coal and oil gas
Between 540.1 and 615 RON	19	16

282. This program continued during 2007-2009 and the ceilings of both income reference and benefits increased. For the cold season 2007-2008, a total of 4,277,921 beneficiaries (families and single persons) were registered, of whom, using energy in centralized house heating systems: 602,580; natural gas: 789,162; wood, coal and oil gas: 2,603,464.

283. For the cold season 2008-2009, a total of 3,593,246 beneficiaries (families and single persons) were registered, of whom, using energy in centralized house heating systems: 405,352; natural gas: 673,250; wood, coal and oil gas: 2,514,464.

Access to food

284. The daily average consumption per total number of households in 2008 was 2,484 calories per person and 82.8 grams of proteins as compared to 2,473 calories and 81.8 grams of proteins in 2007. The average daily food consumption per capita was 82.8 g of protein in 2008, of which 39.7 grams of animal origin, 85.0 grams of fat, 316.6 grams of carbohydrates. The data on food consumption are drawn from the annual Household Budget Surveys.

285. Quantities of food consumed by one person reflect the effect of a complex of factors on the household: the income, household size, the number of children, residence area etc. The most important factor to differentiate the type of food consumption is the number of persons and the number of children under 18, in a household.

286. Bread and loaf products represent one of the basic foods for all household categories analyzed. In 2007, monthly average consumption per total households was 9.37 kg./person, while in 2008, average consumption per total households was 9.22 kg./person;

287. Meat and meat products consumption is relatively low, as compared to the standards of developed countries. Monthly average consumption of fresh meat per person was, in 2008, 3.07 kg. /person, increasing by 0.17 kg/person, as compared to 2007. Together with meat products, it amounts to 4.18 kg/person monthly, increasing by 0.23 kg. /person monthly, compared to 2007. Significant differences are also noticed between households having a various number of persons, single households having the richest consumption of meat.

288. Milk consumption was, in 2008, on monthly average, 6.15 litres/person (while 6.07 litres/person, in 2007); potatoes are consumed in relatively consistent quantities in all categories of households. Per total households, in 2008, monthly average consumption of potatoes per person was 3.61 kg.

289. Fruit consumption is relatively low, monthly average consumption per person per total households, being 3.31 kg, in 2008 and 3.08 kg, in 2007.

290. Differences in the consumption of main foods are determined by the size of the household, number of children under 18 and level of income. Residence area (urban or rural) has a certain influence on the type of food consumption, mostly derived from the specific ways of covering the consumption needs. However, quantitative differences are less obvious.

Access to drinking water

291. Romanian legislation on drinking water consists of: Law No. 458/2002 regarding the drinking water quality, with subsequent amendments; Decision No. 974/2004 for the approval of surveillance, sanitary inspection and water quality monitoring and procedure for approval of safe drinking water production and distribution.

292. 11,426,676 persons, representing 53.1% of the Romanian population had access, in 2008, to the public water supply system while, according to March 18, 2002 census, Romania's population amounted to 21,680,974 inhabitants, of whom 11,435,080 urban inhabitants (52.7%) and 10,245,894 rural areas' inhabitants (47.3%).

293. Romania is organized in 42 counties, 268 cities and 2,686 towns and municipalities (about 15,700 rural communities). Currently, centralized drinking water supply is provided in 2,915 local areas, of which 268 are municipalities and cities and 2,647 are rural areas, representing approx. 17% of total.

294. Safe drinking water distribution networks have a total length of 40,267 km, providing for urban areas for approx. 71% of the total length of the streets. Current capacity of the centralized water supply system for population is 120.00 cm/s, of which 48.00 cm/s are provided through underground sources and 72.00 cm/s through surface sources, including the Danube.

295. The annual quantity of water distributed to consumers amounts to approx. 1,350 million cubic meters, of which 811 million cubic meters are for domestic use. A decrease of the total quantity of water distributed through the network has been noticed during the last 10 years, mainly, due to introducing the meters for measuring water consumption and to the decrease of industrial activities. Important areas of the country face difficulties in access to drinking water throughout the year, especially in periods of drought or low temperatures, where the supply of water flow can be interrupted or severely diminished for many days, as a result of the unequal distribution of water resources throughout the territory, the insufficient level of flow regulation on some watercourses, as well as of some polluted inland rivers.

296. Legislation and measures adopted to combat water pollution. Government Decision No. 974 / 2004 for the approval of surveillance norms, sanitation inspection and monitoring drinkable water quality and for the procedure for sanitation authorization of production and distribution of drinkable water, Public Health Minister Order No. 341 / 2007 for the approval of sanitation norms and of the procedure for the notification of bottled drinkable water, others than natural spring water or other than river waters, sold under the name of table water, Health Minister Order No. 764/2005 for the approval of the registration procedure to the Health Ministry of the laboratories which make the monitor of drinkable water quality inside the official control of drinkable water, with the subsequent modifications and completions; Government Decision No. 11/2010 for the modification and completion of Law No. 458/2002 on the drinkable water.

Article 12: The right to the highest attainable standard of physical and mental health

297. Legal Framework. Article 22, paragraph(1) of the Romanian Constitution stipulates that the State guarantees the right to life, as well as the right to physical and mental integrity of person. Further, article 34 of the same act states that: "The right to the protection of health is guaranteed... The State shall be bound to take measures to ensure public sanitation and health... the organization of medical care and social security system in case of sickness, accidents, maternity and recovery, the control over the healthcare and

paramedical activities, as well as other measures to protect physical and mental health of a person will be established according to the law.”

298. Other important laws or normative acts regulating the healthcare sector are:

- (a) Law No. 95/2006 on health care reform which covers almost all fields in the health sector. The law has included and adapted all previous legislation with the aim of including the EU legislation and practice, as well as to accelerate the healthcare reform;
- (b) Government Decision No. 364/2007 on the framework contract for medical services, in health insurance scheme;
- (c) Law No. 46/2003 on patients’ rights;
- (d) Order of Public Health the Minister No. 386/2004 on norms for implementing patients’ rights law.
- (e) Law No. 400/2006 regulating the setting and functioning of the ambulatory medical offices (outpatient);
- (f) Order No. 328/2006 of the National Health Insurance House (NHIH) President, regulating monitoring and control activities in the health insurance system;
- (g) Law No. 296/2002 regarding health care services for foreign citizens in Romania in accordance with the international and bilateral conventions and protocols Romania is a party to;
- (h) Law No. 17/2000 on institutional care, regulating the social care for elderly persons;
- (i) Law No. 416/2001 regarding the minimum guaranteed income (entered into force on January 1st, 2002);
- (j) Law No. 705/2001 regarding the national system of social assistance (entered into force on 1 January 2002);
- (k) Law No. 116/2002 regarding prevention and combating of social marginalization;
- (l) Law No. 584/2002 regarding prevention of HIV/AIDS spreading in Romania and social protection of persons with AIDS.

299. Romania has passed through a period of major changes in the health sector, after 1989, when the political system moved from communism to democracy. Some of these major changes influenced in various ways the health status of Romanian citizens.

Life expectancy

300. Since 1989, the demographic trends have shown a continuous decline in the population (from 22.81 million, in 1992 to 21.58 million inhabitants, in 2006). The first three main causes for the population decline are a high rate of emigration, a fall in the birth rate and an increase in general mortality. The average life expectancy was 72.7 years in 2006, shorter than the European Union (EU) average. Even if the infant and maternal mortalities are still among the highest in Europe, an important decline in infant and maternal mortality has been registered since 1990 (see table 1)

<i>Indicators</i>	<i>Year</i>	<i>1970</i>	<i>1980</i>	<i>1990</i>	<i>2000</i>	<i>2003</i>	<i>2006</i>
Life expectancy at birth (years)		68,04	69,24	69,79	71,25	71,32	72,69
Men		65,71	66,61	66,62	67,81	67,71	69,25

<i>Indicators</i>	<i>Year</i>	<i>1970</i>	<i>1980</i>	<i>1990</i>	<i>2000</i>	<i>2003</i>	<i>2006</i>
Women		70,33	71,89	73,08	74,82	75,10	76,23
General mortality (to 1,000 inhabitants)		9,54	10,44	10,65	11,4	12,27	10,26
Men		9,98	11,0	11,51	12,43	13,46	12,92
Women		9,12	9,91	9,8	10,42	11,3	8,8
Infant Mortality (to 1,000 newborn)		49,43	29,31	26,91	18,63	16,69	13,91
Mortality under 5 years (to 1,000 newborn)		58,53	35,68	34,31	22,2	19,59	16,48
Maternal mortality (to 100,000 newborn)		116,38	132,11	83,56	32,83	30,59	15,49

301. The most important causes of death in Romania are: cardiovascular diseases (62.1% of all deaths, in 2006), cancer (17.6%), digestive diseases (5.5%), accidents, injuries and poisoning (4.9%) and respiratory diseases (4.9%), showing that Romania has one of the highest levels of cardiovascular disease in Europe.

302. From 1949 to 1989, during Communism, Romania's health system was based on a very centralized and tax-based system. After 1989, major reforms were initiated and, by 1998, the previous health system was transformed into a decentralized and pluralistic social health insurance system, with contractual relationships between purchasers, health insurance funds and health-care providers. With the adoption of Health Insurance Law, the reform focused on the continuation of the decentralization process, on primary health care and prevention, the development of private sector and the establishment of clear relations between the systems of health and social care.

303. The objectives of the reform were supported by the Health Reform Law, in May 2006. According to this law, the Ministry of Public Health has no longer a direct control over financing a large part of the network of providers. Its main responsibility consists in developing a national health policy, in regulating the health sector, setting organizational and operational standards and in improving public health.

304. The Ministry of Public Health is represented at local level (county) by 42 county public health authorities.

305. The health insurance system is administrated and regulated by the National Health Insurance Fund which is a central, quasi-autonomous entity. There are, also, other two countrywide insurance funds established in 2002, one belonging to the Ministry of Transportation and, the other to the Ministries of Defence, Justice, Interior and to National Security Agencies.

306. The insured population is entitled to receive a basic package of benefits that includes health services, medicines and medical devices. The benefits package and the conditions for service delivery are laid out in the yearly framework contract elaborated by the NHIF, agreed by the Ministry of Health and approved by the Government. The norms for implementing the contract are approved by a common order of the NHIH and the Ministry of Health.

307. Patient's rights are protected by the Law on Patient Rights, of 2003. The current legislation also assures the free choice of provider for the patient, increasing patient participation in the decision-making, patient safety and compensation measures.

308. In 1998, health insurance became the main contribution mechanism to finance healthcare with a constantly increasing share, from 64.6% in 1998, to 82.7% in 2004. The mandatory health insurance scheme covers the whole population. Some categories of population are exempted from insurance contributions: the unemployed, persons doing military service or in penitentiaries, persons on sickness or maternity leave, persons entitled to social security benefits, children under 18 years, persons aged 18–26 years enrolled in any form of education, family members of an insured person, etc.

309. Health Reform Law (95/2006) ensures the legal framework for private insurance companies that are providing two types of voluntary health insurance: supplementary and complementary.

310. Taxes continue to be an important contribution mechanism to finance healthcare (15.8% in 2004), as the State budget retains responsibility for funding public health services, capital investments, preventive activities and some treatments under the national health programs. Other sources of financing health are patients' payments (for services that are not included in the health insurance benefit packages or covered by the Ministry of Health), external financing and donations. In 2006, a new tax on cigarettes and alcohol was introduced at the request of Ministry of Public Health. Substantial funds were collected and an important share is used by the Ministry of Public Health, for the first time, on important national health programs (health promotion and prevention) and capital investment.

311. Decisions on resource allocations for the health sector typically result from an annual political process in which Parliament determines the share of the state budget earmarked for recurrent and capital expenditure in the health sector. The overall public health budget (including the NHIF budget) is annually set by the Government and approved by the Parliament, through the Budget State Law.

312. The Ministry of Health is responsible for administering the State' health budget. State funding for health is earmarked for specific purposes before being discharged to the Ministry of Health and to other ministries with health networks. The National Health Insurance Fund (NHIF) allocates funds to County Health Insurance Funds (CHIFs) in accordance with a formula based on the number of insured persons and population risks.

313. Services provided by doctors in ambulatory units, including dental care services (for adult-only emergencies and yearly prophylactic check-ups) and home care services are paid as a fee for service. Emergency hospitals receive prospective payments consisting of a mix of case-based payment and fee for service, while hospitals providing long-term care are paid for mostly through budgets. The current system of paying hospitals based on diagnostic-related group (DRG) has not yet been evaluated.

314. Hospitals can also charge direct payments for high-comfort accommodation. A reference price system is in place for medicines in which patients pay the difference between the actual and the reference price of drugs prescribed in ambulatory services. Primary healthcare services are provided by approximately 10,000 family doctors. They are independent practitioners in a contractual relationship with CHIFs. Ambulatory secondary care is delivered through a network of hospital outpatient departments, centres for diagnosis and treatment and office-based specialists.

315. Romania has a relatively high inpatient admission rate, reflecting not only the low efficiency and underutilization of primary and ambulatory care services but also the fragmentation of services and insufficient development of different levels of care, including integrated medical and social care providers, since many patients are hospitalized for social rather than medical reasons. Hospitals are organized on geographical criteria at the regional, district and local level. Tertiary care is provided in specialized units (specialized hospitals, institutes and clinical centres) and a number of cardiovascular and other surgery departments in teaching hospitals. Inpatient care is also provided by long-term care

hospitals (for patients with chronic diseases who require long-term hospitalization), medico-social care units (institutions under local authorities that provide both medical and social care), sanatoriums (units that besides usual treatments provide natural therapies) and health centres (inpatient units that assure medical services for at least two specialties). In 2004, Romania had approximately 6.5 hospital beds per 1,000 persons, while for acute care beds only the ratio is 4.4 per 1,000 inhabitants.

316. After 1989, health care reform focused on primary health care and health-care financing, the latter being centred on the introduction of health insurance system. The main objectives of the Ministry of Public Health were, immediately after 1989, to avoid dismantling the health-care system, enhance the primary health-care sector, decentralize, improve health-care financing and build managerial capacity among health-care directors.

317. Between 1992 and 1994, there was an initial piloting of different payment mechanisms and decentralization plans in four districts, carried out through a World Bank project. In 1994, a pilot health reform was implemented in Romania in 8 of the 42 counties (covering four million people), introducing changes in the provision and payment of general practitioner services. The pilot program continued until 1997, when the health insurance scheme was introduced. Although Social Health Insurance bill was approved by the Senate in 1994 and by the Chamber of Deputies in mid-1997, its implementation started only in 1999.

