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| **European Semester 2017/2018 country fiche on disability** |
| **Romania** |  |
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| With comparative data provided by the ANED core team |

The [Academic Network of European Disability experts](http://disability-europe.net/) (ANED) was established by the European Commission in 2008 to provide scientific support and advice for its disability policy Unit. In particular, the activities of the Network support the development of the European Disability Strategy 2010-2020 and practical implementation of the United Nations Convention on the Rights of Persons with Disabilities in the EU.

This country report has been prepared as input for the European Semester from a disability perspective.

*Note:*

*The statistics provided in October 2017 are based on the EU-SILC 2015. This is the most recent microdata available to researchers for analysis from Eurostat. This report may be updated as new data becomes available.*

 

**Contents**

[1 Summary of the overall situation and challenges 2](#_Toc508203247)

[2 Assessment of the situation of disabled people with respect to the Europe 2020 headline targets 3](#_Toc508203248)

[2.1 Strategic targets 3](#_Toc508203249)

[2.1.1 A note on the use of EU data 5](#_Toc508203250)

[2.2 Employment data 6](#_Toc508203251)

[2.2.1 Unemployment 9](#_Toc508203252)

[2.2.2 Economic activity 11](#_Toc508203253)

[2.3 Education data 14](#_Toc508203254)

[2.3.1 Early school leavers 14](#_Toc508203255)

[2.3.2 Tertiary education 16](#_Toc508203256)

[2.4 Poverty and social exclusion data 18](#_Toc508203257)

[3 Description of the situation and trends in relation to each target area 22](#_Toc508203258)

[3.1 Employment 22](#_Toc508203259)

[3.2 Education 23](#_Toc508203260)

[3.3 Poverty and social inclusion 25](#_Toc508203261)

[4 Assessment of policies in place to meet the relevant headline targets 27](#_Toc508203262)

[4.1 Employment 27](#_Toc508203263)

[4.2 Education 30](#_Toc508203264)

[4.3 Poverty and social inclusion 31](#_Toc508203265)

[4.4 Synergies between developments in the different areas 34](#_Toc508203266)

[5 Review of the European Semester from a disability perspective 36](#_Toc508203267)

[5.1 Progress on disability-specific Country Specific Recommendations (CSRs) 36](#_Toc508203268)

[5.2 Progress on other CSRs from a disability perspective 36](#_Toc508203269)

[5.3 Assessment of disability issues in the Country Report (CR) 37](#_Toc508203270)

[6 Assessment of the structural funds ESIF 2014-2020 or other relevant funds in relation to disability challenges 39](#_Toc508203271)

[7 Recommendations 42](#_Toc508203272)

[7.1 Employment 42](#_Toc508203273)

[7.2 Education 42](#_Toc508203274)

[7.3 Poverty and social inclusion 42](#_Toc508203275)

# Summary of the overall situation and challenges

During 2016 and 2017, Romania has moved into a new stage concerning the approach towards inclusion of people with disabilities in the spirit of the CRPD, which was ratified in 2011 followed by an initial state report in 2013. The Romanian Government adopted, in September 2016, the new National Strategy called *A Society without Barriers for People with Disabilities 2016 – 2020* and a corresponding *National Action Plan.*

At the same time, the Operational Programs using European Structural and Investment Funds for 2014-2020 – particularly the Regional Operational Program and the Human Capital Operational Program do provide significant ground/resources for developing a new approach in social care for people with disabilities, focusing on *deinstitutionalisation/transition from residential to community-based services and better access to educational training so as to become active on labour market.*

However, when it comes to the actual indicators on the situation in Romania, things are still precarious for people with disabilities: with an employment rate of only 15.5°%[[1]](#footnote-1) and a growing rate of early school leavers Romania is far from being an inclusive country for people with disabilities, despite political publicly assumed commitments. The exceptionally low activity rate demands attention, together with a high risk of poverty or social exclusion for this population group. These gaps were strongly acknowledged in the 2017 European Semester process but there is a need for evidence of clear and well implemented policy measures to address them in 2018.

In 2017, several laws have been issued or modified, so as to create new facilities for people with disabilities. The most important are the amendments on Law. no. 448/2006 – less bureaucracy for children with disabilities and adults in receiving the social benefits they are entitled to, higher social benefits and disability indemnities for people with disabilities and their caregivers and official recognition of signs languages are just some of the changes adopted in the summer of 2017 in terms of legislation for persons with disabilities.[[2]](#footnote-2) On the other side, protected units have lost fiscal benefits and about 2,000 workers with disability are expected to lose their jobs. General reforms in employment and educational policies may help some people but stronger measures are needed to close the wide disability gaps.

Still, the last European Semester period has been full of events and data on disability in Romania. If some revealed terrifying situations on the living conditions people with disabilities have (see the case of the Măciuca Centre, Vâlcea country), some reflected relevant solutions taken to improve the life of people with disabilities.

# Assessment of the situation of disabled people with respect to the Europe 2020 headline targets

## Strategic targets

Table 1: Europe 2020 and agreed national targets for the general population

|  |  |  |
| --- | --- | --- |
|  | Europe 2020 targets | National targets[[3]](#footnote-3) |
| Employment | 75% of the 20-64 year-olds to be employed | 70% |
| Education | Reducing the rates of early school leaving below 10% | 11.3% |
| At least 40% of 30-34–year-olds completing third level education | 26.7% |
| Fighting poverty and social exclusion | At least 20 million fewer people in or at risk of poverty and social exclusion | Reduce by 580 000 the number of people living inpoverty or social exclusion (compared to 2008) |

Relevant disability targets from national strategies or sources:

According to the new national Strategy *A Society without barriers for people with disabilities 2016-2020*[[4]](#footnote-4)and the corresponding *Action Plan*, there are a number of *outcomes* set out for each dimension of the Strategy to be reached by 2020; however, there are no *specific* (numeric) targets for any of the dimensions mentioned below.

According to the Strategy,[[5]](#footnote-5) the *employment rate for people with disabilities* was 15.5°% in December 2014 (data from the Strategy has not been changed in the last year). The Strategy’s main objectives under the *employment* dimension are: *to ensure the access of persons with disabilities to an open, inclusive and accessible working environment, both in the public and the private sector, while ensuring access to support services for increasing employment of PwD.*

On targets related to employment we must also mention the amendments on Law no. 448/2006 regarding the protection and promotion of rights of PwD.[[6]](#footnote-6) According to the Government Ordinance no. 60/2017, Art. 78, *public authorities and institutions, legal entities, public or private that have 50 or more employees must employ people with disabilities, in an amount of at least 4 % of the total number of employees.* If not, they must pay the minimum wage for each person with disabilities not employed as according to the law. Some of the conditions (paying a sum of money to the state or buying services and products made by PwD) were revoked, but a new one, created with the scope of stimulating PwD hiring appeared – the obligation of employers to have hiring contests only for PwD, without hindering the opportunity of PwD to participate in any other contest organized by the employer.

With regard to *education,* the Strategy points to *reduced school participation of children with disabilities and increased school dropout,* without pointing to concrete figures measuring these phenomena. Correspondingly, the objectives set out for education are: *promoting education and lifelong learning at all levels for people with disabilities.*

*Poverty and social exclusion* are covered by the Strategy in the section referring to *Social protection* (p. 26), where it is mentioned that the *reduced participation of people with disabilities in education and employment may lead to exclusion, poverty and isolation. In order to prevent such effects, people with disabilities need adequate social protection, professional training, programmes for reducing poverty, corresponsing assistance for each type of disability, special programmes for housing and other support services.* The objective of the Strategy in this area is rather general – *protection and promotion of the rights of persons with disabilities for continuous improvement of their quality of living.*

Further details of the panned measures are provided in the relevant sections below.

### A note on the use of EU data

Unless specified, the summary statistics presented in this report are drawn from 2015 EU-SILC micro data.[[7]](#footnote-7) The EU-SILC sample includes people living in private households and does not include people living in institutions. The proxy used to identify people with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.[[8]](#footnote-8) Responses to this question vary between countries and national data sources are added for comparison, where available.

In 2015 there was a break in the German data (with significantly reduced prevalence estimates). As Germany is a very large country, this affected both the German national indicators and EU average indicators for this year. For example, the EU28 average disability prevalence indicator decreased between 2014 and 2015 but increased, as in previous years, if Germany is excluded. A similar trend is evident for the EU average employment rate of persons.

Table 2: Self-reported ‘activity limitations’ as a proxy for impairment/disability (EU-SILC 2015)

Source: EUSILC UDB 2015 – version of October 2017

Note: the disability prevalence rate for Romania is well above the EU28 average for the older age group, which may affect the estimation of any outcome indicators based upon it.

In subsequent tables, these data are used as a proxy to estimate ‘disability’ equality in the main target areas for EU2020 – employment, education and poverty risk.[[9]](#footnote-9) The tables are presented by disaggregating the estimated proportion of people who report and do not report limitations for each indicator (e.g. among those who are employed, unemployed, at risk of poverty, etc.).

## Employment data

Table 3: Most recent employment data, aged 20-64

Source: EUSILC UDB 2015 – version of October 2017

Table 4: Employment rate data, by age group

Source: EUSILC UDB 2015 – version of October 2017

Table 5: Trends in employment by gender and disability (aged 20-64)

Source: EUSILC UDB 2015 – version of October 2017 (and preceding UDBs)

The table above shows a comparison of national employment trends for disabled and non-disabled women and men, and compares this with the EU2020 headline indicator for the EU as a whole.

Alternative data on disability and employment provided by the national expert:

According to the official statistics,[[10]](#footnote-10) in June 2017, a total number of 33,882 adults with disabilities in Romania were employed.

The pie chart below shows the detailed situation for employment per type of disability:



*Source: Official employment Statistics from NAPD (according to data published in September 2017)*

### Unemployment

National administrative rules and definitions of ‘unemployment’ vary, and these may affect the way in which disabled people are categorised in different countries. The following tables compare national data with the EU2020 headline indicator for the EU.

Table 6: Most recent unemployment data, aged 20-64

Source: EUSILC UDB 2015 – version of October 2017

Table 7: Unemployment rate data, by age group

Source: EUSILC UDB 2015 – version of October 2017

Note: in 2015 there were fewer than 50 observations in the youngest disability group in Romania, none of whom were identified as unemployed.

Table 8: Trends in unemployment by gender and disability (aged 20-64)

Source: EUSILC UDB 2015 – version of October 2017 (and preceding UDBs)

Fluctuations in the gendered tends for people with impairments should be treated with caution, although the pattern is somewhat similar for those without. In particular, the trend for disabled men in Romania is difficult to interpret (an average trend line is inserted for illustration only)*.*

Alternative data on disability and unemployment from national sources:

The rate of employment officially reported by the Ministry of Labour and Social Justice for people with disabilities in Romania was 15.5% at the end of December 2014 (this includes people working in the open labour market as well as those in protected units), new statistics not being available at this moment. Also, data is lacking, with regards to the reference system used to calculate the employment rate in relation to the overall number of adults with disabilities in Romania –726.203 people aged over 18, by the end of June 2017.[[11]](#footnote-11)

### Economic activity

Table 9: Most recent economic activty data, aged 20-64

Source: EUSILC UDB 2015 – version of October 2017

Table 10: Activity rate data, by age group

Source: EUSILC UDB 2015 – version of October 2017

Note: in 2015 there were fewer than 50 observations in the youngest disability group in Romania.

Table 11: Trends in activity rates by gender and disability (aged 20-64)

Source: EUSILC UDB 2015 – version of October 2017 (and preceding UDBs)

Alternative data on disability and economic activity provided by the national expert:

There is scarcely any information available in Romania about the economic activity of disabled people apart from the official figures related to employment.

The National Authority for Persons with Disabilities reports for September 2017 a total number of 751 *protected units, with 8less than the previous year,*[[12]](#footnote-12)However, there is no official data available with regards to the total number of people with disabilities employed by these units, but some pieces of information have been released in the context of the Government Ordinance no. 60/2017 on amending the Law no. 448/2006 – there are 732 protected units in Romania, out of which 181 have a single employee with disabilities, and 172 have less than three. At the same time, people with disabilities have a working standard of five hours per week (out of 40 possible), meaning one hour a day. By default, the salary is related to the number of hours worked, which means that the companies have hired people with disabilities only to become protected units and to have a preferential fiscal regime.[[13]](#footnote-13)

## Education data

EU statistical comparisons are more limited concerning the education of young disabled women and men in the EU2020 target age groups. Data is available from EU-SILC (annually) as well as the Eurostat Labour Force Survey ad-hoc disability module (for 2011), but with low reliability for several countries on the key measures.[[14]](#footnote-14) Using a wider age range can improve reliability but estimations by gender remain indicative. EU trends are evident but administrative data may offer more reliable alternatives to identify national trends, where available. Confidence intervals for the disability group are wide on both indicators at the national level but reliable at the EU level. An average over several years may provide a more robust national indication.

There was also a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition in 2015.

### Early school leavers

The EU-SILC sample for the target age group (aged 18-24) includes the following number of people reporting activity ‘limitation’ (as a proxy for impairment/disability).

Table 12: EU-SILC sample size in the target age group 18-24 versus 18-29

|  |  |  |
| --- | --- | --- |
|  | **Age 18-24** | **Age 18-29** |
|  | No activity ‘limitation’ | Activity ‘limitation’ | No activity ‘limitation’ | Activity ‘limitation’ |
| **EU sample** | 32,733 | 2,673 | 54,418 | 4,840 |
| **National sample** | 1,185 | 43 | 2,013 | 89 |

Source: EUSILC UDB 2015 – version of October 2017

Table 13: Early school leavers aged 18-24 (indicative based on above sample size)

Source: EUSILC UDB 2015 – version of October 2017

Note: The confidence intervals for disability group are large and so the reliability is low. It may be more useful to consider an average of several years. There were fewer than 50 observations in the narrow age group for Romania in 2015*.*

Alternative data on disability and early school leavers provided by the national expert:

According to the Report *Education – (lack of) chance for integration for children with disability in Romania,*[[15]](#footnote-15) of the total number of over 70,000 children with disabilities, only approx. 40,000 are registered in any form of education. The level of non-registration of children with disabilities in any form of education is approx. 24 %.

National statistics reveal that, in 2013, the annual rate of school leavers in primary and secondary education was 1,5% for the pre-university system, in 2014 was 2% and in 2015 reached 1,8%.[[16]](#footnote-16) For high school, the rate is even higher – 2,9% in 2013, 3,5% in 2014 and 3,6% in 2015.[[17]](#footnote-17) Professional training in education and post-high school education have the highest rate of school leavers – 7,9% in 2013, 10,7% in 2014 and 9,7% in 2015, thus having an average rate of early school leavers of 3,1% in 2013, of 4,2% in 2014 and of 3,76% in 2015.[[18]](#footnote-18)

Unfortunately, national statistics make no difference between the early school leavers, so there is are no specific data on people with disability and their educational attendance.

### Tertiary education

The EU-SILC sample for the target age group (aged 30-34) includes the following number of people reporting activity ‘limitation’ (a proxy for impairment/disability) although the number of missing observations is larger than the number of observations for activity limitation.

Table 14: EU-SILC sample size for the target age group 30-34 versus 30-39

|  |  |  |
| --- | --- | --- |
|  | **Age 30-34** | **Age 30-39** |
|  | No activity ‘limitation’ | Activity ‘limitation’ | No activity ‘limitation’ | Activity ‘limitation’ |
| **EU sample** | 23,233 | 2,793 | 49,559 | 6,572 |
| **National sample** | 788 | 66 | 1,877 | 163 |

Source: EUSILC UDB 2015 – version of October 2017

Table 15: Completion of tertiary or equivalent education (indicative based on above sample)

Source: EUSILC UDB 2015 – version of October 2017

The survey sample is not sufficient to provide robust trend data disaggregated by gender in the narrow EU2020 target age group. In general the achievement of tertiary education was higher for women than for men in both disabled and non-disabled groups.

Table 16: Trends in tertiary education by disability (aged 30-34)

Source: EUSILC UDB 2015 – version of October 2017 (and preceding UDBs)

Fluctuations in trends for people with impairments should be treated with caution at the national level. An indicative trend line is added for illustration only*.*

Alternative data on disability and tertiary education provided by the national expert:

The national Strategy[[19]](#footnote-19) states that *information regarding participation of persons with disabilities in tertiary (university) education is not collected at national level, but various studies in the field point out that the numbers are very low*[[20]](#footnote-20)(n.b. However, the official document does not give any concrete figure, or refer to any alternative report that documents the participation of persons with disabilities in tertiary education).