318. All changes introduced by the health care reforms aimed at attaining the major objectives common to most countries: universal and fair access to a reasonable package of health services, control of costs of health services and efficient delivery and allocation of resources. To date, the objectives have not been reached, due to the scarcity of resources, lack of experience and ongoing changes in the political and economic environment. This is a reason to continue of the health-care reforms. The main changes that have taken place so far (changing of funding system, purchaser-provider split, decentralization, introduction of market mechanisms) set the basis and the direction for future reforms. Since 2005, the Government has enacted health care reforms that have specific aims: to ensure and guarantee compliance with the principles of social health insurance (solidarity, universal coverage and autonomy), encourage the development of a private health insurance system, stimulate the privatization of the infrastructure of medical institutions, encourage competition between providers, continue the decentralization process, assure adequate financing of the health system, and diminish inequities and corruption in the medical system (Health Reform Law 95/2006).

319. Challenges to reform the hospital sector, as well the mental healthcare system remain on the agenda of the Government, with their main objective to reach a modernized, integrated and better performing health system.

320. Against the background of a complex economic and social life, many side effects are seen on a visible deterioration of the mental health of the majority of world population, in the last years. Medical authorities in Romania are concerned by this situation taking into account that mental health care in Romania still focuses on psychiatric hospitals. There is only a formal communication between the units with beds and ambulatory ones the continuity of cares is often limited to the continuation of administration of a certain psychotropic medicine. Specialization and the concept of therapeutic team do not exist and less of these that of community care. Psychiatric illnesses are perceived in a negative way by the public opinion.

321. Until the endorsement of the Law regarding mental health the promotion and protection of persons with psychiatric troubles (487/2002) and of the legislative package regarding the rights of the child, in 2004, there was neither a legal comprehensive

framework, nor concrete mechanisms of verification of its implementation and of monitoring the rights and mental health of the child and teenager.

322. The reform of the health care system, initiated by Law 95/2006, led to the reform of the mental health system too. Currently, mental health represents a national priority assumed, both from the medical point of view, and from the social and political perspective. Ministry of Public Health (MPH) started the reform of the mental health system and makes efforts to correct and improve the situation in this field. There are many deficiencies, at present, in the specialized care and support given to both children and adults with mental disabilities. These deficiencies are known by health authorities who plan to eliminate them in the shortest time possible.

323. To accomplish the system reform, MPH has already taken a number of measures: increased funds allotted to the National Psychiatric Program, the National Strategy in the field of mental health was elaborated; a national Plan for action in the field of mental health with the European Union support was adopted; the norms for the application of the Law regarding mental health were elaborated and approved.

324. A National Centre for Mental Health and Antidrug Fight (NCMH) was set up by MPH, as a strategic unit for the reform of mental health system. It runs consultancy projects regarding the development of community and hospital services, psychiatric hospitals assistance, psychiatric wards from general hospitals and CSMs, or projects in the process of financing the infrastructure, the growth of managerial competences of the teams from psychiatric hospital institutions, and active participation to the elaboration of practice guides in the field of mental health.

325. MPH carries out information, education, communication campaigns to stimulate behavioural change towards the negative perception of the public opinion towards psychiatric illnesses, to fight against the stigma and social exclusion of mentally ill young people or elder persons.

326. NCMH operates under the authority of Public Health Ministry and is in charge of:

- Elaborating the strategy for the development of human resources in the mental health; a public policy proposal regarding the integration of people with severe mental health problems in active life; a standardization proposal on psychologists and social assistants activities in the health care system; a proposal on equalization of salary weights between ambulatory and hospital system of mental health; normative laws on autism, in collaboration with National Authority for Family and Child Rights Protection; practice guides in mental health field; and
- Ensuring consultancy on the development of community and hospital services; psychiatric hospitals assistance, psychiatric wards from general hospitals and CSMs, in the process of financing the infrastructure; the supply with training programs for the professionals in mental health field; the increase of managerial competences of psychiatric hospitals.

327. A National Program for the Evaluation of Population Health Status was implemented between July 1, 2007 and December 31, 2008. According to the final results, 37% of the evaluated persons have a disease risk, 30% have a risk factor for diabetes, 7% have a risk for cardiac diseases and 6% have a risk of cancer.

National health policy

328. Health Reform Law (95/2006), Title 1 (on Public Health) regulates the framework of organizing and providing for specific services. The majority of services under the above-mentioned law can be classified as monitoring population health in relation to environmental risk factors, sanitary inspection and preventive medicine. The 2006 Health

Reform Law embraces the concept of “new public health”, incorporating the empowerment of communities, a multidisciplinary and inter-sectoral approach, decentralization, evidence-based decision-making, risk management and the precautionary principle.

329. The main objectives of the National Public Health Strategy are combating negative health trends, creating conditions for improving population health status; adopting the European Union’s public health principles and policies; carrying out the health reform process in order to improve its performance, as an essential premise of health improvement.

330. MPH is in charge of implementing Governmental policy strategy in the field of public health insurance and of health sector reform. It organizes, coordinates, directs activities to ensure public health and acts to prevent and combat practices that are harmful to public health. MPH aims at improving the health of population and at achieving a modern and efficient health system, compatible with European Union health systems and standards.

331. At the local level, public health is the responsibility of the 42 County Public Health Directorates (CPHDs), including the Bucharest Public Health Authority, as decentralized units of MPH. These institutions are responsible for public health issues such as: developing and implementing public health programs; monitoring the health status of the population in relation to the main environmental risk factors; informing and communication to the public and to local authorities on environmental health issues, sanitation inspection and preventive medicine.

332. The general objectives of the National Strategic Plan of MPH for 2008-2010 are: implementing national health programs to meet priority health problems and needs of vulnerable population groups; developing and modernizing the infrastructure and ensuring medical equipment and transportation specific equipment; developing medical human resources in line with population needs; establishing a list of essential medicines and pharmaceutical products for public health to be covered totally/partially by social health insurance system; ensuring continuity of medical and home care by the increase of primary health care and specialized services provided in outpatient; ensuring synergy with the health systems of EU Member States; increasing professional skills of medical personnel; uniform medical practices based clinical practice guidelines and protocols; decentralizing the health care system.

333. General medicine/family medicine (GM/FM) is a medical specialty designed to ensure continuous and comprehensive care to anyone who needs medical care, regardless of age, sex and disease. GM/FM respects patient identity and always keeps in mind the context of family, cultural community and treats with professional responsibility both the patient and the community. Also, the family physician monitors diseases in correlation with physical, psychological, socio-cultural and existential factors of the patient. Family doctors exercise their professional role of promoting health, preventing illness and delivering curative, alternative or rehabilitation treatment. During the communist era, health systems financing and delivery were biased toward expensive secondary and tertiary inpatient hospital care. Primary care was underfunded and relatively neglected.

334. Most outpatient care was provided by specialists in outpatient polyclinics, or in rural health centres. After working hours, patients relied on national ambulance services to provide primary care, such that over 90% of ambulance visits was for primary care in Romania. There were relatively few doctors in general practice and they received only basic medical training and had little professional prestige. As a result, improvement in primary care was seen by the Romanian authorities as a key point of the reform of the health system and was included as the main component in the first World Bank loan. The reforms were intended to strengthen access to and quality of primary health care, improve patient responsiveness through competition among GPs, and reduce reliance on specialists

and hospital care by giving GPs a “gatekeeper” function. The design and implementation of GP reforms were consistent with recommendations in the World Bank-sponsored 1993 project.

335. The system changed from the fixed allocation of patients to GPs according to residence to one with universal free choice of GP. Payment moved from fixed salary (set according to professional rank and seniority) to a combination of age-adjusted capitation (approximately 60% of total payment), fee for service (related mainly to prevention, mother and child care, early detection and follow up of major chronic diseases) and bonuses related to difficult conditions of practice and professional rank (approximately 40% of total). Contracts with GPs were held by County Public Health Directorates (CPHDs), terminating GPs’ status as hospital employees. Terms of service introduced new requirements for 24-hour availability for emergencies. The contracts specified primary care services to be covered (which continued to be free at the point of delivery), and patients were allowed to choose their family doctor. Family doctors enrolled on their list between 1,500 and 2,500 patients, each.

Percentage of health budget from the national GNP

336. Health represents a major priority for the Government of Romania. Although healthcare system is not at the European Union standards, where greater percentage of GNP are allocated to health sector, Romania makes efforts to increase the State budget contribution to health. The budget allotted to health is 6.6%, in 2010, higher than 2009. In 1995, the health budget represented 2.9% of Romania’s GNP, in 2000, it represented 3.2% of GNP. The budget of the Ministry of Health represents, in 2010, 4,191 billion RON (approx. 1 billion EURO), being 6.3% higher than in 2009 and representing 3.8% of GNP.

Infant mortality

337. Since 2005, infant mortality has recorded a positive development, by decreasing to 15‰ of live new born children, to 13.9‰, in 2006 to 12.0‰, in 2007 and to 11.00‰, in 2008. The global decrease of child mortality is a result of a decrease in all the components: of premature neonatal mortality, neonatal and post-neonatal mortality, out of which neonatal mortality had the highest level, of 6.2‰ of live new born children, in 2008, as compared to 4.2‰, for premature neonatal mortality and 4.8‰ for post neonatal mortality. In the last years, Romania has had to line up with the international standards and to reduce the age of declaring a live new born child to 26 pregnancy weeks, which led to an increase in neonatal mortality. 98% of the population is covered by immunization, at national level. There are no significant differences in the immunization level by sexes or by urban/rural residence.

Table 2 - Infant mortality, 1994 – 2008

<i>Year</i>	<i>Number of deaths</i>	<i>‰</i>
1994	5,894	23.9
1995	5,027	21.2
1996	5,158	22.3
1997	5,209	22.0
1998	4,868	20.5
1999	4,360	18.6
2000	4,370	18.6
2001	4,057	18.4
2002	3,648	17.3

<i>Year</i>	<i>Number of deaths</i>	<i>%o</i>
2003	3,546	16.7
2004	3,641	16.8
2005	3,310	15.0
2006	3,052	13.9
2007	2,574	12.0
2008	2,434	11.0

Table 3 - **Infant mortality by environment (urban/rural)**

<i>Year</i>	<i>Infant Mortality</i>	
	<i>Urban</i>	<i>Rural</i>
1994	20.1	27.2
1995	18.2	23.9
1996	18.5	25.6
1997	18.5	25.0
1998	16.7	23.8
1999	14.9	21.7
2000	16.1	20.8
2001	15.6	20.9
2002	14.5	19.8
2003	13.7	19.4
2004	14.0	19.9
2005	12.4	17.9
2006	11.2	17.1
2007	10.2	14.1
2008	8.5	14.0

Table 4 - **Infant mortality by sex**

<i>Year</i>	<i>Male</i>	<i>Female</i>
1994	26.0	21.7
1995	22.7	18.6
1996	24.1	20.3
1997	24.6	19.2
1998	22.7	18.2
1999	20.2	16.8
2000	20.6	16.6
2001	20.5	16.2
2002	19.0	15.6
2003	18.8	14.4
2004	18.7	14.8

<i>Year</i>	<i>Male</i>	<i>Female</i>
2005	16.8	13.0
2006	15.1	12.6
2007	13.4	10.5
2008	12.4	9.5

Infant immunizations

338. The main objective of the National Program of Immunizations is to protect the population's health against infectious diseases through vaccination. Compulsory immunization is organized by the CPHDs and mainly carried out by family doctors, as outlined in the national program. Vaccination and zero-surveillance offices have been created in large cities; they are associated either with institutes of public health or with teaching hospitals for infectious diseases. Immunizations are provided by family doctors according to a national vaccination and revaccination calendar for tuberculosis, hepatitis B, diphtheria, tetanus, pertussis, poliomyelitis, rubella, measles and mumps. Every year, a National Calendar for Immunization is approved.

Table 5 - 2010 National Calendar for Immunization

<i>Age</i>	<i>Vaccine</i>	<i>Comments</i>
In the first 24 hours	HEP B	In maternity
2 - 7 days	BCG	
2 months	DTPa-VPI-Hib	Simultaneous
	HEP B	
4 months	DTPa-VPI-Hib	
6 months	DTPa-VPI-Hib	Simultaneous
	HEP B	
12 months	DTPa-VPI-Hib	Simultaneous
	ROR	
4 years	DTPa	
7 years (first grade)	ROR	Campaigns in schools
9 years (third grade)		Campaigns in schools
	VPI	
14 years (8th grade)	dT	Campaigns in schools

Access to trained medical staff

339. More than 93% of the population is registered with a family doctor. The family doctor is the main point of entry for patients into the health system. The role of the family doctor was strengthened in 1999 by introducing direct payments for hospital admission unless a referral from a family doctor. If a patient wants to see a specialist without referral, he or she will be charged. Specialist doctors in both inpatient or outpatient settings are obliged to send a "medical letter" to the family doctor who referred the patient. Specialist doctors can be consulted directly for follow-up visits and for some specialties (acupuncture, homeopathy, family planning, herbal medicine). Ambulatory laboratory analysis can be accessed only with a family doctor's prescription. Analyses on request are charged by direct payments.

340. Emergencies are referred directly to hospitals by the emergency care system. Preventive care and other public health services are delivered directly or through family doctors. The uninsured are entitled to a minimum benefit package that covers emergencies, contagious diseases with outbreak potential and family planning services. In addition, all health programs funded by MPH are accessible to both the insured and uninsured persons. Since 2007, the uninsured have been given the right to preventive services through the programs "Assessment of the health care status of the population through primary health care services". This allows a free visit to a family doctor who assesses the risk based on a standard questionnaire, followed by a minimal set of lab tests.

Pregnant women with access to trained medical staff

341. Romanian legislation stipulates that pregnant women benefit from medical assistance free of charge. Regular checks during pregnancy are very important, as they allow for an early prevention of any complications. Romanian medical norms recommend a monthly check-up visit during the first six months of pregnancy. Until the 36th week of pregnancy, a two-week periodicity is recommended; after the 36th week, medical control should be made weekly. In addition, prenatal control can be performed whenever needed.

342. The evolution of abortion index, between 1990-2008, for 1,000 live newborns and of the number of abortions showed a constant decrease of the abortions. The indicator of abortions for 1,000 live newborns had values of 883.4 in 2004, 739.1, in 2005, 684.6 in 2006, 639.1 in 2007 and 576.4 in 2008. The total number of abortions was 163,359 in 2005, 150,246 in 2006, 137,226 in 2007 and 127,907 in 2008.

343. The decrease in maternal deaths by abortion is a positive trend that continues, in 2008, when maternal mortality by abortion recorded the lowest index in the last 24 years, according to the data provided by the National Centre for the Organization and Assurance of Information and Informatics System in the Health Field. Previously, 15 cases of the deaths caused by abortion were recorded in 2005, 11 cases in 2007 and 9 in 2008. The rate of maternal mortality by abortion decreases from 0.07 deaths to 1,000 live newborns, in 2005 to 0.04‰, in 2008.

344. Developments in 2008 lead to a value of maternal mortality by abortion lower than mortality by direct obstetrical risk (0.10‰), while in 2004 they had equal values. The largest death rate by abortion after the fourth month of pregnancy was recorded in 2008 (88.9%, that is 8 deaths). After the fourth month, the pregnancy cannot be terminated at request; Penal Code provides that the abortion at request can be made until the 14th week of pregnancy.