It is to be mentioned that some universities have a planning on the number of state-funded tuition fees – most of the times, these free of charge studies places were reserved for Roma community students. In the admission period of 2017, out of 4.947 free of charge studies places at the University Babes-Bolyai from Cluj Napoca, 5 are for people with disabilities[[21]](#footnote-21) (while 60 are for Roma community and 128 for Romanians leaving outside Romania). The free of charge places are only for the studies in Social Assistance.[[22]](#footnote-22)

Other universities, like University Valahia from Târgovişte, offers some facilities for people with disabilities willing to follow university studies,[[23]](#footnote-23) such as:

- exemption from paying the admission fee, no matter the number of specializations to which the person with disabilities applies;

- 50% reduction of the accommodation fee at the university campus, if necessary during the admission exam;

- acceptance of the simplified (non-legalized) copy of the disability certificate.

## Poverty and social exclusion data

EU SILC data provides indicators of the key risks for people with disabilities. In addition to household risks of low work intensity, there are risks of low income (after social transfers), and material deprivation. These three measures are combined in the overall estimate of risk. The risks for older people do not include work intensity (Eurostat refers to the age group 0-59 for this measure). The survey does not distinguish ‘activity limitation’ (the proxy for impairment/disability) for children under the age of 16. Relevant data provided by the national expert is added where available.

Table 17: People living in household poverty and exclusion by disability and risk (aged 16-59)

Source: EUSILC UDB 2015 – version of October 2017

Table 18: People living in household poverty and exclusion by disability and gender (aged 16+)

Source: EUSILC UDB 2015 – version of October 2017

Table 19: Overall risk of household poverty or exclusion by disability and age (aged 16+)

Source: EUSILC UDB 2015 – version of October 2017

Table 20: Trends in household risk of poverty and exclusion by disability and age (EU-SILC 2015)

Source: EUSILC UDB 2015 – version of October 2017 (and previous UDB)

Alternative data on disability and risk of poverty or social exclusion provided by the national expert:

According to the Strategy,[[24]](#footnote-24) limited access to employment but can cause high risk of social exclusion and poverty for people with disabilities. In Romania, at risk-of-poverty are persons with an equated disposable income below the risk-of-poverty threshold, which is set at 60 % of the national medium disposable income (after social transfers). In Romania, the median wage is, in 2017, after social transfers, in amount of 2.196 lei (meaning 477 euros, with 50 euros more than the previous year), therefore, to be above poverty line and avoid social exclusion, people must earn at least 1.317 lei (meaning 286 euros).

In this context, by token of GO. 60/2017 to amend Law no. 448/2006, a severe disabled adult earns, at the moment, 1.296 lei monthly (meaning 289 euros) – payed by the Government - including the indemnity for his caregiver. So this person retains only 340 lei (meaning 76 euros). An accentuated disabled adult earns 272 lei monthly (meaning 61 euros). We have no data on how many of them have a job, and furthermore, on their wage. A medium disabled adult earns 39 lei monthly (meaning 9 euro). This people might have a job, but the exposure to poverty is likely present.

Starting January 1, 2018, the social benefits received by people with disabilities will be in a higher amount,[[25]](#footnote-25) as it follows: 450 lei – meaning 98 euros for the severe disabled adult (compared to 340 lei – 76 euros at the moment), 350 lei – meaning 76 euros for the accentuated disabled adult (compared to 272 lei – 61 euros at the moment), and 50 lei – meaning 11 euros for the medium disabled adult (compared to 39 lei – 9 euros at the moment). Another increase of the amount received by people with disabilities is planned for July 2017 as it follows: 500 lei for the severe disabled adult, 375 lei for the accentuated disabled adult and 60 lei for the medium disabled adult.

Although the Government tried to give higher amounts, a disabled adult and his caregiver (when there is the case) are still highly exposed to poverty.

# Description of the situation and trends in relation to each target area

## Employment

The employment situation in Romania is characterised by a moderate general rate of employment but with a wide disability employment gap (and other disadvantaged groups). This concern was highlighted as a challenge in the 2017 CSRs, drawing attention also to low activity rates. It will be important to assess in more detail what barriers are contributing to the lack of progress on employment outcomes for disabled people in Romania. By contrast, general unemployment appears low and with a relatively narrow disability gap (this may suggest that exclusion from the labour market is relevant alongside exclusion from employment). In fact, Romania stands out among the EU countries for its very low activity rates for disabled people (below 20%). The activity gap is extreme for severely disabled people.

On December 31st, 2014, the employment rate of people with disabilities was, according to the Ministry of Labour and Social Justice, of 15.5 %. The number of people with disabilities employed by the end of June 2016 is of 33.882 people and does not indicate a significant increase in the rate of employment of PwD compared to 2015 from 31,333 , or to 2016, from 32.734 Although Romania used to have legal provisions encouraging employment of PwD such as: exemption from income tax for severe/accentuated disability and the possibility to combine social benefits with revenues; and employers hiring young people with disabilities receiving monthly subsidies for a period of 18 months, equalling:

* 500 lei (approx. 111 euro) for hiring high-school or professional school graduates;
* 600 lei (approx. 133 euro) for hiring post high-school graduates with disabilities;
* 750 lei (approx. 166 euro) for hiring university graduates – people with disabilities;

the new amendments to the Law no. 448/2006 are expected to lead to job losing for 2.000 people with disabilities.[[26]](#footnote-26) The GO. 60/2017 removed, starting September 1, all the fiscal and economic facilities of protected units, with no transitional or compensatory measures, which will lead to bankruptcy of these protected units.

Limited employment of people with disabilities may generate a high risk of social exclusion and poverty. Some of the main causes of the high unemployment rate identified by the national Strategy are:

* Disappearance of some traditional crafts usually practiced by people with certain disabilities;
* Low accessibility of transport to and from the working place;
* Lack of reasonable accommodation at the workplace and lack of accessible technologies;
* Low levels of information amongst employers with regards to the economic benefits (e.g. subsidies) for employing people with disabilities;
* Limits of the education system, which does not cover necessary training for people with disabilities.

In this context, an increased participation of people with disabilities in an inclusive labour market would ensure the economic valorisation of their potential and would contribute to reaching the national targets.

## Education

On the basis of the EU level data, there is concern that the general level of early school leaving in Romania is high although the disability gap appears proportionally moderate compared to countries facing the same situation. Nevertheless, the 2017 Joint Employment Report highlights the general NEET rates in Romania as a ‘critical situation’ and this affects young disabled people disproportionately. Similarly, the low tertiary education rate in Romania has raised concern and disabled people are more affected (although the disability gap appears moderate compared to some other countries). Disabled students' access to education it's full with many obstacles, including negative attitudes of school principals, teachers, lack of adequate materials

learning and working methods, lack of adequate means of access to their disability,

lack of support services (counselling, school and professional orientation, etc.). Even more, the absence of commitment in the Romanian legislation of ensuring an inclusive education for children with disabilities maintains a tendency to ignore and even to rejecting children with disability from receiving at high quality education and inclusion into society.

Another important problem is the lack/insufficiency of early education, such as access to children with disabilities to pre-school education is very limited and there is a major deficit in early identification and proper school orientation from early ages.

A major challenge of the education system in Romania is *monitoring access of persons with disabilities’ access to different forms of education and training.* The main official sources of information at national level are: the National Authority for Persons with Disabilities, National Authority for Child Protection, National Institute of Statistics, Ministry of Education and Research. Yet information is collected at different times of the year, using different criteria – thus resulting in significant variances and data cannot be compared/complemented between the educational and social assistance systems.

For instance, according to the data collected from the County School Inspectorates,[[27]](#footnote-27) the situation of *children with disabilities* points to the following:

* Children with disabilities attending mainstream education: 13,844 (34.5%)
* Children with disabilities attending special education: 24,974 (62.3%)
* Children with disabilities registered as home-based education: 1,292
* Total no. of children with disabilities registered in the education system: 40,083

The data provided by the National Authority for Child Protection points to a different situation for the same period of time:

* Children with disabilities attending mainstream education: 23,773 (59.8%)
* Children with disabilities attending special education: 14,859 (37.4%)
* Children with disabilities registered as home-based education: 1,083
* Total no. of children with disabilities registered in the education system: 39,715

Also, we must mention that according to the latest quarterly statistics published by the National Authority for Persons with Disabilities valid for June, 30, 2017[[28]](#footnote-28) there are officially registered a total number of 2 children with disabilities living in residential institutions, aged 15-17 years old (both of them with associated disabilities). Compared to the previous year, we can assume that the number of institutionalized children dropped as they became adults (were 18 years old at the moment of the latest quarterly). We may assume that none of these children is registered under any form of education and also we estimate that the total number of institutionalized children is underreported by General Directorates of Social Assistance and Childcare (as for March 2017, The National Authority for Child Protection and Adoption reported 19.236 child in residential institutions, 15.335 in public institutions and 3.901 in private institutions).[[29]](#footnote-29)

According to the Ministry of Education, there are 27,350[[30]](#footnote-30) children with disability attentind special education, for whom the Ministry allocated, in June 2016, 68 milion lei (little over 15 milion euros) as to integrate them in the mainstream education. Also, at the end of 2016, The Ministry of Education proposed an education policy to ensure equity in education in terms of equal access to all forms of education and quality of education for all children without discrimination based, among other, on disability and/or special educational requirements.