345. The greatest number of deaths by abortion is for the women in the age group 35-39 years old (44.45%) where there was registered a number of 4 deaths. The intensive indexes are maximum at the greatest age group, 0.62‰ at 40-44 years old. In 2006, there was one death for the group of 20 years old and two deaths for the group of 20-24 years old; in 2007, a death for each of these young age groups, and, in 2008, there was only one death for the group 20-24 years old. This distribution demonstrates the usefulness, necessity, but the efficiency, too, of specialized health education in schools of youth of both sexes, on the danger represented by abortion and on measures to avoid an unwanted pregnancy.

346. Governmental Decision No. 367/2009 for the approval of health national programs, with the subsequent modifications and completions provides for carrying out a subprogram of increasing the access of young families to modern services of **family planning**. The subprogram is financed by the State budget and provides for hormonal contraceptive methods, barrier and intra-uterine devices in family planning offices, family doctors offices and obstetrical-gynaecological offices, specialized ambulatory and hospital, and for gynaecological wards in which abortions at request are made, too. The abortion at request is

made by the obstetrical-gynaecology and ambulatory doctor, in public hospitals or accredited private units (medical offices) authorized for the carrying out these activities.

347. MPH will continue to support family planning services by acquiring contraceptives, training the staff who offer specialized medical assistance, information activities and education of population.

Access of infants to trained medical care

348. All children up to 18 years benefit from free of charge medical care and treatment. All costs related to childcare are fully covered by the National Insurance House. Every year, MPH adopts and implements national health programs of which the national program for woman and child is the most important. The main goal of this program is to provide a high access and quality of medical services for children in order to prevent child morbidity and child mortality.

Community nurses and Roma health mediators

349. A network of community nurses and Roma health mediators has been developed, since 2002, for rural areas uncovered by GPS and for poor urban neighbourhoods. This system aimed at improving the access of disadvantaged population segments to health services and to have a direct impact on improving health. Its main role was to assure medical assistance, according to their training especially to women, children and elderly persons. The program started in 2002, as a pilot program in 7 counties and in the capital city, Bucharest. 160 community nurses were trained and employed. Since 2004, the program was generalized to national level. The number of community nurses increased, in 2005, up to 463. The program has sought also to modify attitudes and behaviour of this social category within the meaning of accountability towards their own health and not least in raising awareness and increasing community involvement to the needs of marginalized populations.

350. The strategy of community nurses system planned a number of 1,500 community nurses for 2008. For the Roma population, a national system of Roma health mediators was developed, too. In 2002, the program was initiated in 33 counties and in the city of Bucharest. Since then, the number of Roma health mediators increased up to 300 mediators covering the entire country. The main goal of the Roma health mediators program is to improve the health status of population in Roma communities. The community nurses system and the Roma health mediators system are very well covered in the Romanian legislation.

Measures to improve physical and mental health of vulnerable groups

351. MPH has taken some initiatives for reducing poverty-related inequalities in access to health, by offering incentives for family doctors to settle in isolated rural areas (e.g. setting up bonuses, modernization of practices), training Roma representatives as health mediators to facilitate contact between health personnel and Roma communities, hiring Roma health mediators by CPHDs, training community nurses as a link between primary health care practices and community social services, and offering free medical services for poor population groups.

352. Law 95/2006 on health reform (Title V) on community care opened the process of boosting the program and increased the number of community nurses and Roma health mediators provided by the program. For example, at the beginning of 2008, 1,228 community nurses and 498 Roma health mediators were active in the new network, to the benefit of marginalized persons from 9,548 communities. The budget allocated to

community care services has increased, each year, since 2004, to an average of 4 million EUR per year.

Measures to reduce child mortality

353. MPH took an important number of measures to decrease child mortality and to improve children's health, such as:

- Ensuring equality and non-discrimination in children's access to the package of basic health services in the social health insurance system; providing primary health services and the development of community services in order to increase child's access to health services, especially in rural and isolated areas, disadvantaged or marginalized communities;
- Preventing malnutrition by carrying out activities leading to a balanced diet of children, such as: (i) programs for improving women and children's health, disseminating information about/on encouraging breastfeeding and providing food for unparalleled growth and development of children and encouraging them to opt for nursing their children; (ii) providing free powder milk for children aged between 0 and 12 months who are not breastfed;
- Preventing children's illnesses, early detection and prevention of diseases by immunization through the national immunization program; monitoring children's health in society, its relationship with the environmental factors and work in a national monitoring determinants factors from life and work; promoting healthy lifestyles and develop attitudes and behaviours conducive to health by means of health promotion, information campaigns, education and communication methods, in line with public health issues identified at national and local level and in line with the recommendations of World Health Organization, and other activities aimed to promote health; free distribution of iron supplements and vitamin D to children, in order to prevent anaemia and rickets disease; ensuring specific dietary products, medical products (amino acids, lipid solutions, vitamins, erythropoietin) necessary to prevent malnutrition in premature infants; performing early screening for the detection of chronic diseases; performing specific tests, pre and postnatal diagnoses of malformations and/or of genetic disorders; early diagnosis, primary and secondary prevention, monitoring and rehabilitation of chronic diseases in childhood (respiratory distress syndrome in babies, asthma, malabsorption syndrome, cystic fibrosis, primary, immunodeficiency, chronic hepatitis);
- Improving health care quality and efficiency of pregnancy and post-pregnancy health, by: (i) reorganization of maternal and neonatal care system in accordance with the international standards and current and prospective structure of Romanian population (in particular, childbearing potential) and specific morbidity; (ii) rehabilitation of hospitals that provide specialized care, with medical equipment, in a program financed by the World Bank; (iii) increasing the share of pregnant women in the first trimester of pregnancy through the adoption of legal measures aimed at identifying and checking on pregnant women, regardless of their social status and ensuring of free services to pregnant women, regardless of their insured status; (iv) increasing the quality of pre and postnatal care by developing standardized protocols, and training medical personnel for their use; (v) establishing social services for maternity and improving social protection services at the local level with a view to effective prevention of newborn child abandonment, to better caring for and protection of pregnant women and children from vulnerable and disadvantaged groups.

Measures to improve environmental health

354. MPH and Ministry of Environment are both responsible for the environmental health in Romania. National Institute of Public Health in Bucharest is the coordinator of the National Environmental Health Action Plan, at national level. The main objectives of the current action plan are: the institutional development and capacity building in environmental health; the protection of the population against potentially harmful living conditions; the harmonization of environmental health legislation with EU legislation ensure public communication on environmental health matters and the involvement of community in the decision-making process at the local level.

355. Ministerial Order No. 1041/2003 on the establishment of the environmental health information system set up the legal framework for the operation and responsibilities of the information system. Environmental health is monitored, at the local level, by CPHDs through the Environmental Health Compartments and County Environmental Protection Inspectorates. The National Institute of Public Health in Bucharest participated in a project with the European Centre for Environment and Health, Bilthoven Division, and the Romanian Ministry of Health, designing an environmental health information system to be used by the National Environmental Health Action Plan. This project designed the methodological guidelines for the implementation and future development of the information system. Data were supplied to WHO and to European Centre for Environment and Health, Bonn Office, and a set of factsheets were developed and for a report (WHO Regional Office for Europe, 2007).

356. Since 1993, Romania has taken part in the integrated program for a healthy environment under WHO Regional Office for Europe and PHARE program on air quality and environment. Significant initiatives concerning health hazards have been taken during the accession to EU, such as the revision of Romanian legislation in order to reach EU standards and the *acquis communautaire* in consumer and health protection, environment, transportation, agriculture, social protection and employment. Most of the respective legal acts have been issued jointly by two or more ministries.

Measures to prevent, treat and control epidemic, endemic, occupational and other diseases

357. MPH is the central authority in the public health field. It is responsible for setting organizational and operational standards for public health institutions, developing and financing national public health programs, data collection, empowering public health officials and producing regular reports on the population's health status. MPH is responsible for providing preventive services both at the individual and population levels. At the local level, preventive activities are organized and supervised by the CPHDs.

358. Supervisory staff in the CPHDs monitors occupational and environmental risk factors and enforce public health regulatory standards. Their expenses, including operating costs, salaries, materials, and medicines, are financed by the Ministry of Public Health. They are also allowed to raise private money, charging fees for some of their activities, such as: issuing licenses for the observation of sanitation and hygienic conditions, the adequate provision of utilities, waste management and implementation of equipment and personnel norms for medical or other public service units. Health professionals with public health authorities usually hold qualifications in public health, hygiene, epidemiology or nursing.

359. National Institute of Public Health Bucharest is the technical and professional body for public health with MPH. It was founded in 1927 and coordinates the activity of regional units in main university centres: Bucharest, Cluj, Iasi, Timisoara, Târgu Mureş and Sibiu

and the National Centre for Control and Surveillance of Communicable Disease and National Centre for Information, Education and Communication in Health.

360. The main tasks of the Institute are elaborating national standards and regulations for public health; developing methods for the evaluation of quality of living standards and the working environment; providing professional consultations; elaborating and providing technical coordination, implementation and evaluation of the subprograms of the National Program on Community Health: (i) surveillance and control of communicable diseases; (ii) surveillance and control of HIV/AIDS; (iii) surveillance and control of tuberculosis; and (iv) evaluation of health status and risk factors.

361. Main participants involved in the infectious diseases surveillance system are MPH (through its Department for Public Health), National Institute for Research and Development in Microbiology and Immunology "Cantacuzino" (through its national reference laboratories), National Public Health Institute (Bucharest, Iasi, Timisoara, Cluj), the 42 CPHDs, including Bucharest Public Health Directorate, and the primary care network and infectious diseases hospitals. Infectious diseases surveillance system is financed by the State budget, under the National Program on Community Health. Treatment for infectious diseases is covered by health insurance funds.

362. The reporting system covers over 110 infectious diseases, classified as diseases with immediate nominal notification by phone; diseases with nominal notification within 24 hours after detection; and diseases with numerical reporting (weekly, monthly, quarterly and annual). Detection and notification of communicable diseases are among the responsibilities of primary care, ambulatory units and hospitals, particularly the infectious disease hospitals as specialized units. For the majority of communicable diseases (those outlined in the Minister of Health Order 638/1978), hospitalization is compulsory. The confirmation of cases is done, in most of the districts, by the laboratories of CPHDs, including Bucharest Public Health Directorate, and/or by the national reference laboratories. The surveillance of certain infectious diseases (tuberculosis, sexually transmitted infections including HIV/AIDS) occurs in parallel systems using a separate informational flow.

363. An assessment of the surveillance system was conducted by the Ministry of Public Health and WHO to correct the system's capacity of detection and rapid control of the infectious diseases.

364. WHO Regional Office for Europe (2001) - The recommendations made by WHO were at the basis of a PHARE project (RO-01.07.14: Improving the Romanian System for Epidemiological Surveillance and Control of Communicable Diseases, run during February 2003 and October 2004) and at developing a national action plan for the improvement of the communicable disease surveillance system, approved by MPH, under Ministerial Order No. 123/2003. Based on these recommendations, a new Centre for Disease Control was established that became operational on January 1, 2005 as part of the National Institute for Public Health in Bucharest. Its main objective is integrating parallel surveillance systems and coordinating the whole national communicable diseases network, and monitoring the national immunization program, coordinating the national system of early warning and rapid response, and the management of the information system.

365. For specific diseases there are separate networks, organized by highly specialized institutes: HIV/AIDS surveillance network - Institute for Infectious Diseases "Matei Balș"; the tuberculosis surveillance network - Institute of Pulmonology "Marius Nasta"; the safety blood transfusion network - National Institute of Haematology Transfusion, "Dr. C.T. Nicolau"; the sexually transmitted disease surveillance network - Dermato-venereal Centre "Scarlat Longhin".

366. For each of these, disease case definitions have been developed and separate forms and data flows have been established. Infectious disease hospitals report HIV/AIDS information to eight regional HIV centres (Bucharest, Braşov, Cluj, Timişoara, Craiova, Constanţa, Iaşi and Târgu-Mureş). These centres report, in turn, to the national level at the Institute for Infectious Diseases, where data are processed in the HIV/AIDS Monitoring and Evaluation Department. At the county level, forms are also sent to the CPHDs, which also gather information on HIV testing activities (blood centres, laboratories).

367. Under Law No. 584/2002 on measures for preventing the spread of AIDS in Romania and for protecting HIV-infected persons and AIDS persons, an Inter-ministerial National Commission for Surveillance Control and Prevention of HIV/AIDS was established under the authority of Prime Minister's Office. There is also a National Commission for Fighting AIDS at MPH level, consisting of experts with the role of maintaining a national database to support decision-making on AIDS treatment at national level.

368. In case of tuberculosis, suspected cases are diagnosed and confirmed by the tuberculosis county hospital. Both family physicians and tuberculosis specialists from the nearest tuberculosis centre are responsible for the notification and for completing the case management form. The completed form is forwarded to the county tuberculosis polyclinic, and from there to the county health statistics office and to Institute of Pulmonology, at the national level.

369. As for sexually-transmitted diseases, nominal notification of cases of syphilis and gonorrhoea to the CPHA statistics office is required. Aggregated monthly data are sent at the national level to the Dermato-venereal Centre.

Health care for the elderly

370. Law No. 17/2000 regulates the social care for the elder persons. According to the law, institutional medical care is organized, as follows: medical services, such as medical consultations with attendance at home or in public health institutions, consultations and dentistry attendance, medicine administration, supporting sanitary materials and medical devices.

371. Medical services are provided on the basis of the law regarding social health insurance. In 2006, there were a total of 60 units of so-called "medical social facilities", with a total of 2,365 beds: medical-social services, in particular, for assistance on personal hygiene, adaptation of home to the elder person's needs, encouraging economic, social, cultural activities and temporary attendance in daily centres, night shelters or other specialized centres.

372. MPH Order No. 318/2003 regulates **homecare system**. According to this ministerial Order, homecare is any activity performed by healthcare personnel, at the patient's home that contributes to improving his/her physical and mental wellbeing. 780 homecare providers have been authorized, since 2003, by the Ministry of Health.

373. Under the authority of MPH, a **national system of recovery and spa care** has been developed. This system provides comprehensive treatment and for elder persons with multiple dysfunctional disorders (neurological, trauma, rheumatology, stroke or metabolic disorder). Patients receive spa treatment and physiotherapy for overcoming functional deficiencies and clinical features of various pathologies.

374. Since March, 2009, through a Government Decision, the costs of medication is covered by Health Insurance Fund, by a percentage of 90% for elderly persons with low income.

Primary health care

375. Until 1999, primary health care was delivered mainly through a countrywide network of approximately 6,000 polyclinics belonging to MPH. They were serviced by physicians and nurses and administered by the local hospital that also held territorial funds for both primary and secondary health care. Community-based polyclinics provided health care for children under the age of five, housewives, pensioners and the unemployed living within a specific area. There were also company-based polyclinics for the employees (sometimes, serving more companies) and school polyclinics providing medical care for any person in full-time education. Patients were not allowed to choose their polyclinic, but were assigned according to their place of employment or residence.

376. After the reform of 1998, patients were allowed to choose their primary care doctor, with the possibility of changing to another doctor after a minimum period of six months' registration with the previous doctor. General practitioners were named "family doctors" and ceased to be State employees, functioning as independent practitioners, contracted by the Public Health Insurance Fund, but operating their medical offices privately. Thus, all family doctors are independent and publicly funded.

377. MPH is currently considering transferring the ownership of the premises of former polyclinics to family doctors. In addition to preventive and curative care, family doctors also provide pre-natal and postnatal care and health educational activities or dissemination of health-related information (health promotion). They, also, provide health certificates for marriages, for incapacity to work and for death.

Health promotion, health education for prevailing health problems

378. MPH has developed a national program on health promotion and health education that aims to encourage a healthy attitude and behaviour. Among the activities carried out under this program, one can mention informational, educational and communication campaigns on local and national public health problems, in accordance with WHO Health Calendar; harmonization of health legislation on health promotion and health education; training activities for health promotion and health education professionals; and surveys on the level of health education received by the population. MPH is responsible for implementing this program, as well as the CPHDs and institutes of public health, at local level. The health promotion network is represented, at the national level, by the Department of Public Health, in MPH, while at local level, by the departments of health promotion of CPHDs. In addition to implementing the national program of health promotion and health education, health promotion departments of the CPHDs develop programs in the field, according to local needs, involving the local community and local authorities.

379. National Centre for Education and Communication in Health, a component of National Institute of Public Health in Bucharest is responsible for technical coordination, monitoring and evaluation of the national health promotion and health education network. It participates in the elaboration and implementation of the health promotion and health education programs. Also, a National Centre for Health Promotion operates within the School of Public Health and Health Management, providing technical assistance for governmental agencies and NGOs, training the staff involved in health promotion and health education activities and conducting research on factors influencing healthy attitudes and behaviours.

380. Several NGOs active in the field of health promotion focus on developing a closer contact with targeted local communities; they are, however, unevenly distributed across the country, being concentrated, mainly, in the big cities. Romania also participates in international programs, such as the European Network of Health Promoting Schools (coordinated by WHO, Council of Europe and EU and at national level, by the National

Centre for Health Promotion) and in several UNICEF programs (Training of Trainers for HIV/AIDS prevention; Information, Education, Communication Program in Reproductive Health; Program for Women and Children's Health).

International assistance in health care

381. Romania has concluded and run several bilateral agreements with specific forms of cooperation and financial aid in health. with USA (USAID), United Kingdom of Great Britain and Northern Ireland (DFID), Japan (JICA) and Switzerland (SDC) have been some of the most active donors in this area. UNICEF has been involved in four program areas: women and children's health; family education; children in especially difficult circumstances; and planning, social policy development and advocacy. UNFPA has supported the strategy on reproductive health and interventions in the framework of Making Pregnancy Safer. At the same time, UNAIDS has supported public campaigns that aimed at increasing awareness on HIV/AIDS, as well as the process of increased access to antiretroviral therapy. The later was supported, also, by WHO together with other technical support in the field of making pregnancy safer, infectious diseases, surveillance of infectious diseases and pharmaceuticals.

Article 13: The right to education

382. According to the Education Law No. 84/1995, amended and republished, the Government through the Ministry of Education, Research, Youth and Sports (MERYS) is in charge with the delivery, at national level, of compulsory education.

383. The Education Law stipulates that:

- Compulsory education for 10 years and consists of primary education (1st to 4th grades) and lower secondary education (5th to 10th grades). Children have to start compulsory education at the age of 6, but parents may decide to postpone the enrolment in the first year, by one year.
- Compulsory education in State schools is free of charge.
- Compulsory education consists of day classes. Students may attend night classes or reduced frequency classes only after the age of 18.
- State schools are financed by the State budget and by local authorities' budgets. Nevertheless, education may be financed directly by companies or other sponsors, and can be supported through scholarships, donations, fees or other sources.
- Textbooks for compulsory education are bought by MERYS and lent to the pupils throughout the school year. The high school students from families with low income receive textbooks for free.

384. All State secondary education including technical and vocational secondary education is free of charge, generally available and accessible to all.

385. Lower secondary education (5th to 10th grades) is compulsory. All graduates of the 4th grade can pass from primary to lower secondary education. Students are automatically enrolled into the next grade, provided they graduate the current grade. 5th to 8th grades represent general education.

386. Students in the last 2 grades of compulsory education (9th and 10th grades) may be enrolled either in Arts and Crafts schools or in high schools. State schools offer in the 9th grade enough places to cover the enrolment of all 8th grade graduates. There are three types of high schools: theoretical (academic), technologic and vocational (music, dance, fine arts, sports etc.). All 10th grade graduates have the right to continue their studies in the upper

cycle of high school (11th and 12th and, in some cases, 13th grades). Students obtain a professional qualification at the graduation of Arts and Crafts schools. Graduates of 10th grade from Arts and Crafts schools may continue their studies in the upper cycle of high school, after graduating a completion year. This completion year allows them to increase their level of professional qualification and to complete their general education. The number of places ensured in State education for 11th grade (either in the high schools or in the completion year) is at least equal to the number of 10th grade graduates.

387. Upper secondary education consists of 2 or 3 years (11th, 12th and, in some cases, 13th grade). Upper secondary education in State schools is also free of charge. Textbooks have to be purchased by the student, except for the students coming from families whose monthly income per family member is equal to or lower than the minimum gross income on economy. Their textbooks are bought from the MERYS' budget.

Extent of general access to higher education

Costs of higher education

Free education, established or introduced progressively

388. According to the Law of Education, all graduates of high-schools, with a baccalaureate diploma, have the right to access higher education. The methodology of admission is decided at the level of the universities. A Government Decision approves, annually, the number of places in State universities financed by the State budget. At the same time, State universities may also offer places per pay. Students in private universities pay fees. The law allows State universities to establish fees, in cases such as: outrunning of the schooling period, as being regulated by the in force legislation; entrance examinations; enrolment, re-enrolment, re-examinations, activities or evaluations which are not included in the normal schooling plans. The level of the fees and the conditions for exemption are set by each University Senate.

389. The total number of places available every year in State and private universities is approximately equal to the number of high school graduates, thus offering general access to higher education.

390. Second chance program for primary education - According to the Law of Education, MERYS can organize primary education courses for those persons who have not graduated the primary education by the age of 14 for various reasons. As a consequence, by means of the project "Access to education for disadvantaged groups," funded by EU PHARE fund, MERYS developed the "Second chance program for primary education." The program targets young people who have not finished primary education and are at least 4 years older than the normal age for their level of education. The objectives of the program are to support a flexible model of school re-integration for primary education, for persons who dropped out of school before finishing their level of education; to deliver a curriculum adapted to the needs of the youth participating in the project and to the national standards for compulsory education; to train human resources: school managers, project coordinators for each school, teachers, school mediators.

391. The standard duration of the Second chance program for primary education, for a person who has not attend school at all, is 2 years, which represents half of the normal duration for primary education; the duration is shorter for students who have already graduated some years in the mainstream primary education and can be shortened for those persons who are able to graduate the program more quickly; the organization of the courses is flexible and can be adapted to students' specific condition: evening courses, weekend courses, holiday courses etc., for students who have to work during their participation in the program, students who take care of children or other family members etc.

392. The Second chance program for primary education ensures less numerous groups (8 to 15 students), than in the mainstream education (20-25 students); a modular design of the curriculum and the evaluation and recognition of competencies acquired at the end of each module, which ensures more flexibility, allowing students to get in and out of the program, according to their needs (it is very important for students who are involved in season work). It also allows students to adapt their rhythm of learning to their own weaknesses or strengths (ex. a student might be in the 3rd grade in history and in the 2nd grade in mathematics); specific educational materials support for students and teachers have been designed and approved by MERYS and are available on the website of the ministry; the possibility of evaluating and recognizing competencies acquired in formal, informal and non-formal contexts, at the beginning or during the participation in the program; a strong component of counselling and orientation and of individual support for different subjects.

393. At the end of PHARE pilot project, the Second chance program for primary education has been extended and applied throughout the country, it is financed by the State budget and local budgets, as part of compulsory education. About 4,848 students attend the second chance program at primary level.

394. In the case of Roma students, school mediators have been employed, in some schools, in order to make the program known and to facilitate the dialogue between teachers, pupils, parents and local community.

395. Since State education in Romania is funded by the State budget, and that it is free of charge, each child's right to education is guaranteed by the law and put in practice. There are, however, some categories of students who encounter difficulties in exercising their right of access to quality education: children from remote rural areas, Roma children, children with special educational needs. While their right to education is guaranteed, these children might have difficulties:

- Children in remote areas: the distance to school and the bad road infrastructure might make transport to school difficult, especially during winter; MERYS ensures school buses for remote areas, providing their transportation to school, free of charge. Where this is not possible, children are offered boarding in school facilities in other localities;
- Children from very poor and remote areas: some schools encounter difficulties in finding qualified teachers and the turnover of the teaching staff is important; there has been a restructuring of the school network, through the development of strong schools, with good infrastructure and qualified teachers, which gather children from several smaller communities. In these cases, school buses have been provided;
- Roma children who come from very poor families with a low level of education and, often, with many children. These children often help their parents in the household, take care of their younger brothers or accompany their parents to seasonal work, thus being absent from school; because of their poor economic and social condition, and, in some cases, because of early marriages tradition, they often drop out of school or do not continue their studies after the 8th grade; a set of measures has been implemented to support Roma children's access to education:
- Attracting Roma children to preschool and school education; the free meal offered to all children (the 'Milk and Bread' program) contributed greatly in this respect;
- Organization of summer kindergartens for Roma children who never attended this level of education;
- Rehabilitation of the schools in poor environments and improvement of the capacity of the teaching staff who perform in these schools;

- Introduction of Romani language courses; establishment of special positions of inspectors for Roma children education in all county school inspectorates;
- Introduction of the position of school mediator in the Romanian education system, acting as an interface between school and community, having the role to improve enrolment, participation and prevention of school dropout. His/her role is very important in the communities where the level of education of the parents is low, in order to explain the role and the importance of education, to present the educational opportunities to children and parents, but also in presenting specific issues related to the student and his/her family to the school;
- Elaboration of specific regulations, in order to forbid, prevent and combat school segregation of Roma children; affirmative measures have been adopted for Roma youth in order to encourage them to attend higher levels of education: special places have been created for Roma candidates in high schools and universities;
- Children with special educational needs are enrolled either in special schools or in main schools, according to their type and level of disability. Children included in mainstream schools are supported by itinerant/support teachers. In severe cases, school classes are ensured at home or in the hospital.

Statistical data

Ratio of male and female children enrolled in various levels of education by population of school age (%)

Type of education	Total/ Male/ Female	2002-	2003-	2004-	2005-	2006-	2007-
		2003	2004	2005	2006	2007	2008
Primary school	Total	96.5	98.2	98.0	98.0	97.0	96.0
	Male	96.8	98.5	98.3	98.1	97.2	96.2
Secondary school	Female	96.2	98.0	97.7	97.8	96.9	95.7
	Total	94.1	94.2	93.6	96.2	95.0	94.4
High school	Male	94.0	94.2	93.6	96.2	95.1	94.6
	Female	94.3	94.2	93.6	96.2	94.9	94.2
High school	Total	73.7	73.0	74.9	73.5	75.7	77.4
	Male	71.4	70.8	72.8	71.5	73.9	75.4
	Female	76.1	75.3	77.1	75.6	77.7	79.5

Drop-out rate in pre-university education (%)

Type of education	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Primary school	0.9	1.2	1.3	1.5	1.7	
Secondary	1.5	1.7	2.0	2.1	2.3	

Type of education	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
school						
High school	2.7	2.4	2.3	2.7	3.3	
Vocational education	7.9	5.9	5.5	7.4	8.2	

Graduates by level of education

2006-2007

Level of education	Lower secondary	High school	Vocational education	Post High school	Higher education
	%	32.3%	27.6%	19.7%	1.9%

Adults in education

Persons aged 25-64 who attended a training course during the last 4 weeks - 2007

	Total	Male	Female	Urban	Rural
Educational system based training	136,164	63,851	72,313	116,061	20,103

Participation of adults in lifelong learning is as follows:

Year	2000	2007	2008
%	0.9%	1.3%	1.5%

396. Adults who did not finish their formal education have the opportunity to follow evening classes or reduced frequency classes, at secondary level of education. As mentioned before, the Second chance program has been developed both at the level of primary and lower secondary education. The main objective of Second chance program for lower secondary education is to support a flexible type of school re-integration into lower secondary education which will combine basic education and vocational training. It targets young people who are at least 14 years, who have completed primary education, but have dropped out before finishing lower secondary education.

397. The main advantages of Second chance program for secondary education are:

- Standard duration of the Second chance program for secondary education for a person who did not attend secondary education at all is 4 years, covering 6 years of mainstream lower secondary education, as provided for by the law; the duration is shorter for students who have already graduated some years in mainstream secondary education, and can be shortened for persons who are able to graduate the program more quickly;

- Flexible organization of the courses, adapted to the students specific situations, mainly through evening courses; the possibility of starting the program either in October or in February;
- Less numerous groups than in the mainstream education (8 to 15 students, as compared to 25-30 students);
- Possibility to evaluate and recognize competencies acquired in formal, informal and non-formal contexts, at the beginning or during the participation in the program;
- Modular design of the curriculum and the evaluation and the recognition of competencies acquired at the end of each module, which ensures more flexibility, allowing students to get out and to get in the program, according to their needs; a curriculum designed in order to provide both theoretical, general courses, in order for the young people to complete basic education, and vocational training, in order for them to reach the ISCED level 1 qualification (apprentice school);
- Student centred approach, with a strong component of counselling and orientation and of individual support for different subjects; special support in educational materials for students and teachers have been designed and approved by MERYS and are available on the website of the ministry;
- Young students receive a certificate at the end of the program, that gives them the same rights as any other person having completed compulsory education, including the right to participate in the final examination of basic education; having succeed in this exam, allows for continuing their studies in high school. If they also complete the vocational training, they receive a certificate assessing their apprentice qualification;
- Students receive credits, which allow the recognition of their competencies after graduation: 30 credits for general education and 30 credits for vocational training.

398. Subjects related to Roma minority culture are present in the new designed curriculum for the Second chance programs and in the extension of the Second chance program. The most recent data (2008 – 2009) collected at national level confirm the efficiency of the program, considering the number of students who attended these courses (10,032 students) and the number of schools which organized this program courses (332 schools). The disaggregated data are as follows:

- Primary education – 268 schools; 4,848 students;
- Lower secondary education – 332 schools; 5,204 students.

<i>Year</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Percentage of GDP spent on education	3.4	3.6	3.6	3.5	3.5	3.9	4.52	5.20	6.0

399. Pre-university educational system is organized in formal and non-formal education, according to students' development characteristics.