Total no. of children with disabilities in Romania is 61,889,[[31]](#footnote-31) according to Ministry of Labour and Social Justice..

Basically, the education system and the social protection system report contradictory results for the situation of children registered in mainstream as compared to special education.

Also, there is a lack of official (assumed) data with regards to the situation of children with disabilities who are not registered in any form of education. A recent report launched by the European Centre for the Rights of Children with Disabilities[[32]](#footnote-32) points to a total number of over 17,000 children with disabilities (24 %) not attending any form of education.

## Poverty and social inclusion

The 2017 Alert Mechanism highlighted how general income inequality has increased markedly in Romania during the period of the crisis and the particularly high risk of poverty or social exclusion (AROPE) for disabled people was highlighted in the 2017 Joint Employment Report. This is true also for the in-work poverty rate among disabled people.[[33]](#footnote-33)

The main related measures for combating poverty and improving social inclusion of people with disabilities targeted:

* Introduction of a monthly allocation for children in family foster care
* Introduction of an allowance equalling the minimum gross income for post-institutionalized children leaving the care system
* Increase of the daily food allowance of children in special protection

Beyond this, is it important to emphasize that, according to 2016 CSR, deinstitutionalisation of people with disability remains a challenge, as Romania fails to meet its objectives, although in 2017 CSR there is no mention on this issue. Two important documents on this matter - the National Interest Program on protection and promotion of rights of persons with disabilities and the National Strategy for people with disabilities have been postponed from adoption for months/years. The National Interest Program has been submitted to public consultation at the end of January 2016, but adopted 10 months later, in October 2016. The NIP aims the deinstitutionalisation of 1300 people with disability, out of which 784 by national funding. Also, the NIP sigh for 75 new protected dwellings, 76 day care centres and 8 new respire/crisis centres until 2018. The other legislative document - The National Strategy for people with disabilities, that covers also the deinstitutionalisation subject, viewed as a priority for Romania, was finally adopted in September 2016, after almost 3 years of postponement. The Strategy states that Romania is committed to ensure the transition from residential care based system to one based on alternative community service, currently underdeveloped.

Last, but not least, even if the philosophy of new structural funds (ESF and ERDF) is focused on the deinstitutionalisation, no project has been funded by now.

Several projects targeting the active social inclusion of vulnerable groups (including people with disabilities) were implemented by the Ministry of Labour and Social Justice – including training courses and counselling services.

The National Strategy on Social Inclusion and Poverty 2015 - 2020[[34]](#footnote-34) includes people with disabilities among the most vulnerable categories – pointing to 687.000 children and adults with disabilities living in households and 16.800 in residential care system, as well as 62,000 children in the special protection system. The same strategy refers to the low employment rate of PwD (7.25 % aged 18 to 64). The situation in which a member of the family of a person with disabilities (usually the mother) quits job and becomes the personal assistant of the child or adult with disability is very frequent. Most of the people with disabilities living in families are confronted with severe economic and social deprivations. A study carried out in 2010[[35]](#footnote-35) on quality of life of children and your people with disabilities pointed out that 89 % of the personal assistants are family members (parents). Only 20 % of the respondents declared that their income level is satisfactory for a decent life. Monoparental families are also numerous and risk of poverty for these families is higher, particularly when they include one or more children with disabilities.

According to 2017 CSR, people with disabilities are still at high risk of poverty,[[36]](#footnote-36) despite the comprehensive anti-poverty package adopted in 2016.

# Assessment of policies in place to meet the relevant headline targets

## Employment

One of the main structural problems identified in relation to the lack of access to the labour market for people with disabilities is a lack of knowledge/understanding of their potential. The disability evaluation system still uses medical/functional criteria, which restricts the participation of people with disabilities particularly in the labour market and, in consequence, does not allow the possibility of intervention through specialised services. Although the Institutional Strategy of the National Employment Agency for 2016-2020 mentions the fact that people with disabilities are a disadvantaged group on the labour market and must be attracted into it, NEA admits not having personalized/adequate counselling services for them. Even more, the lack of staff and proper space to carry out their work is also relevant in this matter.

The reduced number of support services for people with disabilities such as *supported employment, accessible transportation and reasonable accommodation* represent an important cause of the high unemployment rate. Furthermore, many people with disabilities still need counselling for increasing self-esteem and training and coaching for developing/practicing their abilities in order to get a job.

In Romania, employment of people with disabilities is also regulated by a *quota system:*[[37]](#footnote-37)according to the legislation on protection of rights of people with disabilities, any employer (public or private) with more than 50 employees must hire at least 4 % people with disabilities *or* pay to the state budget the minimum salary calculated for each position reserved to a person with a disability. Until August 2017, employers not hiring people with disabilities could purchase goods and services from protected units for the minimum equivalent amount to the latter, but this criterion has been removed. For the moment, it is hard to predict whether the employers would still prefer the last option to the detriment of the quota system, with reasons given ranging from *lack of request for jobs from people with disabilities* or *lack of reasonable accommodation, skills, information to make jobs accessible* etc.[[38]](#footnote-38)

Compared to the 2016 NRP for Romania, the most recent NRP noted some relevant developments. UIB (Unemployment Insurance Budget) subsidized programmes aiming at facilitating the temporary employment of unemployed and beneficiaries of social protection measures, based on a fixed-term working agreement of no more than 12 months. The incentive scheme will finance community-led local programmes in which will more than 9,000 persons will participate in the labour market in the year 2016, among them people with disabilities.[[39]](#footnote-39) In the previous years, UIB financed employment services for about 740 disabled persons. The 2017 NRP mentioned that, through mobility schemes, apprenticeship and counselling programmes and traineeships, activation incentives and employers’ subsidies, the (re)integration into the labour market of unemployed, including disabled persons, will be encouraged.

In this context, new projects using structural funds have been opened, some of those aimed at *Increasing the quality of the educational infrastructure relevant to the labour market, Increasing the quality of the educational infrastructure* (opened from August 2017 to December 2018) – Axis 4 and some aimed at *Increasing the number of tertiary and non-tertiary education graduates in finding a job as a result of access to learning activities to a potential job / research / innovation* (opened from October 2016 to February 2017).

Also, we must mention that ESF funded (re)qualification programmes or equal opportunity measures for 3,846 disabled persons (see Section 6 later).

Simultaneously, an annual report on the Employment Program for 2015 shows that people belonging to disadvantaged groups on labour market receive special attention from the National Agency for Employment and benefit from training – in 2015, 23.098 jobless people, out of which only 0,29 % with disabilities[[40]](#footnote-40) (69 people). One of the possible explanations for these little numbers is that the National Employment Agency is more and more focused on integrating Romanian workers on European labour market and on informing on standard employment opportunities.

However, measures related to increasing participation on the labour market of inactive people including people with disabilities point to: *encouraging entrepreneurship, social economy and self-employment.*

Based on the existing situation pointing to a massive unemployment amongst people with disabilities in Romania (caused by multiple factors such as low payment rates for PwD, reticence of employers etc.), such measures should be accompanied by more vigorous policy approaches such as, for example, eliminating the option of choosing to pay to the state budget instead of hiring people with disabilities – particularly in the case of public authorities or introducing the supported employment services.

Main specific objectives and planned actions for employment of PwD provisioned in the Plan of Actions for 2016 – 2020 (consequent to the National Strategy) period are:

1. Ensuring access of PwD to an open, inclusive and accessible working environment
2. Ensuring access of PwD to vocational training, entrepreneurial and independent living training
3. Promoting valuable contributions that PwD may bring to communities, through employment and work
4. Coordinating and monitoring the process of promoting and protecting the right to independent living and work of people with disabilities.

Concrete actions to be undertaken under the above mentioned specific objectives:

SO1:

* Improving the administrative procedures in what concerns the recruitment, employment and maintaining on the labour market, career path, health and security at workplace for people with disabilities;
* Elaborating information programs (including in accessible formats) regarding the rights and liberties of people with disabilities, with an accent on the right to work and support services;
* Elaborating information packages regarding *reasonable accommodation* and *universal design* in employment;
* Integrated educational and support services for personal development of people with disabilities;
* Training, qualification and counselling for staff employed in social services, employment services and support services for people with disabilities
* Monitoring employment of PwD in public sector;
* Intensifying cooperation between local authorities with competences for auxiliary services such as: transportation, judicial assistance etc.;
* Elaboration of impact studies on the effectiveness of the quota system, reasonable accommodation, protected employment.