(a) Formal education consists of:

- Preschool education, in kindergartens (from 3 to 6-7 years);
- Primary level education (grades 1 to 4, for children aged 6-7 to 10 years);

- Lower secondary education (grades 5-10, including: grades 5-8 of general education in gymnasium, for children aged 10-11 to 14-15 and grades 9-10, which can be either in the lower cycle of high school or the art and crafts schools;
- Upper secondary education (16– 18 years), consisting of upper cycle of high school;
- Third level, non-university education (post high-school).

(b) Non-formal education is provided in Children's Houses and Clubs.

400. The school schedule is regulated by the Education Law, by the national curriculum and by each school. The number of hours per week varies between 18 - 24, for primary education and, in most of the cases, 30 for secondary education. According to the number of students enrolled, schools can organize educational process either along one shift, in the morning, or along two shifts, one in the morning and the second, in the afternoon. Usually, students in primary schools learn in the first shift and secondary school students, in the second shift.

401. The forms of pre-university education are: day classes, evening classes, part time education and open distance education. Compulsory education is ensured only in day classes. Reduced frequency/evening classes may be organized for the adults in compulsory education.

402. In order to improve the quality of education in rural areas, MERYS has supported education by means of:

- Improving vocational education and training; for example, 2004–2006 TVET PHARE Program contributed to the increase of access of students coming from disadvantaged areas (small and middle sized towns, rural areas) to vocational and technical education; Rural Education Project for targeting quality education in rural areas; the results consisted in national curriculum's development focused on the professional development/initial training of teachers coming from rural areas and on its implementation in universities that provided accredited long-distance education;
- Professional development/initial training for 3,000 teachers coming from rural areas by means of the above mentioned curriculum; Social Partnership Program designed for schools in rural areas with a view to improving the access of rural school students to high quality education by means of school – local community partnerships projects. MERYS financed 761 projects, in 2006, and 776 projects in 2007; the program offered assistance in education development strategies to 3,076 local councils and in the field of project management, to 6,964 schools;
- Development of infrastructure for the schools situated in small and medium-sized communities in rural areas, or in areas lacking material possibilities, as following:
- In 2006, MERYS provided didactic materials to 4,000 schools; 1.5 million books to 4,000 schools, 80,000 sports outfits and more than 700,000 books for primary education; MERYS endowed 1,500 schools with school furniture; 428 schools were connected to drinking water distribution network; 968 schools were provided with sanitation, heating and electricity;
- In 2007, 335 schools were provided with sanitation, heating and electricity; 151 professional and technical schools were rehabilitated, by means of EU PHARE programs and 12 schools were rehabilitated by MERYS' funds; 539 schools were rehabilitated and endowed with school furniture;
- In 2008, 55 schools were rehabilitated, 29 schools were rehabilitated and endowed with school furniture; rehabilitation works of 203 schools started; technical

rehabilitation activities were finalized for 105 schools and technical rehabilitation projects started for 315 schools.

Extent of equal access to different levels of education and measures to promote practical enjoyment by vulnerable and disadvantaged groups:

403. As per issues covered by article 13 of the Covenant, the following policies and measures were promoted by the Romanian Government, in particular by MERYS regarding the ratio of men and women making use of different levels of education and taking part in these measures; the situation of particularly vulnerable and disadvantaged groups to practical enjoyment of the right to all levels of education and measures to promote literacy, the extent of enjoyment of the right to literacy and education by young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people.

404. Actions with a view to reducing disparities in children's access to education and school attendance between urban and rural areas, along several directions include the introduction of information and communication technologies (ICT) in education:

- During 2001 – 2006, educational teaching software was provided in each ICT lab, in each school; 76,000 PCs, servers and auxiliary equipment were purchased; 4,780 ICT labs were set up;
- During 2005 – 2008: 3,270 ICT labs were created; 3,005 multimedia lessons were purchased; all schools were provided with 10 PCs and 1 server; 40,000 teachers were trained in the field of ICT assisted teaching; In 2008, more than 434 million RON were invested in building schools, kindergartens, school campuses; in-service training was provided for 116,203 teachers; a national program for improving the quality of education in the rural areas worth of 90 mil. USD was developed and implemented, as well as a national program for the rehabilitation of school infrastructure, a national program to reform early childhood education (worth of 105 million EURO), a national program for inclusive early childhood education (worth of 7.8 million EURO);

405. Regarding access to education by children of vulnerable groups, MERYS has always applied the principle of “equal opportunities in education” with regard to children from disadvantaged groups, since education is regarded as a key instrument in preventing social exclusion. “Vulnerable groups” category actually includes socially, geographically, culturally disadvantaged groups and persons with special needs.

406. General measures were taken by MERYS to enforce the principle of equal opportunities in education, including:

- Six projects, worth of 37.14 million EUR, were implemented in order to increase the access to and quality of preschool education, to prevent dropout, through support measures for children from vulnerable groups and areas and to combat dropout trend, through Second chance programs;
- Education units for children of vulnerable groups were rehabilitated, furnished and endowed: primary schools, lower secondary schools, high-schools, schools for children with special educational needs (disabilities), kindergartens, sports clubs, national excellence centres, teachers' training institutions with educational materials, books, sports outfits;
- The school network was restructured, with a view to increasing the quality of education, mainly in rural areas, by employing qualified teachers, ensuring better infrastructure and improved educational materials);

- Social support and protection programs were developed, such as: free school transport (using buses provided by the MERYS for each County School Inspectorate according to the number of students who do not study in their residence area; reimbursement of the transportation costs were provided for students who attended schools farther than 50 km from their residence area (e.g. in 2007, 115,000 children benefitted from this program and in 2008, 215,933 children);
- Free of charge school supplies were provided to students coming from poor families (there were 829,298 beneficiaries in 2006; 775,446 beneficiaries in 2007, in 2008, 767,894 beneficiaries in 2009);
- National program EURO 200 granted a 200 EUR voucher for purchasing a PC to students coming from low-income families (in 2004, 25,064 children benefitted from this program, 28,570 in 2005, 28,703 beneficiaries in 2006; 38,499 beneficiaries in 2007; in 2008, 35,128 beneficiaries and in 2009, 24,698 beneficiaries);
- National program Money for High-School provided scholarships to young people coming from economic-disadvantaged families in order to support the continuation of their high-school studies (there were 87,100 beneficiaries in 2004, 87,018 beneficiaries in 2005, 105,046 beneficiaries in 2006; 119,295 beneficiaries in 2007; 141,254 beneficiaries in 2008, and 124,935 beneficiaries in 2009);
- Daily, free of charge pastry and dairy products (Milk and Bun) program are provided to children in pre-primary, primary and lower secondary schools;
- The Romanian Government Scholarship was established in September 2008 and grants scholarships to gifted and socially disadvantaged children coming from rural areas who graduated 4th grade. The measure is meant to provide support for this category of children for attending competitive schools in urban areas, according to their field of performance. The scholarship covers the cost of full boarding and school supplies. 165 students benefitted from this program, in 2008 – 2009 school year and 329 students, in 2009-2010.;

407. Support for the education of Roma children was provided by EU PHARE Programs “Access to Education for Disadvantaged Groups” (2001, 2003, 2004, 2005, 2006). The main aim of these projects was to block out social exclusion, marginalization, to promote and expand the mechanism of improving the disadvantaged communities’ access to high quality education and to enhance the respect of human rights. The access to lifelong learning process has been enabled by the sustainability component of the program, such as: training courses for all the actors involved in the education process: headmasters, inspectors, trainers, teachers, school mediators, children belonging to Roma communities.

408. The most important results achieved in the implementation of the above-mentioned PHARE programs are:

- Training 850 trainers from the 42 counties, in inclusive education, teaching-learning active methods, development and implementation of School Based Curriculum, remedial education and Second chance programs. Training sessions were held at county level, with the support of Teacher Training Houses;
- Elaboration of a new curriculum including subjects regarding Roma community’ culture and traditions, as required by the Second chance programs; 381 school mediators from 36 counties attended specialized courses and they are now employed by local communities;
- Establishing 36 resource centres for inclusive education in 36 counties participating to the program;

- Finalization of acquisition/rehabilitation procedures for 300 schools in poor communities from 25 counties that part of the program;
- Adoption of supporting (affirmative) measures in order to enhance a higher rate of school enrolment of Roma students. Between 2002 and 2008, the number of the Roma children who attended school increased from 158,128 students, to 263,409 students, especially as a result of special places reserved for Roma students in high-schools and Arts and Trades schools.

409. Access to education of children with disabilities is guaranteed by the law. The enrolment in mainstream education or in special education depends on the decision of the Commission of Child's Protection that issues the certificate of the school/professional guidance, according to the law.

- The education of children with severe mental disabilities has been dealt with and regulated by MERYS Minister's Order No. 4928/2005 regarding the approval of curriculum for special classes/groups/schools specialized in educating children with serious, severe, profound and associated deficiencies.

410. Children of immigrants are ensured the continuation of their education by the following measures taken by MERYS:

- Elaboration of Romanian language curriculum for children of the foreigners who acquired the refugee status in Romania and for the unaccompanied refugee minors (MERYS Minister's Order No. 4041/2004);
- Free Romanian language school books are granted;
- A free Romanian language course is organized, upon request, at county level; County School Inspectorates / School Inspectorate of Bucharest Municipality are in charge with the organization of the course;
- Ensuring the insertion of immigrant children in the mainstream, free of charge Romanian education;
- Development of a joint partnership project entitled "Human Rights and the Refugees' Rights", by MERYS and UNHCR, in 2006, piloted throughout the school year 2007-2008 with a view to turning this project into an optional curriculum subject. 42 teachers (one teachers per each county) and 42 schools participated to training sessions on the rights of refugees, in the framework of the project;
- Implementation, by MERYS, in 2007, of "Gravier Rule" on ensuring equal access to education by citizens coming from the EU and European Economic Space (Norway, Island, Lichtenstein and the Swiss Confederation) Member States.

411. Children of Romanian citizens working abroad - MERYS recommended that each County School Inspectorate assess, at county level, the situation of children belonging to families of Romanian citizens working in other EU Member States and act accordingly, in reaction to the phenomenon of "children left at home". This phenomenon was recorded only in 14 Romanian counties (Arad, Arges, Bacau, Bistrita Nasaud, Botosani, Brasov, Constanta, Gorj, Harghita, Maramures, Mehedinti, Salaj, Sibiu, Suceava, Valcea). Special programs were developed in order to support the enrolment of this category of children in school and to prevent school dropout. Projects were carried out in partnership with non-governmental organizations, the Church and private companies, including:

- Psychological and educational counselling delivered by psychologists, especially through the psychological and pedagogical offices in schools. Such measures address students, parents or children's legal tutors (in counties of Constanta, Harghita, Gorj, Salaj);

- Peer education (partnership projects between counties – e.g. Arges – Valcea, Mehedinti, Constanta);
- Developing life skills (Botosani, Maramures, Constanta);
- Organizing activities for children’s spare time (Bistrita, Mehedinti, Constanta, Bacau);
- Mass-media campaigns at county level (Maramures);
- Establishing *Day centres* at school (Harghita, Bistrita, Bacau);
- Training sessions for teachers were organized on “Methods and techniques of social and school inclusion, for children left at home by their parents searching for a better-paid job abroad”.

412. At the same time, MERYS:

- Developed programs on raising awareness for parents, on their role in children’s education, including “Parents’ Education” (that replaced monthly parents’ meetings into workshops with parents - www.edu-media.ro), “Parents’ Education for Their Children’s Benefit” (designed for parents of children aged 3 to 9) and “Education for Future Parents”;
- Organized, in 2007, a Project of Teaching Romanian Language, Culture and Civilization in the Romanian communities of Spain and Italy, for Romanian children living with their parents, which was extended to Belgium, in 2008; 1,500 Romanian children in Spain and 400 children in Italy benefited from this project, in 2007-2008, while in 2008-2009, approx. 1,500 Romanian children in Spain, 254 students in Italy and 155 children in Belgium benefited from this project. In 2009-2010, 3,552 Romanian children in Spain, 763 children in Italy and 80 children in Belgium have benefited from this project;
- Provided support for the education of children belonging to Romanian ethnic groups abroad studying in Romania. 1,250 scholarships were granted, in 2007, for the pre-university education.

413. Regarding fostering tolerance, assertive communication, acceptance among children, in order to enforce this objective, MERYS has promoted educational programs and acted in two directions:

(a) Ensuring the legal framework for this issue, by the MERYS Minister’s Order No. 1540/2007 on the prohibition of school segregation of Roma children and by the adoption of Methodological norms, in this respect, on preventing and eliminating segregation of Roma children in schools, as well as by Minister’s Order No. 1529/2007 regarding the promotion of diversity in the national curriculum;

(b) Encouraging the development of activities on tolerance and cultural diversity.

414. Key milestones in the development of this curriculum were MERYS Ministerial Order No. 1528/2007 on promoting diversity in education, intercultural dialogue, 2008 White Paper adopted by the Council of Europe, and Council of Europe Recommendation No. 15 / 2001 on teaching history.

415. MERYS is annually financing a number of 20 national and international projects on multiculturalism, tolerance and respect for cultural diversity (e.g. Golden Fish, Romanasul, Roma traditions Festival, Carpatica, Maratoni Meseolvasas, etc.), cross-border and European projects (e.g. Next Generation, Europe at School, Global Education, Global Teenager).

416. Each County School Inspectorate encourages schools to organize cultural events and to involve students in European cooperation projects in order to develop social inclusion, respect for cultural differences, tolerance, acceptance and mutual respect (approx. 800 projects are organized, each year, at national level).

417. Two new disciplines have been recently introduced in schools, Intercultural Education (for secondary level) and History of national minorities (for high school level) are optional and their curricula were approved by MERYS Minister's Order No. 3774/2008. Students can opt between these subjects according to the possibilities of each school. In recent years, more and more universities in Romania have introduced the initial training of BA, MA and PhD in Intercultural education. Such courses are held especially in faculties of pedagogy, psychology, science education, sociology and others. The curriculum was proposed by the National Centre for Curriculum and Assessment in Higher Education, and it aims at consolidating the capacity of teachers to include the intercultural dimension in teaching humanities disciplines, such as history and civic education. The topics of the training course for teachers included references to the close link between education for democratic citizenship and intercultural education, the development of legal and institutional framework in recent years, in Romania for promoting intercultural education in schools.

418. In 2008, a teaching material was published for general secondary education teachers of History of national minorities⁶ that was a novelty in enhancing the intercultural development in Romanian education. The document was the result of the work carried out by a group of teachers belonging to national minorities and specialists of the *Divers* Association and the Project on Ethnic Relations Regional Centre (PER). The book builds on the following integrative themes: origin and settlement of national and ethnic minorities in Romania; identity of minorities; history and relations with other minority communities; contribution of national minorities to the general and local cultural heritage; mutual perceptions in the collective imaginary. The course is optional (like the courses History of communism, History of the holocaust, etc.) and is taught in the 10th grade. The program, developed by the Institute of Education Sciences, is part of the curriculum subject Man and society and aims at familiarizing students with a multi-perspective and intercultural history.

419. Education for persons belonging to national minorities: ensuring the linguistic rights of persons belonging to national minorities required an effective educational system, as the main instrument for preserving the ethnic and national minority identity of each group.

Legal framework

420. Article 32, paragraph (3) of the Romanian Constitution, republished, states: "The right of people belonging to national minorities to learn their mother tongue and the right to be educated in this language is guaranteed; the ways to exercise these rights are established by law."

421. Article 118 of the Education Law No. 84/1995, republished, stipulates the right of people belonging to national minorities to study and be educated in their mother tongue at all levels and forms of education and types of education: "People belonging to national minorities have the right to study and to learn in their mother tongue at all levels and forms of education and types of education for which there is sufficient demand, under the law."

422. As provided by the Education Law, students belonging to national minorities benefit from special educational provisions. Where education in mother tongue is not possible

⁶ *History of National Minorities of Romania*, Editura Didactica si Pedagogica R.A., 2008: collective volume initiated by *Divers* Association and coordinated by a group of eminent historians.

because of the lack of teachers able to teach different subjects in the respective languages, children belonging to national minorities are ensured the right to study the mother tongue, by means of measures taken by County School Inspectorates who can establish groups, sections or even schools providing education in the national minorities' mother tongue, according to the local needs and based on the current legislation.

423. History and Geography of Romania may be taught in minorities' languages in primary schools; in lower secondary schools, both Minority history and Minority traditions may be studied, upon request, in national minorities' mother tongue.

424. Article 16, paragraph (3) of Law No. 448/2006 on the protection and promotion of disabled people covers the forms of education for people with disabilities that may be given in minority languages:

- (a) Special education institutions;
- (b) Schools for the re-integration of the individual, including units teaching in minority languages;
- (c) Compact groups or special classes, preschool and integrated schools;
- (d) Educational services through itinerant teachers / support;
- (e) Home school until graduation from high school, but not later than the age of 26 years, in the care of the Ministry of Education and Research;
- (f) Education 'in bed hospital, during hospitalization;
- (g) Educational alternatives.

425. In line with 2006 Thematic comments on education, made by the Advisory Committee of the Council of Europe Framework Convention on National Minorities, Romania continued to improve the access of children and youth belonging to national minorities to all forms of education, first and foremost to compulsory education, to promote social support programmes by means of school transportation, free school supplies for students from low income families, financial assistance amounting to 200 Euros for the purchase of computers by pupils and students, as mentioned in the above paragraphs).

426. Many of the above measures, coupled with other measures, such as the use of language textbooks from kin-states, helped reduce specific problems of small minorities that previously faced difficulties.

427. On funding higher education in national minorities' languages, the following measures were taken in order to increase access to education:

- Increasing funds allocated for scholarships, allowances for transportation and accommodation for students;
- Upgrading accommodation facilities;
- Ensuring differentiated funding for education in national minorities' languages (indicator 2 for funding education in Hungarian language and 2.5 for teaching in German, compared to the value of indicator, 1, for the education in Romanian language);
- State-funded places in universities for young undergraduate Roma candidates (in 2008-2009 academic year, 493 places were reserved for Roma candidates, as compared to 454 places in 2007-2008 academic year).

Measures taken in the field of didactic staff policies

428. MERYS has promoted teachers' rights and facilities and improved legal provisions. Thus, the Law No. 128/1997 regarding the status of teaching staff stipulates:

- The reduction of the didactic quota from 18 to 16 hours/week for those teachers who have been teaching for more than 25 years and have acquired the first education grade, without diminishing their salary;
- Differentiated salaries according to the level of studies, education grade, education title, teaching conditions (rural areas);
- Indemnities from 5% to 80% of the salary granted to teachers who work in isolated places, of 15 % of the salary for teachers who work in childcare institutions and in integrated special institutions;
- Teaching Skill distinction, in an amount of 20% of the basic salary, granted to teachers who taught for at least three years and recorded outstanding results in didactic innovation, in teaching practices, as expressed by pupils' prizes obtained at national and international competitions, extracurricular competitions etc.;
- 50% reduction of boarding and treatment expenses, in MERYS or educational trade unions treatment and leisure facilities;
- 50% reduction of the domestic railway transportation expenses for 6 travels/ year;
- Free of charge transportation, full boarding on trips and school camps offered to the accompanying teachers and their children aged max. 14 years old;
- Exemption from the payment of the university entrance examination taxes provided to teachers' children;
- Special distinctions: Gheorghe Lazar Diploma – 1st, 2nd and 3rd grade (granted to pre-university teachers, in an amount of 20%, 15%, 10% of the basic salary, recorded during the previous 12 months), Titu Maiorescu Diploma – 1st, 2nd and 3rd grade (granted to university teachers, in an amount of 25%, 20%, 15% of the basic salary, recorded during the previous 12 months), Alexandru Rossetti Diploma (granted to the university librarians - in an amount of 25%, 20%, 15% of the basic salary recorded during the previous 12 months) and Excellence Diploma (granted to outstanding teachers upon retirement or who are already retired, in amount of 20% of the basic salary recorded during the previous 12 months).
- All pre-university teachers receive an annual amount, equivalent to 100 EUR for the acquisition of specialized books or didactic material meant to support and improve their teaching performance.

429. The table below presents the number of pre-university private schools that have been accredited in Romania to date.

<i>Private schools/Level of education</i>	<i>2002/2003</i>	<i>2003/2004</i>	<i>2004/2005</i>	<i>2005/2006</i>	<i>2006/2007</i>	<i>2007/2008</i>
Primary and lower education schools	20	24	29	31	39	32
High-schools	46	47	48	46	45	41
Vocational schools	8	7	9	6	5	8

430. The Romanian Agency for Ensuring Quality in Pre-university Education represents the authorized body responsible for the evaluation and accreditation of private educational institutions. The Law of Education sets the general framework for private educational institution functioning and regulates the status of accredited institutions within the national system of education. Accredited private educational institutions are:

- Part of the national system of education and are subject to the provisions of the present law;
- Can be supported by State;
- Organized and function autonomously, in accordance with the legal framework of the education system.

Changes in national policies, laws and practices negatively affecting the right enshrined in article 13

431. In the field of education policies, MERYS has not encountered such negative laws and practices.

Role of international assistance in the full realization of the right to education

432. During the reporting period, MERYS benefited from the assistance of:

- United Nations agencies in Romania (UNICEF, UNFPA, UNDP, UNHCR) that supported the educational initiatives in the field of: non-formal education, early-childhood education, immigrants' education, parents' education, early-school drop-out, Roma students' education, health education, democratic citizenship education;
- The European Union, by means of PHARE Programs "Access to Education for Disadvantaged Groups" and 2004 – 2006 TVET PHARE Program centred on the improvement of the vocational education and training;
- International assistance was provided under the form of consultancy, advocacy and fundraising (e.g. UNICEF allotted annually approx. 900,000 USD to the Education Program).

Article 14: Free and compulsory primary education

433. The provisions of article 14 of ICESCR are not applicable to Romania, as the compulsory primary educational system complies with the provisions of the present Covenant as described above, in article 13.

Article 15: The right to participation in cultural life enjoy the benefits of scientific progress and benefit from the protection of moral and material interests resulting from copyright work

A. Legislative measures adopted in order to realize the right of every citizen to participate in cultural life

434. The right of every citizen to participate in cultural life is recognized and guaranteed by article 33 of the Romanian Constitution:

“(1) Access to culture is guaranteed under the law.

(2) A person's freedom to develop his/her spirituality and to gain access to the values of national and universal culture shall not be limited.

(3) The State must make sure that spiritual identity is preserved, that national culture is supported, that arts are stimulated, that cultural legacy is protected and preserved, that contemporary creativity is developed and that Romania's cultural and artistic values are promoted throughout the world.”

435. Based on the provisions of the Constitution, several laws and legal acts provide for the free access of all citizens to culture and for the promotion of culture as a field of national interest, to safeguard national cultural heritage, such as:

- Law No. 35/1994 on the literature, cinema, theatre, musical, folklore and visual arts, architecture and entertainment stamps, republished;
- Law No. 8/1996 on the copyright and related rights, with its subsequent amendments and completions;
- Law No. 182/2000 on the protection of the movable national heritage, republished;
- Law No. 245/2001 on the approval of Government Ordinance No. 51/1998 on the improvement of financing system for cultural projects and programs;
- Law No. 422/2001 on the protection of historic monuments, republished;
- Law No. 504/2002 on the Audiovisual Media with its subsequent amendments and completions;
- Law No. 334/2002 on libraries, republished;
- Law No. 186/2003 on supporting and promoting written culture, republished;
- Law No. 311/2003 on museums and public collections, republished;
- Law No. 356/2003 on the establishment, organization and functioning of the Romanian Cultural Institute;
- Law No. 120/2006 on public forum monuments;
- Law No. 143/2007 on the approval of Government Emergency Ordinance No. 118/2006 on the setting up, organization and functioning of cultural establishments;
- Law No. 26/2008 on the protection of intangible cultural heritage;
- Government Ordinance No. 51/1998 on the improvement of financing procedures for cultural projects and programs;
- Government Ordinance No. 39/2005 on cinema industry with its subsequent amendments and completions;
- Government Ordinance No. 21/2007 regarding concerts, and show performing institutions and companies and the activity of artistic agents;
- Government Emergency Ordinance No. 118/2006 on the set up, organization and functioning of cultural establishments;
- Government Decision No. 90/2010 on the organization and functioning of the Ministry of Culture and National Heritage.

B. Financial measures for the development of culture

436. The Ministry of Culture and National Heritage (MCNH) carries out its task of implementing Romanian Governments' policy in the field of culture by using a financing methodology for the development of culture that takes into account a two-fold need:

- On one hand, to ensure an equal and non-discriminatory access of all cultural agents to public resources, in a transparent and competitive environment, and

- On the other hand, to manage efficiently public resources allocated to culture, in order to satisfy cultural needs of all citizens and to promote and protect contemporary creativity, as well as cultural heritage, tangible or intangible.

437. Special emphasis has been put on co-financing cultural projects meant to stimulate cultural agents to diversify their partnership and collaboration mechanisms, this obligation being a *sine qua non* condition for obtaining financial support from the resources of the National Cultural Fund (established through the Government Decision 803/2005 regarding the organization and operation of National Cultural Fund Administration, of the Mobility Fund or in 2007 PROMOCULT program).

438. Movie industry has been encouraged, by Law No. 328/2006, approving Government Ordinance No. 39/2005 on movie industry, through a Governmental subsidy for the production and distribution of films (Cinema Fund).

439. The actions and programs initiated by the Government in support of book publishing industry targeted two objectives: to facilitate citizens' access to information and culture and to promote Romanian arts creation and artists.

440. The financial support for the encouragement of public access to reading has continued through the implementation of the National Program for the Acquisition of Books and Cultural Magazines Subscriptions for Public Libraries, as well as of the National program for financial support with State ordered titles for editorial projects and cultural periodicals.

441. The National Cultural Fund Administration was entrusted with the management of finances allocated by the budget of Ministry of Culture and National Heritage to financing programs, projects and cultural activities, as well as finances allocated to State-ordered publishing of books (GO 10/2005).

442. Financial support was also granted to the 100th celebration of the establishment of Union of Romanian Writers (150,000 RON was allocated by GD 440/2008 for supplementing the 2008 budget of the Ministry of Culture and Religious denominations, from the Budgetary Reserve Fund, at the Government's disposal), as well as for financing cultural projects in the field of written culture, through the Emergency Cultural Needs Program (in accordance to GD 78/2005, republished).

443. Another measure taken in the field of financing the culture was the G.O. No. 21/2006 regarding the regime of concession of historic monuments located on the public or private domains of the State or of the territorial units (counties). This measure meant to relieve local and national budgets of the costs associated with maintaining historical monuments. Studies of opportunity are under way regarding the concession or privatizing of certain cultural and artistic activities, in order to stimulate local administration authorities to initiate this process.

444. Priorities in cultural infrastructure during 2006-2007 included the launch of two vast programs:

- The "Rehabilitation of Historical Monuments in Romania",
- A National Priority Program for designing and building premises for cultural establishments in cities and communities deprived of such establishments, as well as for the rehabilitation, modernization, endowment and finalization of ongoing works of cultural institutions of public law in urban and small towns.

445. This program consisted in measures meant to bring cultural life back to rural communities, in such a way as to diminish the difference between the rural and the urban environment and to render the cultural domain capable of contributing to the general efforts

of European integration, as well as to stimulate local cultural institutions to cover the cultural consumption niche of local communities.

446. “Sibiu, 2007 European Cultural Capital” program was one of the most important recent events and the largest cultural program in Romania (more than 1,000 events were organized in over 200 official cultural projects). This program called for joint actions of central and local authorities aimed at supporting the sustainable development of Sibiu city and its surrounding area.

447. In the field of contemporary creation and cultural diversity, the Ministry of Culture and National Heritage offers financing for events of notable national and international visibility: George Enescu International Festival, celebration of Francophonie Year (2007), Sergiu Celibidache International Festival, Bucharest National Drama Festival, International Drama Festival in Sibiu, UNITER Awards Gala, National Drama Contest, Festival of Romanian Drama, National Festival of Romanian Comedy, Young Actor's Gala and others.

448. MCNH yearly undertakes a program in support of Romanian contemporary creativity, through the acquisition of manuscripts and endorsement of projects dedicated to promoting new music: International New Music Week, Days of Contemporary Music, “Meridian” Festival, Festival of Romanian Music, Cluj Modern and many more.

449. Also, MCNH has organized various cultural and artistic events in partnership with local public administration authorities and with the private sector, participating in the “Beautiful Romania” project, in partnership with the UNDP, for instance. “Beautiful Bucharest” sub-program, part of the larger “Beautiful Romania” program, aimed at creating a cultural and touristic offer for the Old City Centre of the Capital, a perimeter described by Lipskani, Curtea Veche and Calea Victoriei streets.

450. There are 740 museums, in Romania, out of which 15 are directly subordinated to the MCNH, while the others are financed and coordinated by local public authorities. A database of these museums and collections can be accessed on-line at <http://www.cimec.ro/scripts/Muzee/sel.asp>.

451. The objectives of the 15 museums that are directly subordinate to the Ministry of Culture and National Heritage are: scientific establishment, the management, conservation and restoration of museum patrimony and the scientific research, inventory, documentation, preservation and development of the museum patrimony in the purpose of knowledge, education and leisure, thus facilitating public access to culture in general and to movable cultural heritage and its cultural context, in particular.