SO2:

* Improving the evaluation system of abilities and options of persons with disabilities;
* Improving legislation and institutions in the field of matching education and labour market for identifying and removing barriers;
* Encouraging the development of vocational training, protected shelters and alternatives for work and independent living, as well as auxiliary services;
* Training personnel currently responsible with vocational evaluation and professional orientation in independent living approach;
* Information and training for families and tutors of people of disabilities for diminishing hyper-protection;
* Participation of PwD to programs for information, counselling, personal development, *second chance* education;
* Development of community support services in employment (counselling and vocational evaluation, support for employment);
* Providing integrated services for transition from residential to community based services;
* Training personnel for deinstitutionalization.

SO 3:

* Information campaign regarding the qualifications, merits and abilities of persons with disabilities;
* Promoting alternatives for employment, social economy, best practices in employment;
* Consultations with DPOs, employers and other entities interested in employment of PwD;
* Strengthening cooperation with international organizations.

SO 4:

* Elaborating the *National Plan for Work and Independent Living for 2016 – 2020;*
* Monitoring the implementation of the Plan.

## Education

The situation reported in 2016 NRP - early school leaving high rate, limited availability and access of early childhood education and care services, limited participation in lifelong learning, quality and labour market relevance of higher education inadequate, tertiary attainment low rate - seemed to have improves according to the 2017 NRP, as two ministerial orders aimed at approving the Methodology on the integrated assessment and intervention to enrolment of children with disabilities by the degree of disability, and the Framework protocol for collaboration to implement an integrated approach to community services needed to prevent social exclusion and combating poverty. It has also been developed and adopted the Methodology for providing necessary support for students with learning difficulties (Methodology approved by ministerial order in January 2017), governing appropriate assessment procedures to identify students' learning disorders and the type of intervention needed.

In this context, we mention that the Ministry of European Funds launched to new two programs in the summer of 2016 – „School for all” and „Motivated Teachers in Disadvantaged School”. While first is meant to prevent and reduce early school leaving, the second is on stimulating teacher who work with children in special situations. For both lines of financing, schools with kids at high risk of dropping out (from poor families, disabled, from Roma communities) are eligible applicants. For the first program, the application period starts at the beginning of August, while for the second is September. The amount of money available is 218,2 million euros, but we are reluctant to their spending, as the time for projects sending is short (2 months) and schools start in the middle of September.

Also, we must mention that in the last year, another important thing that happened in the education field consisted in the adoption of two national strategies: a strategy for reducing early school leaving and a strategy on tertiary education. While the last aims the improvement of accessibility of higher education (curricula, textbooks and educational technologies to be designed in accordance with all types and degrees of disabilities and/or special needs) for disadvantaged groups and the promotion of inclusive education, only fugitive remember that Romania has little to none counsellors and psychologists to support children with SEN. To exemplify, the 2016 NRP mentions the construction of four crèches/social services for disabled children (aged 0-7), but gives no information on the number of children cared for or what do they do and learn there. As long as we cannot say whether the facilities have a good or a bad impact for people with disabilities, we must mention that one of main principles of the National Strategy for People with Disabilities is inclusive education, designed to identify, reduce and eliminate the barriers to learning, both in school and outside them.

The Romanian legislation in the education field regulates the situation and rights of persons with disabilities to education in all stages, from primary education to life-long learning without discrimination. However, the legislative framework still has insufficient provisions regarding the education of children, young people and adults with disabilities. The terminology used in different pieces of legislation points to a series of confusions and even errors: concepts are used in a non-unitary manner or even inflicting with international norms. Definition of the *inclusive education* concept represents and immediate priority.

The main problem of the educational policies, respectively the Law on national education no. 1/2011 resides in the absence of a coherent approach of inclusive education for all children with *special educational requirements,* which leads to difficulties regarding the role and importance of support service, of reasonable accommodation and access to education.

Specific objectives included in the National Strategy are:

1. Ensuring access of people with disabilities to education and training in adapted formats, in communities;
2. Development of competences of persons with disabilities for full and equal participation in education and life-ling learning, as members of the communities they belong to
3. Ensuring quality educational and training services, adapted for people with disabilities and relevant from an inclusion perspective
4. Increasing the level of awareness of families, schools, communities and the society as a whole on the importance of respecting the right to education and training for all persons with disabilities

## Poverty and social inclusion

Assistance for persons with disabilities in Romania is still centred on *passive* social benefits. The key basis for receiving social benefits is represented by the *degree of disability* (handicap) – *severe, accentuated, medium* and *mild.* Persons with *severe* and *accentuated* disability benefit from monthly indemnity and a personal complementary budget, irrespective of other income of the person. For *medium* disability, the person receives also an indemnity (various amounts) a personal complementary budget, while persons with *mild* disabilities do not receive direct social benefits.

The indemnity and the personal complementary budget is added to the salary and/or pension. But when the person with disability has only these social benefits for income, this prevents him/her from accessing the *minimum insertion wage* (which is a social benefit awarded to all people living in poverty), thus pointing to the fact that the *social benefits* that people with disabilities receive in Romania are not meant to cover expenditures related to *disability,* in the sense of Article 28 of CRPD.

What 2016 NRP establishes in the field of social inclusion for people with disability consists in *The Integrated Anti-poverty Package*, a plan of 47 measures organized on a lifecycle basis to provide a "safety net" for the poorest Romanians. The measures cover all age groups (0-65+) and some are cross-cutting (such as the inclusion of disabled). In this regard, the objective of the Package is to increase the accessibility of the physical environment, transport, and media communication and means the development of three working tools: the National Accessibility Plan, National Deinstitutionalization Plan and another strategy on preparation for work and life independence.[[41]](#footnote-41) Another social inclusion measure stipulated by 2016 NRP is the establishment of the minimum inclusion income (MII), that aims to tackle the risk of social exclusion and ensure the minimum living conditions to the beneficiaries. MII will become the key anti-poverty programme by targeting better the beneficiaries, increasing MII budget as compared to the budgets of the actual social assistance programmes, and introducing a new formula of social assistance benefit that improve the opportunities of MII beneficiaries to enter the labour market. MII will be applied starting 1st April 2018 and will support, according to the Ministry of Labour and Social Justice, 34 % more beneficiaries (from 257,000 families and people to 344.600), while the average social wage will increase by 58 % compared to the current.

Specialized social services for people with disabilities are still very reduced in number and capacity and geography is unbalanced: in June 2017, only 61 non-residential services (day-care) were available to 5.935 persons with disabilities,[[42]](#footnote-42) compared to 389 residential services, accommodating 17.969 people with disabilities. It is to be mentioned that although the number of non-residential services raised from 57 to 61 in two years, the number of beneficiaries raised by 269%, from 2.203 to 5.935.

Thus, the Strategy aims to determine the development of a network of non-residential services for people with disabilities at community level, based on the evaluation of individual needs, services that are meant to contribute to increasing individual autonomy and prevent exclusion/marginalization.

The disability indemnity has been increased with 15,9 % as of January 2015 (from 202 lei to 234 lei – approx. 52 euro/month for adults with severe disability and from 166 to 193 lei – approx. 43 euro for adults with accentuated disability) and two new waves of raises are planned for January 2018 and July 2018. Starting 2018, the disability indemnity will be calculated according to the Social Reference Indicator - SRI (the old amount was calculated according to Consumer Price Index) and will be as it follows:

* 65% of the SRI for the adult with severe disability, meaning 325 lei (71 euros) instead of 234 lei;
* 50% of SRI for an adult with accentuated disabilities - 250 lei (54 euros) instead of 193 lei;

The monthly complementary personal budget, no matter of the income, will represent:

* 25% of the SRI for the adult with severe disability - 125 lei (27 euros) instead of 106 lei;
* 20% of SRI for the adult with accentuated disability- 100 lei (22 euros) instead of 79 lei;
* 10% of the SRI, for the medium disabled adult - 50 lei (11 euros) instead of 39 lei;

Starting July 1, 2018, the disability indemnity will increase to:

* 70% of the SRI for the severely disabled adult;
* 53% of the SRI for the adult with accentuated disability

And the monthly complementary personal budget, no matter of income, will be representing:

* 30% of SRI for the severely disabled adult;
* 22% of SRI for the adult with accentuated disability;
* 12% of SRI for the medium disabled adult;

According to the Law no. 448/2006 states, at Art. 26, that disabled people benefit from tax breaks: Exemption from tax on building and land; Exemption from the tax on cars, motorcycles with sidecars and moto tricycles adapted for disability; Exemption from the fee for issuing the operating license for economic activity and their annual visa; Exemption from the hotel tax.

Also, public authorities must establish criteria for renting public housing at lower costs for disabled people. Moreover, severely disabled people benefit from a living room in homes belonging to the state, in addition to the minimum standards of living provided by law, based on rental contracts or from exemption from rent for the housing areas owned by the state. At the same time, the family or the legal representative of the severely disabled person benefit from this stipulation.

Also, disabled people benefit from several advantages in terms of disability-related expenses. Severe disabled adults/children benefit from free interurban transport, of choice, with any train within the cost of a ticket for a fast train, second class, buses and river transport ships, up to 12 round trips per year and free urban transport with any public transportation on surface and underground.

Accentuated disabled adults benefit from free interurban transport, of choice, with any train within the cost of a ticket for a fast train, second class, buses and river transport ships, up to 6 round trips per year and free urban transport with any public transportation on surface and underground.

Last, but not least, disabled persons who own cars adapted for disability and their caregivers benefit, according to Art. 28, from exemption from the tax for using the national road network (vignette).

Even so, persons with disabilities still remain one of the poorest social categories in Romania.

Main specific objectives:

1. Improvement of living conditions for people with disabilities, protection of their right to an adequate living standard;
2. Ensuring access to social protection for children, women and elderly with disabilities;
3. Providing integrated community services;
4. Raising awareness of the public opinion with regards to supporting an increase in the quality of living for people with disabilities.

## Synergies between developments in the different areas

Compared to the NRP for 2015, the 2016 Reform Program directs the attentions also to disabled people. If in 2015, there were no disability-specific measures in the NRP, only few mentions related to specific projects undertaken by Ministries targeting this group (particularly in the early education for children with disabilities), 2016 brings to light some of the problems disabled people face to work, school or on their everyday life. Still, priorities Romania have for years: deinstitutionalisation, employment and education, must be addressed through a holistic approach. To accomplish this, Romania must meet a high accessibility rate for disabled people. In order to perform this, The National Authority for Disabled People will start a ROP program (Axis 8), at the beginning of September 2016 - a deinstitutionalisation program meant to set up protected homes and day care centres through which the community will ensure the transition of people with disabilities from residential centres. Also, this year, two Programs of National Interest will be launched: one for deinstitutionalisation and prevention of institutionalisation and another for developing the National Plan for Accessibility that will lead to concrete measures given to ensure accessibility of the physical environment, information and communications for persons with disabilities. No other information related to this issue are available at this moment, the last being on October 2016, when the NIP was approved. On the other side, private companies try to contribute to accessibility. As example, subway authorities decided, in May 2016, to pay greater attention to people visually impaired (to put tactile pavement from the station’s entrance to the platforms), as only 2 out of 51 subway stations[[43]](#footnote-43) were accessible for those with this disability.

Also related to Axis 8, during July 2017 - January 2018 it is opened a non-competitive call on *Developing health and social infrastructure, OS 8.3 Increasing the coverage of social services, line 8.3.B Vulnerable group: people with disabilities*.

General reference to *vulnerable groups* (particularly in *education*) is not binding enough for the recently adopted National Strategy on Disability for 2015 – 2020, which does cover the above-mentioned components (*employment, education* and *poverty reduction*), but with limited expected impact, particularly due to the lack of concrete milestones (indicators) to be achieved under each priority reform measure assumed.

We can assume that one argument for this rather general approach could be that of having a specific piece of legislation – namely the National Disability Strategy and the corresponding Action Plan with concrete interventions, responsible authorities, deadlines and budget for 2015 – this has not been approved yet by the Ministry of Labour and Social Justice.

# Review of the European Semester from a disability perspective

## Progress on disability-specific Country Specific Recommendations (CSRs)

Compared to CSRs for Romania for 2016, the 2017 has similar recommendations, but compared to the previous year, the latest document makes direct reference to disability, as follows, with potential for follow up in the 2018 policy cycle.:

*Labour market outcomes improved in 2016, when the unemployment rate reached its pre-crisis low. The labour force continues to shrink, as the population is ageing and emigration remains high. Low unemployment is matched by one of the highest inactivity rates in the EU.* ***Employment and activity rates for young people, women, the low-skilled, people with disabilities and Roma in particular are well below the EU average****. The number of young people not in employment, education or training remains very high.*

***Although declining, the risk of poverty or social exclusion has been very high, in particular for families with children, people with disabilities, Roma, and the rural population****. In 2016, a comprehensive anti-poverty package was adopted in a policy shift toward the enhanced provision of services catered to specific groups of the population. It envisages a pilot project setting up integrated services in marginalised communities. A nation-wide roll-out would significantly improve the currently low provision of integrated services. Addressing successive country-specific recommendations, the law on the minimum inclusion income was adopted, to enter into force in 2018. The minimum inclusion income increases the adequacy and coverage of social assistance. It combines passive support with compulsory active labour market measures and inspections. Its activation potential is modest though, as the target is to reach 25 % of the beneficiaries by active labour market policy measures by 2021.*

These observations in the Recommendation from the Council are helpful in reinforcing the evidence presented in our report of the significant inequalities existing for persons with disabilities in Romania. It would be important to ensure that disability data is disaggregated when following up the monitoring of progress against these concerns during the next Semester reporting cycle.

## Progress on other CSRs from a disability perspective

The recommendations from the 2017 CSR are more specific compared to those from the 2016 CSR, being focused on employment and activity rate of disabled people, and further to the opportunities to surpass the risk of poverty and social exclusion.

Even if the National Employment Agency’s objective is an always higher employment rate, only 0,15 % of those that benefited from professional training were disabled people. The situation also changed in terms of employment, as 2.000 people with disabilities are expected to lose their jobs starting September 2017, due to the changes brought to the Law no. 448/2006 – protected units will lose their fiscal and economic advantages, thus being vulnerable to bankruptcy, despite the state offering higher disability indemnity and social benefits. To this issue we can add the changes on health and pensions taxes brought to the Fiscal Code - that employers are to pay for each employee the full contributions to health insurance and pensions, no matter the hours worked. Although the Government said the changes are not to affect people with disabilities (employers being excepted from the law for this type of workers), there is still a high fiscal pressure on employers.

## Assessment of disability issues in the Country Report (CR)

The Report notes that comprehensive reforms started in 2016, but unused labour potential is limiting growth. The public employment service was reinforced and active labour market policies are now substantially better targeted to inactive groups, but, however, employment and activity rates for people with disabilities remain below the EU average and we can expect for the to drop even lower due to the legislation framework changes. The provision of active labour market policies and their link to social services is not yet sufficient to reverse this trend. Despite reinforced joint controls, undeclared work remains prevalent, also reducing both labour supply and fiscal revenue. Work on a minimum wage setting mechanism is underway, but minimum wages were already raised in February 2017 and are expected to raise one again in 2018. Still, the high pressure put on the employers in terms of taxes to be pay to each employee might have an impact on the employment rate, leading to a raise in undeclared work rate.

Poverty is declining, but high-income inequality persists. Romania has one of the highest levels of income inequality in the EU and rising, partially driven by decreasing redistributive effects of the tax and transfer system. Although poverty rates are declining, poverty and social exclusion persist for people with disabilities, even for those active in the labour market. A change towards more integrated services targeted to disadvantaged groups is planned, as the provision of these services is low.

The rising share of early school leavers poses an additional challenge. In 2015 the proportion of early school leavers rose to 19.1 %, the third highest in the EU, and is particularly high for people with disabilities. This trend is driven by poverty and insufficient provision of quality education (European Commission, 2016. National scale European Social Fund projects were launched to reduce early school leaving. The availability of second-chance programmes has increased, but remains insufficient (European Commission 2016). A major problem consists in the lack of accessibility on school for children with disability and the high bureaucracy needed to adapt school so as they could be suitable for those with disabilities.

Poverty and social exclusion remain high. Although declining, a high risk of poverty or social exclusion persists for people with disabilities. Compared with urban areas, twice as many people in rural areas live in marginalised communities confronted with housing, employment and social challenges (World Bank, 2014). The share of poor people who live in very bad quality housing and spend over 40 % of their incomes on housing is one of the highest in the EU. In-work poverty (with a rate double the EU average) stems from the high share of unremunerated family workers in rural areas. Finally, Romania has one of the highest levels of income inequality in the EU and rising. Despite several increases previsioned for 2018 in terms of social benefits and disability indemnity, it is unlikely for the inequalities to drop.