452. The National Institute of the Heritage sets the basis for and manages the Yearly National Programs of Historic Monuments Restoration (research and assessment in view of designing and executing works of consolidation and restoration, in order to exploit the potential of historic monuments), as well as other restoration programs set up by means of Orders of the Minister of Culture, monitors the collection of funds from historic monuments stamps and proposes the granting of credits for the restoration of certain historic monuments which are the property of natural persons or private-law legal persons.

453. The National Centre for Preservation and Promotion of Traditional Culture is in charge of the methodological coordination of the activity of cultural establishments that operate in the field of intangible cultural heritage, involved in the applied research, documenting, collection and exploitation of the data relevant to intangible heritage and lifelong education.

454. Three cultural centres subordinated to MCNH are: “George Apostu” Cultural Centre in Bacău, “Arcuş Cultural Centre in Covasna and the “Toplita” Cultural Centre. They undertake specific activities in the field of preservation, protection and promotion of

intangible cultural heritage, as well as in the field of contemporary creativity. At the same time, these establishments constitute local centres of social cohesion and formation.

455. Theatres, as public cultural institutions, carry out an important part of MCNH's policy regarding performing arts. The repertoire strategy aims at satisfying the cultural needs of the community. The Ministry of Culture and National Heritage coordinates a number of seven theatres, which are financed by the State budget subsidies and through their own revenues. These theatres are: I.L. Caragiale National Theatre in Bucharest, Lucian Blaga National Theatre in Cluj-Napoca, Hungarian Theatre in Cluj-Napoca, Mihai Eminescu National Theatre in Timișoara, Vasile Alecsandri National Theatre in Iași, National Theatre in Târgu Mureș and Marin Sorescu National Theatre in Craiova.

456. Musical institutions subordinate to the Ministry are: National Opera of Bucharest, National Romanian Opera of Cluj-Napoca, Hungarian Opera of Cluj-Napoca, National Romanian Opera of Timișoara, Ion Dacian National Operetta Theatre in Bucharest and George Enescu Philharmonic Orchestra of Bucharest. These institutions foster artistic creativity in opera, operetta, ballet, interdisciplinary performances, symphonic and chamber concerts and recitals of the lyrical performing arts.

457. The Romanian National Library grants easy and high quality access to its collections, for the purposes of research, study or information. The specific aspect relevant for this institution is that it is financed entirely by subsidies from the State budget.

458. The National Centre of the Dance – Bucharest develops and promotes contemporary dance by producing, co-producing or hosting choreographic projects. It also organizes workshops for professionals and the general public, conferences, research seminars, debates and exhibits relating to dance or connected fields.

459. “Tinerimea Română” National Centre of Arts is in charge of organizing performances and tournaments in all artistic genres, for cultural, educational and leisure purposes. The performances and concerts organized by the Centre address audiences of all ages and categories.

460. The Romano Kher National Cultural Centre of the Roma has undertaken the mission to protect the cultural heritage and identity of the Roma ethnics, to exploit the cultural legacy of the Roma and to promote nationally and internationally the values of Roma spirituality. Until now, the main direction had been to emphasize the arts of music and dance, literature and other aspects of the Roma culture (drama etc.).

461. The National Cinematography Centre contributes to the protection, preservation and exploitation of the film patrimony in its custody and to the development of the Romanian film industry by supporting production and distribution.

462. The Video Publishing House produces and distributes long and short video-films, may they be documentaries, fictional or experimental ones.

463. The Cinematographic Creation Studio of Bucharest – encourages Romanian cinematographic production, especially for debuting filmmakers, and supports the participation of cinematographic productions in international festivals.

C. Fairs, festivals, contests

464. Every year, the Ministry of Culture and National Heritage organizes the Romanian stand at the international book fairs in Leipzig, Bologna, Budapest, Prague, Frankfurt, Istanbul and contributes financially to the Gaudeamus and BOOKFEST national book fairs, in partnership with the associations of publishers in Romania. At the same time, the Ministry grants financial support to the events and conventions listed in the Ministry's Yearly Budget Agenda and in the Bureau's Project Agenda, of which the following deserve

special notice: Days of the Poetry Magazine, International Festival and Congress “Days and Nights of Literature”, Romulus Guga Festival and Contest of Literary Creation, APLER Gala, as well as many other events of this kind.

465. Also, the Ministry has collaborated with the Romanian Cultural Institute on the Program to finance foreign publishers for the translation of Romanian authors (TPS) and on the Program for the translation of Romanian authors in foreign languages.

D. Copyright legislation

466. In Romania, the legal framework for copyright and related rights is Law 8/1996 regarding copyright and related rights with its subsequent amendments and completions.

467. In accordance to article 1 of the above mentioned law, the copyright of any work of intellectual creation is recognized and guaranteed under the law, independently of its disclosure to the public, simply by virtue of its creation, even if the work is not completed.

468. The copyright to any such literary, artistic or scientific work vests in the author and embodies attributes of moral and economic character, as follows:

- Moral character: the right to decide whether, how and when shall the work be disclosed to the public, the right to demand the recognition of one's authorship, the right to decide under which name shall the work be disclosed, the right to demand that the integrity of the work be respected and to oppose any modification or distortion of the work if it brings prejudice to the author's honour or reputation, the right to withdraw the work;
- Economic character: distinct and exclusive rights to authorize or prohibit the reproduction, distribution, importing, renting, borrowing, communicating to the public, broadcasting by radio, retransmission by wire, cable, optic fibre or any other such means, production of derivative works.

469. Moral rights may not be renounced or disposed of and, after the author's death, they are transferred to his or her legal heirs, according to civil law, for an unlimited period.

470. The economic rights mentioned in article 13 and article 21 last for the entire duration of the author's life. After the author's death, they are transferred according to the provisions of civil law, for a period of 70 years, regardless of the date the work has been legally disclosed to the public.

471. Moreover, the authors and other owners of rights or owners of author's exclusive rights referred to in this Law shall have the right to enter on the original or authorized copies of the works a notice of reserved exploitation rights consisting of a circled letter C, accompanied by their names and the place and year of the first publication (article 148).

472. Promoting values and principles like transparency and dynamism, creativity and innovation, respect for traditions, while being guided by responsibility and professionalism, the Romanian Copyright Office (ORDA) has undertaken a mission and a vision that contribute to the consolidation of civil society by better protecting copyright and related rights. Through this endeavour, ORDA wishes to reassure all creators and owners of rights that the Romanian Government is strongly committed to the protection of this domain of extreme importance to the economic, as well as social and cultural development of society.

E. Other measures adopted in view of preserving, developing and disseminating culture

473. The central public administration encourages unlimited public access to culture. In this view, for the 15 museums coordinated by the Ministry of Culture and National Heritage special conditions were created so as to facilitate public access. These are as follows: reduced entry fees for senior citizens, disabled persons, children and students. Also, the

above-mentioned museums offer free entry on special occasions: Heritage Day, International Museums Day, Museums Night, etc. Similarly, the entry to all of these museums is free for all persons on one day of the month.

474. Also, in accordance to article 21 of Law 448/2006 regarding the protection and promotion of the rights of disabled persons, republished:

(a) Initiated by the National Authority for Disabled Persons, “the competent public administration authorities shall facilitate the access of disabled persons to cultural values, patrimonial, tourist, sportive and leisure time spending objectives.

(b) In view of ensuring the access of disabled persons to culture, sport and tourism the public administration authorities shall take the following measures:

(i) support for the participation of disabled persons and their families in cultural, sportive and touristic manifestations;

(ii) organization of cultural, sportive, leisure time spending manifestations and activities, in cooperation or in partnership with legal, public or private persons;

(iii) ensuring conditions for practicing sports by disabled persons;

(iv) support for the activity of sports organizations of disabled persons.

(c) The disabled child and the accompanying person shall benefit from free tickets to shows, museums, artistic and sports events.

(d) Disabled adults shall benefit from tickets to shows, museums, artistic and sports events as follows:

(i) the adult with a severe or accentuated handicap and the accompanying person shall benefit from free tickets;

(ii) the adult with an average and small handicap shall benefit from entry tickets under the same conditions as for pupils and students.

(e) The amounts related to the rights provided under paragraph (3) and (4) shall be paid from the State budget, through the budget of the Ministry of Culture and Cults, of the National Agency for Sport, from the local budgets or, as the case may be, from the budget of public or private organizers.

475. According to the provisions of the Convention on the Rights of Persons with Disabilities that is in the process of being ratified, article 30, paragraph 1 (c), persons with disabilities have the right to participate under equal conditions with others in cultural life and shall “enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance”.

476. In order to grant access to information to persons with sight disabilities, the Romanian National Library has recently submitted a project for obtaining the financial support necessary for the creation of a special space for this category of beneficiaries. The project proposes the establishment of an information and documentation centre within the library that would grant the access to information to persons with sight disabilities. Through this centre, sight disabled persons will gain access to the collections of the library, either from inside the institution or on-line, from their homes, by the use of a special, secured section on the library's site, that will only be accessed by providing a password. The information that this centre will allow sight disabled persons to access doesn't only refer to the library's collections, but also to the information available on the Internet. This shall be achieved through five stations properly equipped (screen reader, Braille display, Daisy format book reader, scanner, Braille printer etc.).

477. In reference to the measures adopted by our State for the development of international co-operation in the domain of culture, in 2003 was passed the law of treaties, which describes an agreement at state level, government level or department level, with the purpose to create, modify or annul juridical rights and obligations, governed by international public law and materialized in the form of a unique instrument or of two or more related instruments. This marked the creation of the legal instrument for international co-operation in various activity domains, allowing Romanian institutions to conclude agreements with foreign partners and facilitating all exchanges, inclusively in the field of culture.

F. Respect for cultural rights of persons belonging to national minorities

General remarks

Promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples

478. Article 6 of the Romanian Constitution states that:

(a) The State recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

(b) The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.

479. There are 20 national minority groups in Romania, officially recognized as national minorities, namely Albanians, Armenians, Bulgarians, Croatians, Czechs, Germans, Greeks, Hungarians, Italians, Jews, Lippovan Russians, Macedonians, Polish, Roma, Ruthenians, Serbs, Slovaks, Tartars, Turks and Ukrainians. However, only 19 national minority organizations are represented in the Parliament, as the Czech and Slovak minorities are represented by the same organization.

Census of 2002

Minorities in Romania

<i>No.</i>	<i>National minority</i>	<i>Persons belonging to minorities</i>	<i>Percent of the total population</i>
1.	Hungarians	1 434 377	6.6
2.	Roma	535 250	2.5
3.	Ukrainians	61 091	0.3
4.	Germans	60 088	0.3
5.	Lippovan	36 397	0.2
6.	Turks	32 296	0.2
7.	Tatars	24 137	0.1
8.	Serbians	22 518	0.1
9.	Slovaks	17 199	0.1
10.	Bulgarians	8 092	< 0,1
11.	Croats	6 786	< 0,1
12.	Greeks	6 513	< 0,1

<i>No.</i>	<i>National minority</i>	<i>Persons belonging to minorities</i>	<i>Percent of the total population</i>
13.	Jews	5 870	< 0,1
14.	Czechs	3 938	< 0,1
15.	Polish	3 671	< 0,1
16.	Italians	3 331	< 0,1
17.	Armenians	1 780	< 0,1
18.	Macedonians	731	< 0,1
19.	Albanians	520	< 0,1
20.	Ruthenians	262	< 0,1

480. Government Decision No. 589/2001, with subsequent modifications and completions, by Government Decision No. 1175/2001, established the Council of National Minorities (CNM), as a consultative body of the Government, lacking legal personality, composed of three representatives for each of the 19 national minority organizations represented in the Parliament. The Council of National Minorities consists of the following organizations:

1. The League of the Albanians Association from Romania;
2. The Union of the Armenians from Romania;
3. The Bulgarian Union from Banat from Romania;
4. The Union of the Croats from Romania;
5. The Hellenic Union from Romania;
6. The Federation of Jewish Communities;
7. The German Democratic Forum;
8. The Association of Italians from Romania RO.AS.IT.;
9. The Democratic Alliance of Hungarians in Romania;
10. "Dom Polski" Polish Union from Romania;
11. The Social-Democratic Organization of the Roma;
12. The Community of Lippovan Russians from Romania;
13. The Union of the Serbs from Romania,
14. The Democratic Union of the Slovaks and Czechs from Romania;
15. The Democratic Union of the Turkish-Muslim Tartars from Romania;
16. The Turkish Democratic Union from Romania;
17. The Union of the Ukrainians from Romania;
18. The Association of the Macedonians from Romania;
19. The Cultural Union of the Ruthenians from Romania.

Institutional framework

481. The institutional framework for minority protection in Romania is a comprehensive one and comprises the following institutions: the Department for Interethnic Relations

(DIR) – Government of Romania, the General Direction for Education in Minority Languages (within the Ministry for Education, Research and Youth), the National Council for Combating Discrimination, the Unit for Minority Culture (within the Ministry for Culture and Denominations), the National Agency for the Roma.

482. Department for Interethnic Relations (DIR) is Romanian Government's specialized body in charge with implementing policies in the field of interethnic relations, in Romania. The main purpose of DIR is, in accordance with Government Decision 111/2005 regarding the organization and functioning of DIR, to develop a coherent policy on interethnic relations based on a real decentralization and partnership with local authorities and civil society and to consolidate the framework of protection for the rights of persons belonging to national minorities.

483. Since its establishment, in 1997, the Department for Interethnic Relations has carried out programs and projects that promote intercultural dialogue, ethno-cultural diversity, and combat discrimination, racism, xenophobia, anti-Semitism, and intolerance, monitor the implementation of and compliance with domestic and international normative acts with regards to national minorities; endorse common values and intercultural dialogue and to fight against discrimination by promoting ethnic, cultural, linguistic, and religious denominations' diversity etc.

484. With a view to ensuring that the rights of people belonging to national minorities, as Romanian citizens, are respected and fully implemented, one of DIR's mechanisms is granting financial support to projects and programs addressing issues, such as: nurturing common values, combating discrimination, anti-Semitism, xenophobia and stereotypes. DIR has organized and financed, on a yearly basis, projects aimed at promoting interethnic diversity, equal opportunities, social integration and protection, combating intolerance, discrimination and xenophobia. Every financed project and every organized program promotes the cultural and educational rights of the twenty national minorities that are officially recognized in Romania. Every year, based on a Governmental Decision, DIR allocates a significant financial support to the 19 organizations of national minorities, meant to partially cover for the projects, events, book-editing, newspapers and magazine-editing and, also, for costs related to the administrative organization of the 19 national minority organizations represented in the Council of National Minorities.

485. National minorities' organizations represented in the Council of National Minorities are, by themselves, promoters of cultural projects. The financial and technical assistance given by the DIR have a considerable contribution to promoting dialogue and preservation of cultural heritage of ethnic minorities in Romania. This assistance is considered by most organizations as a vital resource, for many of them, representing the only way to preserve identity, culture and operation.

486. Activities carried out by DIR include educational programs, contests for students, seminars, conferences, training sessions for students, teachers and journalists, the production of documentary films about national minorities in Romania, book fairs, inter-ministerial working meetings, cultural and academic events etc.