**The transition from institutional to alternative care for children deprived of parental care is progressing slowly.** Although a system of foster families is in place, a large proportion of children in the child protection system is hosted in old-style residential institutions (41). Similarly, there are still a high number of persons with disabilities in large residential institutions, while community services for the disabled are not sufficiently developed. The total number of children (including those with disabilities) placed in the child protection system decreased since 2012, recent reports from Ministry of Labour and Social Justice sustaining that by June 2017, only 2 children are placed in institutional care, in social assistance centres for the adult persons with disabilities, as well as a total number of 17.969 adults with disabilities (2,28 % of the total number of PwD, compared to 2,3% the previous year).[[44]](#footnote-44)

# Assessment of the structural funds ESIF 2014-2020 or other relevant funds in relation to disability challenges

Romania had an overall financial allocation of 19.7 billion euro for the period 2007 – 2013, with an absorption rate of -71,76%.[[45]](#footnote-45) A significant share of these funds – approx. 30% (both from ESF and ERDF) were allocated for promoting the social inclusion of vulnerable groups (women, ethnic minorities, people with disabilities) who are at a disadvantage in the labour market or do not have access to basic services such as health, social and related services.

Assessment of the impact of the use of Structural Funds for improving the quality of life of vulnerable groups, particularly concerning *soft* investments (e.g. development of human capital, access to labour market etc.) is still on-going. However, with regards to the *hard investment* (mainly social infrastructure and housing built with ERDF money) aimed at supporting social inclusion of vulnerable groups, Romania has missed its first opportunity of using the EU funds for engaging in a genuine reform of the social care system. Moreover, it has continued to support investments which are contrary to the commitments that the country undertook when it ratified the UN Convention for the Rights of People with Disabilities (CRDP) in 2010, several months prior to ratification by the European Commission.

Specifically, **Romania has invested approximately 40 million euro**[[46]](#footnote-46) **from the Regional Operational Program**[[47]](#footnote-47) **for *rehabilitation/modernization/expansion of more than a quarter of Romania’s large residential institutions where over 17,000 adults with disabilities live****,*[[48]](#footnote-48) thus perpetuating with EU funds the institutionalization of people with disabilities, which is contrary to the CRPD. According to Article 19 of the CRPD people with disabilities have the right independently, included in the community with choices equal to everyone else, and to receive services according to their needs.

The new programming period of ESIF 2014-2020 brings a different perspective, as the responsibilities of Member States for implementing the principles of the UN Convention for the Rights of Persons with Disabilities are acknowledged explicitly through several documents:

* [**Regulation (EU) No 1303/2013**](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2013.347.01.0320.01.ENG) on rules and standards for the implementation of the five European Structural and Investment Funds: the European Regional Development Fund (ERDF), the European Social Fund (ESF), the Cohesion Fund, the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF);
* **Guidance on *Ex ante* Conditionalities for the ESIF**,[[49]](#footnote-49)stating that *the Commission will work to promote the transition from institutional to community-based care by: using Structural Funds and the Rural Development Fund to support the development of community-based services and raising awareness of the situation of people with disabilities living in residential institutions, in particular children and elderly people;*
* **Partnership Agreement between Romania and the European Commission**[[50]](#footnote-50) which includes as proposed priority for funding *to develop an equitable, sustainable, affordable and high quality social assistance system, benefits and social services (e.g.: protected homes, family-type homes, in-home care, day-care centres, integrated social and health community services, respite centres etc.) which will support the transition from classic/ large scale residential centres to community – based service delivered by public and private social services providers, including prevention of institutionalisation and targeted support for community based infrastructure;*

***Specific provisions related to funding priorities relevant to the field of disability in the current Operational Programs funded with European Structural and Investment Funds:*1. Regional Operational Program**[[51]](#footnote-51)agreed with the European Commission includes under *Investment Priority 8.1* to *support transition from institutional care (residential centres) to community services. This means investment in family type homes, protected houses etc. and adequate equipment. Main envisaged actions (without limitation to) target: (1) rehabilitation/modernization/expansion/equipment of* ***non-residential social services*** *(e.g. day care centres, respite centres, ambulatories etc.); (2)* ***construction/rehabilitation/modernization of family type homes, protected homes*** *etc.*

1. **Human Capital Operational Program**[[52]](#footnote-52)provisions potential funding for projects related to disability (not explicit) under several Priority Axis, as following:

PA 4 – *Social Inclusion and Combating Poverty,* with a total allocation of 1,110,192,858 euro, targeting interventions such as: *reducing the number of persons exposed to poverty risk and social exclusion from Roma and non-Roma communities; improving the digital alphabetization of disadvantaged communities (e-inclusion), reducing the number of persons belonging to vulnerable groups through providing social, medical and socio-professional services adapted to their specific needs, particularly for socio-professional integration;*

PA 5 – *Community Led Local Development,* with an allocation of 211,978,218 euro, targeting to: *reduce the number of persons exposed to poverty and social exclusion (Roma and non-Roma) from cities with under/over 20,000 inhabitants;*

PA 6 – *Education and competences,* with a total allocation of 1,478,636,044 euro for supporting, among other objectives, reform of the national school curricula for special education and second – chance education for developing key competences and focusing on children’s development needs;

So far, only 2 calls for proposals relevant for the priorities described above have been launched for beneficiaries, as following:

* HC OP 4.1 and 4.2 – integrated local development in marginalized Roma communities[[53]](#footnote-53) (eligible beneficiaries: local authorities, NGOs);

Currently, Romania experiences some difficulties in operationalizing the electronic platform for project submission (MySMIS) that potential beneficiaries will be able to apply for projects financed under 2014 – 2020 ESIF. As a consequence, many calls for proposals have been delayed, causing again a serious problem in capacity of absorption of EU funds.

# Recommendations

The specific recommendations below have been assumed as part of the National Strategy for Persons with Disabilities, debated and agreed with all relevant institutional and non-governmental stakeholders, which has been put on hold for adoption for almost 3 years (until its adoption in September 2016), as mentioned earlier. The recommendations target the main areas identified as priorities for intervention, as following:

## Employment

* Introduction of *supported employment* as a new service recognized by the law for people with disabilities;
* Revision of the current system of evaluation of disability (based exclusively on medical criteria);
* Reform of current vocational education with new specializations adapted to the labour market;
* Information campaigns for employers (in the public and private sector) with regards to the rights of people with disabilities to work in the context on the new legislative framework;
* Stimulating employers to invest in reasonable accommodation (to the detriment of the current penalty system for not meeting the quota)
* Developing instruments for allowing young people with disabilities to prove skills in employment (skills tests), in order to combat discrimination in recruitment.
* Creating a special fund dedicated to measures supporting employment of PwD from the amounts collected from employers for not meeting the minimum quota of 4 %
* Restoring the fiscal and economic facilities of protected units

## Education

* Training teachers from mainstream education in adequate teaching methods that are adapted for children with special educational needs;
* Providing assistive technologies for mainstream schools;
* Providing support for schools so as to adapt them for disability whether these institutions have or have not children with disabilities as students (some of those with disabilities are early school leavers due to lack of accessibility and the need of a permanent member of family to assist him/her in moving around)
* Modifying the curricula of vocational special high schools for young people with disabilities (particularly with hearing and visual impairments) to be adapted to the requirements of the labour market;
* Providing support for families for school orientation of children with disabilities and the importance of inclusive education.

## Poverty and social inclusion

* Further need for significant reform in balancing the *social benefits* with *active social services* aimed at including the person with disabilities in society;
* Pushing for a national commitment to deinstitutionalization, as there is no milestone for this in the recently promoted National Strategy in this respect
* Integrated approach in education and social assistance reform for diminishing the high level of economic and social vulnerability of people with disabilities in Romania.
1. Official statistics. Other references consider that this figure is wrongly calculated and actually employment rate is far lower. Please see discussion in the report. [↑](#footnote-ref-1)
2. <http://www.mmuncii.ro/j33/index.php/ro/comunicare/comunicate-de-presa/4909-cp-facilitati-persoane-dizabilitati-30062017>. [↑](#footnote-ref-2)
3. <http://ec.europa.eu/europe2020/pdf/targets_en.pdf>. [↑](#footnote-ref-3)
4. Available at <http://www.mmuncii.ro/j33/index.php/ro/transparenta/proiecte-in-dezbatere/4076-2015-10-08-proiecthg-strateg-diz>. [↑](#footnote-ref-4)
5. P. 22. [↑](#footnote-ref-5)
6. <http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/LEGI/L448-2006_rep.pdf>. [↑](#footnote-ref-6)
7. EUSILC UDB 2015 – version of October 2017. [↑](#footnote-ref-7)
8. The SILC survey questions are contained in the Minimum European Health Module (MEHM) [http://epp.eurostat.ec.europa.eu/statistics\_explained/index.php/Glossary:Minimum\_European\_Health\_Module\_(MEHM)](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary%3AMinimum_European_Health_Module_%28MEHM%29). [↑](#footnote-ref-8)
9. The methodology is further explained in the annual statistical reports of ANED, available at: <http://www.disability-europe.net/theme/statistical-indicators>. [↑](#footnote-ref-9)
10. Provided by the National Authority for People with Disabilities, available at: [http://anpd.gov.ro/web/transparenta/statistici/trimestriale/](http://anpd.gov.ro/web/transparenta/statistici/trimestriale/%20). [↑](#footnote-ref-10)
11. For reference: <http://anpd.gov.ro/web/statistici/trimestriale/>. [↑](#footnote-ref-11)
12. Companies/entities with at least 30% of their employees being people with disabilities. Full list of protected units authorized by the Ministry of Labour and Social Justice available at: <http://anpd.gov.ro/web/informatii-publice/lista-unitati-protejate/>. [↑](#footnote-ref-12)
13. <http://www.mmuncii.ro/j33/index.php/ro/comunicare/comunicate-de-presa/4956-cp-upa-22082017>. [↑](#footnote-ref-13)
14. For the LFS AHM data see, Early school leavers <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_de010&lang=en>

 and for tertiary educational attainment <http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=hlth_de020&lang=en>. [↑](#footnote-ref-14)
15. <http://www.ipp.ro/wp-content/uploads/2015/07/IPP_Funda%C8%9Bia-Speran%C8%9Ba-_Raport-educatie-incluziva-pentru-copiii-cu-dizabilitati.pdf>. [↑](#footnote-ref-15)
16. National Institute for Statistics, *Data base SCL113A – Early school leavers rate in pre-university education, by education level, macroregions, development regions and counties.* [↑](#footnote-ref-16)
17. National Institute for Statistics, *Data base SCL113A – Early school leavers rate in pre-university education, by education level, macroregions, development regions and counties.* [↑](#footnote-ref-17)
18. National Institute for Statistics, *Data base SCL113A – Early school leavers rate in pre-university education, by education level, macroregions, development regions and counties.* [↑](#footnote-ref-18)
19. <http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatere/2014/2014-12-29-HG_Anexa-SN-DPPD.pdf>. [↑](#footnote-ref-19)
20. P. 24. [↑](#footnote-ref-20)
21. <http://www.mediafax.ro/social/foto-inscrierea-facultate-mii-candidati-coada-depune-dosarul-ase-bucuresti-cele-cautate-facultati-universitatile-cluj-aproape-10-000-locuri-bugetate-peste-jumatate-ubb-16585096>. [↑](#footnote-ref-21)
22. <http://socasis.ubbcluj.ro/index.php?option=com_content&view=article&id=19&Itemid=21>. [↑](#footnote-ref-22)
23. <https://www.valahia.ro/ro/admitere-ro/118-admitere>. [↑](#footnote-ref-23)
24. P. 22. [↑](#footnote-ref-24)
25. <http://anpd.gov.ro/web/comunicat/>. [↑](#footnote-ref-25)
26. <https://www.news.ro/social/protest-al-persoanelor-cu-dizabilitati-la-ministerul-muncii-fata-de-adoptarea-oug-60-vrem-sa-muncim-nu-sa-cersim-reactia-ministerului-muncii-1924404122002017081317162509>. [↑](#footnote-ref-26)
27. Excerpt from the Report of the *Institute for Public Policy, Education – (lack of) chance for integration for children with disability in Romania,* March 2015. [↑](#footnote-ref-27)
28. <http://anpd.gov.ro/web/transparenta/statistici/trimestriale/>. [↑](#footnote-ref-28)
29. <http://www.copii.ro/statistici-2017/>. [↑](#footnote-ref-29)
30. <http://beta.edu.ro/sprijin-financiar-pentru-sus%C5%A3inerea-integr%C4%83rii-copiilor-cu-cerin%C5%A3e-educa%C5%A3ionale-speciale-integra%C5%A3i>. [↑](#footnote-ref-30)
31. As of March 2016. [↑](#footnote-ref-31)
32. <http://www.cedcd.ro/100-milioane-euroan-costul-izolarii-copiilor-cu-dizabilitati/> The full version of the study is not available on-line. For more information, please check the campaign on the national television using information from the quoted reference: <http://stiri.tvr.ro/izolatiprintrenoi.html>. [↑](#footnote-ref-32)
33. Using corresponding EU-SILC 2014 data extracted from the Eurostat disability database (hlth\_dpe050) <http://ec.europa.eu/eurostat/web/health/disability/data/database>. [↑](#footnote-ref-33)
34. <http://www.mmuncii.ro/j33/images/Documente/Transparenta/Dezbateri_publice/2015-04-17_Anexa1_ProiectHG_SIS.pdf>. [↑](#footnote-ref-34)
35. ASCHF (2010). [↑](#footnote-ref-35)
36. <https://ec.europa.eu/info/sites/info/files/2017-european-semester-country-specific-recommendations-commission-recommendations_-_romania.pdf>. [↑](#footnote-ref-36)
37. Article 78 (2) from Law no. 448/2006. [↑](#footnote-ref-37)
38. Numerous surveys carried out mostly by NGOs: <http://www.motivation.ro/uploads/studii%20SAR/Diagnostic%20exclus%20de%20pe%20piata%20muncii.pdf>. [↑](#footnote-ref-38)
39. <http://ec.europa.eu/europe2020/pdf/csr2016/nrp2016_romania_en.pdf>. [↑](#footnote-ref-39)
40. <http://www.anofm.ro/files/Buletin%20informativ%20nr.%201%20-%20Ianuarie%202016.pdf>. [↑](#footnote-ref-40)
41. <http://gov.ro/fisiere/stiri_fisiere/Pachet_integrat_pentru_combaterea_saraciei.pdf>. [↑](#footnote-ref-41)
42. <http://www.mmuncii.ro/j33/images/buletin_statistic/dizabilitatian_2015.pdf>. [↑](#footnote-ref-42)
43. <http://www.agerpres.ro/economie/2016/05/10/metrorex-statiile-de-metrou-vor-fi-dotate-cu-benzi-speciale-pentru-persoanele-cu-deficiente-de-vedere-16-53-10>. [↑](#footnote-ref-43)
44. <http://www.mmuncii.ro/j33/index.php/ro/2014-domenii/protectie-sociala/ppd>. [↑](#footnote-ref-44)
45. Ministry of European Funds, last update:.31 July 2016: <http://www.fonduri-ue.ro/images/files/implementare-absorbtie/Anexa_1-Stadiul_absorbtiei_pentru_Programele_Operationale_la_31.07.2016.pdf>. [↑](#footnote-ref-45)
46. Last update: December, 2014. [↑](#footnote-ref-46)
47. Under Major Intervention Area 3.2, Rehabilitation/modernization/development and equipment of social infrastructure. [↑](#footnote-ref-47)
48. 58 projects for rehabilitation/modernization and expansion of large institutions – currently, there are 205 institutions where more than 25 people live together, reaching up to 388 people in the largest institution. [↑](#footnote-ref-48)
49. <http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/eac_guidance_esif_part2_en.pdf>. [↑](#footnote-ref-49)
50. <http://www.fonduri-ue.ro/res/filepicker_users/cd25a597fd-62/2014-2020/acord-parteneriat/Partnership_Agreement_2014RO16M8PA001_1_2_ro.pdf>. [↑](#footnote-ref-50)
51. <http://www.fonduri-ue.ro/por-2014>. [↑](#footnote-ref-51)
52. <http://www.fonduri-ue.ro/pocu-2014>. [↑](#footnote-ref-52)
53. <http://www.fonduri-ue.ro/apeluri/details/2/31/apeluri-4-1-dezvoltare-local%C4%83-integrat%C4%83-dli-360-grade-%C3%AEn-comunit%C4%83%C8%9Bile-marginalizate-%C3%AEn-care-exist%C4%83-popula%C8%9Bie-apar%C8%9Bin%C3%A2nd-minorit%C4%83%C8%9Bii-rome-regiuni-mai-pu%C8%9Bin-dezvoltate?start=20> (for less developed regions) and <http://www.fonduri-ue.ro/apeluri/details/2/27/apeluri-4-2-dezvoltare-local%C4%83-integrat%C4%83-dli-360-%C3%AEn-comunit%C4%83%C8%9Bile-marginalizate?start=20>. [↑](#footnote-ref-53)