487. The objectives of these programs are:

- Promoting education as an essential element in the support of diversity and intercultural dialogue in all its aspects;
- Enhancing the central role of media in promoting the principle of equality and mutual understanding;
- Developing attitudes of respect for ethnic, cultural and religious diversity;

- Training and developing intercultural communication skills and networking to prepare participants to take active part in social life and their professional training;
- Disseminating new knowledge and practices in critical thinking.
- DIR has carried out programs and projects in cooperation with other governmental or public institutions.
- DIR with the National Institute for the Study of the Holocaust, DIR supported, in 2007, the dissemination of research studies related to the Jewish history. Also, at the initiative of the organization of the Holocaust' survivors in Romania, DIR funds, every year, the printing of a book that can be used by teachers in the history courses on the Holocaust;
- DIR and the Federation of Jewish Communities in Romania played an active role, in recent years, in making the Jews better understood, by organizing monthly conferences, debates, book launches, international meetings, making religious holidays more visible. The events were made highly visible in the media. Important personalities from the ethnic group have sustained this initiative, such as famous Romania actress Maia Morgenstern, who served as an honorary ambassador of European Year of Intercultural Dialogue.
- DIR also carried out activities jointly with non-governmental organizations and associations:
- DIR and the Centre for Independent Journalism have carried out training for journalists on the topic of diversity, including trainings for Roma journalists (2008 journalists meeting on intercultural dialogue, in central media and in national minorities' languages);
- During September 2007 - October 2008, the program Increasing the capacity of the Romanian media to facilitate social integration⁷ in order to boost the quality of coverage on disadvantaged groups in local press to a fair and comprehensive reflection of their national problems; seminars were held by professional BBC and Romanian trainers, on e-Learning.

488. National minorities were actively involved in 2008 campaign The European Year of Intercultural Dialogue, on fostering intercultural dialogue. The participation of Romania in the campaign was coordinated by the Centre of Consultancy for European Cultural Programs and could be accessed at www.dialog2008.ro. In order to promote the campaign, especially in the development of projects in the informal education sector, DIR cooperated with British Council, French Institute, the Information Office of the European Parliament, the Intercultural Institute Timisoara, the Ethno cultural Diversity Resource Centre, the Regional Centre PER, the Centre Educatia 2000 +.

489. As far as promoting and protecting cultural identity and diversity of national minorities, Romanian authorities have continued to take specific measures (logistic, material support and expertise) to implement "Pro-ethnic Culture" and "Roma Together for Europe" programs. These programs aim at creating an environment favourable to safeguarding, preserving, developing and expressing the ethnic, cultural, linguistic and religious identity of national minorities in Romania.

⁷ <http://diversitate.cji.ro/categorie.php?id=2>

The Roma minority and intercultural education

490. In order to raise awareness about the situation of the Roma community, DIR has cooperated with the National Agency for Roma (NAR) to bring about a more positive attitude of the media towards the Roma issues.

491. A TV campaign of one TV spot and five documentaries launched the message "Know the Roma before you judge them!" The documentaries brought together Roma and non-Roma persons involved in solving Roma issues and it covered the most important aspects of Roma minority in Romania: history and traditions, migration, culture, access to education, employment and public health services, issues of discrimination and forms of participation to public life.

492. The objective of the campaign was twofold: to generate further debates and improve communication between the participants (government, non-governmental and members of the Roma community) involved in enhancing social integration of the Roma minority, and to raise public awareness, especially of the youth about the numerous problems faced by the Roma minority.

493. An itinerant photo exhibition was also organized, jointly by DIR and NAR, during August-October 2008, with the motto: "The Roma: past, present and future". Approximately 100 photographs were displayed, depicting the trades and traditions of the Roma, their poverty and social exclusion.

494. Also a summer school entitled "Come closer!" was organized, in July 2008, by DIR in partnership with the Romanian Institute for Research on National Minorities and other institutions, as a program designed to raise public awareness on the complex situation of Roma community. Around 150 experts, students and researchers participated in the debate on Roma culture, language and education policies, as agents of positive change, the most appropriate research methodology for Roma communities; mechanisms of social inclusion, the special status of Roma women, non-discrimination, identity, migration, literature and Roma history etc. This summer school contributed to widening the space for constructive debates in this area. An increasing number of researchers in Romania choose to focus on Roma issue which represents an encouraging trend, as scientific recommendations and policies become a part of the academic approach towards Roma issues.

495. Raising public awareness is a goal embraced by all cultural institutions administering cultural heritage goods. Most of museums develop special programs and educational activities addressed to national minorities and ethnic groups.

496. The programs carried out by DIR were oriented towards strengthening ethnic diversity and raising public awareness on the importance of national minorities for Romania's cultural heritage. New programs were implemented that focused on a greater cultural, educational and social impact, elaborating more on various dimensions of national minorities' cultural life.

497. MCNH remains engaged on ensuring the necessary State support for the activities that preservation of cultural identity of national minorities, in fields as education, social integration and acquisition of skills needed to manage national minority issues, by organizing summer schools, courses and various organizational management programs for young people belonging to national minorities.

498. Projects carried out, in 2008, under "The Caravan of Intercultural Dialogue" program, in partnership with the European Commission, recorded a great impact. The objective of the program was to raise awareness among youth and improve public understanding about the important concepts related to national minorities. Several stages of this program were organized in different regions of the country, consisting in contests and

games focusing on developing the knowledge about rights of persons belonging to national minorities, about the traditions and culture of national minorities in Romania.

499. DIR initiated and supported media information and awareness raising campaigns regarding national minorities' cultural identity, such as: "Know the Roma before you judge them!" (in the form of 5 documentaries focusing on Roma problems, presented and discussed on television by Roma and non-Roma public figures); a photo exhibition "Come closer!" which marked the opening of the summer school "The Roma in the Romanian contemporary society", the program "Holocaust in pictures and testimonials", etc.

500. The Romanian State provides support to national minority organizations for publishing their own magazines, usually, monthly, and in a bilingual edition. They are important publications of information on current activities, appreciated by the interested public on the topic.

501. DIR has been constantly contributed to the acquisition and distribution of textbooks in minority languages and to the completion, printing and translation of various materials and publications in national minority languages (e.g. editing a volume of cultural studies: "Promoting interethnic relations through culture", "Panorama of education for national minorities in Romania between 2003-2006", "Ethnic Diversity Guide of the City of Tulcea", "Legal, Economic and Business Trilingual Dictionary", editing music albums, movie documentaries: "Minority in the perspective of civil organizations", "EU-ETHNIC - Identity Beyond Words", the organization of movie library of the organizations of national minorities: "The League of Albanians in Romania", "The Movie show of the Serbian Diaspora," etc.).

502. Artistic and cultural events were coordinated by DIR, as the most important vehicles for disseminating the cultural values of national minorities in Romania, as: cultural meetings, concerts, dance, theatre, cinema, exhibitions (ex: "Theatre Festival of National Minorities", "International Festival of Puppet Theatre", "Culture serving ethnic relations", "The Festival of Old Music", "Interethnic Film Week", "International Short film festival ALTER - NATIVE"; "Interethnic Festival of Documentary and Anthropology Films"; "International exhibition of Photographic Art", "The Meeting of ethnic fanfares", "Caravan of European Dance", the festival of cultural diversity "Community equinox", "Polish people in Bukovina", "Spiritual Treasures of the Serbs in Romania", the exhibition "Presence of the German minority in Dobrogea", "Give it a chance and see the miracle" - the exhibition for people with disabilities organized by the Hungarian Foundation "Communitas".

National minority languages

503. As minority languages hold a special place in the preservation of national minorities' identity, special attention has been paid to maintaining and promoting minority languages. On May 1, 2008, the European Charter for Regional or Minority Languages of the Council of Europe came into force, upon its ratification by Law No. 282/2007, ensuring additional protection to minority languages.

504. The Law provides for the instruments of the protection for a total of 20 languages used by national minorities in Romania. Out of the 20, 10 minority languages that are widely used in various fields enjoy a high level of protection under the provisions of third Part of the Charter. These are Bulgarian, Czech, Croatian language, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian. Other languages used in smaller areas by a smaller number of citizens, enjoy general protection under second article of the Charter and are: Albanian, Armenian, Greek, Italian, Yiddish, Macedonian, Polish, Romani, Ruthenian and Tatar.

505. Conferences, seminars and other events are organized by DIR on the monitoring and implementation of the Charter ("European Charter of languages - support for multilingualism and intercultural dialogue in Romania", a contest for students, focused on linguistic diversity in Europe and in Romania, 2008).

506. National minority organizations in Romania organized programs, courses, schools and kindergartens for the weekend that support projects in different languages, both for community members and for other interested people. The national language Olympics enjoys great popularity among students belonging to national minorities. For a few years, contests for smaller languages (new-Greek, Romani) have been also organized.

507. Romania became a member of the Council of Europe in 1993 and has since signed and ratified many Council of Europe Conventions on human rights and fundamental freedoms. The European Charter for Regional or Minority Languages was signed in 1995. This step took place after the establishment of the Council of National Minorities in Romania, in 1993, after the ratification of the Framework Convention for the Protection of National Minorities of the Council of Europe, which was achieved in 1995. Romania committed itself to adopt special measures to protect regional or minority languages spoken within its territory, at the standards applied on the continent.

508. Due to the large number of regional or minority languages used on its territory (20 ethnic groups with specific history and traditions, represented by 19 organizations and also, represented in Parliament and government, through the Council of National Minorities), the preparation of the ratification process took several years. National minority organizations were consulted on this process, as the situation of minority languages varies greatly from case to case, their coverage being difficult to achieve in a coherent way.

509. The advice and the support offered by the Council of Europe to Romania, through the Secretariat of the Languages Charter, lead to a differentiated approach as the basis for ratification, on a realistic assessment of current opportunities to protect each language, in accordance with the legislation introduced by Romania, in various fields.

510. The general objective of the organizations of citizens belonging to national minorities and institutions with responsibilities in the protection of national minorities was the ratification of European Charter for Regional or Minority Languages, with a view to the preservation and promotion of linguistic and cultural heritage of national minorities in Romania, where some of the national minorities are vulnerable due to their small number of members and their location in different areas of the country.

511. Romania highly values its rich heritage of languages and culture brought along by the national and ethnic minorities and is ready to contribute – by its best practices in various areas – to the general European effort to maintain and enhance the traditional languages and cultures on the continent, strengthening bridges and increasing social cohesion between countries.

Census of 2002

Minority Languages

<i>Language</i>	<i>Number of speakers</i>
1. Albanian	approx. 500 persons
2. Armenian	694 persons
3. Bulgarian	6,527
4. Czech	3,306
5. Croatian	6,304

<i>Language</i>	<i>Number of speakers</i>
6. German	42, 014
7. Greek	4, 004
8. Yiddish	861 (includes Hebrew speakers)
9. Italian	2, 420
10. Macedonian	between 100 – 200 persons
11. Hungarian	1, 397, 906
12. Polish	2, 604
13. Romani	235, 346
14. Russian	28, 334
15. Ruthenian	between 100 - 200 persons
16. Serbian	19, 948
17. Slovak	15, 706
18. Tatar	21, 171
19. Turkish	27, 668
20. Ukrainian	56, 116

Cultural heritage

512. The cultural heritage, tangible or intangible, is a fragile and limited source presenting a high risk of irreparable damage or loss. The lack of material resources, education or various interests could lead to the disappearance or destruction of artistic values created by the past generations. The numerically inferior minority groups are often dependent on public budgetary funds and thus vulnerable. For this reason, the national minorities have taken great recovery efforts, to preserve and pass on the values of their cultural heritage.

513. DIR constantly supports the preservation of cultural heritage of national minorities in Romania by financing the publication of studies, translations, editing books and albums, documentary films. Important pieces of literature, art and folklore were saved on audio-video support (e.g. "Historical and cultural aspects of Serbs in Romania", "Churches and monuments in the area of Odorhei", "Treasures of the Teleki Library," Pre-modern medieval fortresses and divergent ethnic contexts, Transylvania and Central and Eastern Europe ", the pilot project "Promotion of the multicultural national heritage" etc.).

Role of mass media and communications media in promoting participation in cultural life

514. A larger support is provided by public Radio and Television Broadcasting companies, in promoting participation of national minorities in cultural public life. Commercial broadcasters usually express an interest in cultural events with a mass-marketing potential.

Education in the field of culture and arts

515. Professional education, including in the field of culture and arts, is governed by Government Ordinance No. 129/2000 on adult education. According the above-mentioned act, professional training (part of larger adult education) is settled in two ways: education provided by non-authorized providers and education provided by authorized providers.

Depending on the authorization, educational programs are finalized with national acknowledged diplomas or with diplomas having a sectoral or very limited acknowledgment.

516. The authorized professional education system is developed around the „occupational standards” and „qualification standards”. Each authorized training program is developed and evaluated against the related occupational standard or qualification standard. The goal of professional education (namely, the achievement of professional competences) can be achieved through the evaluation of competences achieved either in a non-formal, or an informal education.

517. Another sub-system of professional education within classical educational framework is developed under postgraduate or post academic basic studies, in the form of master (MA) studies or doctoral (Ph.D.) studies.

518. Professional education in the adult education framework is, usually, ensured for “technical occupations”: curators, librarians, restoration workers and for some creative occupations: photographers, web-designers.

519. Professional education in the educational framework offers better opportunities for education in creative field such as: music, performing arts, painting, sculpture, audio-visual arts.

520. Professional education in the field of culture and arts is provided by both private and public organizations. Except for a small part of the public education system, there is no public (financed by State budget) incentive system in place, in order to facilitate professional education. Generally, professional education is not free of charge. Access to professional education is open to all citizens, irrespective of social, ethnic or other type of barriers.

521. Professional education is very dynamic and competitive. The main provider of professional education (within adult education) is the Centre of Professional Training in Culture. It has responsibilities regarding the development of a national, common approach in the field of professional competences, but those responsibilities are not yet implemented.

Preservation and presentation of mankind's cultural heritage

522. The preservation of the cultural heritage is covered by an articulated legislative system and a consistent institutional infrastructure, in Romania.

523. The heritage preservation system is decentralized, in Romania. The Ministry of Culture and National Heritage, and its decentralized bodies (County Directorates for Culture and Cultural Heritage) represent State authorities in the field of cultural heritage preservation. Their activity is assisted by several institutions such as:

- National Institute of Heritage (active in the field of immovable cultural heritage protection);
- National Centre for the Conservation and Promotion of Traditional Culture (active in the field of intangible cultural heritage protection) and
- Institute for Cultural Memory, branch of the Centre for Professional Training in Culture (responsible with digitization of cultural heritage and the maintenance of relevant cultural databases).

524. Apart from the authorities and institutions stated above, in the field of movable cultural heritage preservation, the direct responsibility of preservation and presentation belongs to the museums. We are counting over 750 museums and public collections, most of them being public structures, coordinated by local and central authorities and institutions.
