**ANEXA**

**1a. Laws and policies to ensure inclusion of children with disabilities in general education system and the transition from segregated to inclusive settings**

Law no. 448/2006 for the protection and promotion of the rights of the disabled persons

* Education of the disabled persons, children and adults, is achieved through various type settings, the first one nominated being regular education, followed by integrated special education, both meaning inclusive education (article no. 16 line 2). Integrated special education is part of the special education and children with disabilities and/or special education needs learn within regular education.

Law no. 1/2011 for national education

* Children with special education needs are oriented with priority to integrated special education (article 50 line 1)

Note: the notion of *special education needs* is not completely overlapping the notion of *disabilities*. Children with disabilities may have or not special education needs; if not, they learn within regular education; if yes, they learn within regular education or special education, according to the orientation provided by education system. Most of the children with special education needs have disabilities, but there are also children with special needs and no disabilities, such as learning difficulties, who are oriented mandatory to regular education.

Main secondary legislation regarding education of children with disabilities and/or children with special education needs:

* Government Decision no. 1251/2005 regarding improvement measures of the activity of learning, training, compensation, rehabilitation and special protection of the children/ pupils/ youth with special education needs within special education and integrated special education system
* Order of minister of education no. 5573/2011 for the approval of the Regulation for organization and functioning of the special education and integrated special education system
* Order of minister of education no. 5574/2011 for the approval of the Methodology for organization of education support services for the children, pupils and youth with special education needs integrated within regular education
* Order of minister of education no. 5086/2016 for the approval of the Framework-Methodology regarding home schooling and classes within hospitals
* Joint order of the minister of labour, minister of health and minister of education no. 1985/1305/5805/2016 for the approval of the methodology for integrated evaluation and intervention in order to establish disability degree for the children with disabilities, to educational orientation for the children with special education needs and to habilitate and rehabilitate the children with disabilities and/or children with special education needs

**1b. Specific measures of action being taken to empower children with disabilities in education settings**

Ministry of Education is responsible for taking the specific measures to empower children with disabilities in education settings, but no public data are available.

Nevertheless, National Authority for the Protection of the Rights of the Child and Adoption (NAPRCA) took certain measures after the approval of the joint order mentioned above (no. 1985/1305/5805/2016):

* Training for the staff of the complex evaluation services (General Departments for Social Assistance and Child Protection), staff of the child protection commissions and representatives from the Centers of Resources and Education Assistance. The training sessions took place at national level in April 2017, with financial support from UNICEF Romania. (Note: complex evaluation services establish disability degree for the children with disabilities and child protection commissions decide; Centers of Resources and Education Assistance ensure the education orientation for the children with special education needs through a designated commission).
* Information, at request, for the parents of the children with disabilities and/ or special education needs regarding the shadows admitted in education settings for those children. Shadows were for the first time recognized by the joint order.
* Methodological coordination is ensured for the staff of complex evaluation services in implementing the new legislation for the children with disabilities, including issues related to shadows, which are include in the habilitation-rehabilitation plan.

**2a. Awareness raising and capacity building on human rights of children with disabilities**

There is no centralized data on awareness raising and capacity building on human rights of children with disabilities, neither a national campaign within recent years.

Nevertheless, NGO initiatives are often taken in this area and NAPRCA was invited or was partner in the following events:

* Awareness on the International day for the children with cancer, Coalition for the Children with Cancer, 2016
* International conference on early intervention for the deaf-blind children, SENSE International Romania, 2016
* Conference on psychological support for the children with cancer, PAVEL Association, 2016
* Academic session on rehabilitation of children with disabilities, National Clinic Center, 2016
* Annual national conference of the National Council of Disability from Romania, 2016
* Conference on harmonization of the disability criteria with the invalidity criteria, National Authority for the Disabled Persons, 2016
* Inauguration of the first center in Bucharest on therapy assisted by animals „Dogs for people”, Foundation Vier Pfoten, 2016
* National conference on participation of children and youth in taking decision and social action, University Babes Bolyai, Cluj, 2016
* Round table on the protection of the children and youth with disabilities against violence, Society for Contraceptive and sexual Education, 2017
* International conference on support of mentally disabled persons in taking decisions, Center of Juridical Resources, 2017
* National symposium on mental health, Senate of Romania, 2017
* General assembly of the Association for the Support of the Children with Physical Disabilities (ASCHFR), 2018
* Awareness on the European day for independent living, National Council of Disability from Romania, 2018
* Conference on the rehabilitation of the children with disabilities, Association of the Child Development, 2018

**2b. Close consultation with and active involvement of children with disabilities in decision-making processes affecting them**

Promotion of the participation of children is part of the Romanian Government policy, special provisions and a designated chapter being included in the National Strategy for the protection and promotion of the rights of the child 2014-2020:

- General objective 4: Encouraging participation of children in making decisions that concern them.

- Specific objective 4.1. Development of the mechanism that would ensure child participation.

There are stipulated progress indicators, as well as a budget for implementing the objectives mentioned above. The measures aimed at achieving the specific objective are: providing fair access to adequate information for all children, as well as supporting diversification of child participation forms. The legal act foresees both the funding sources, and those responsible for implementing this objective, respectively the State budget through Ministry of Education and/or NAPRCA.

In the consultative process for developing the National Strategy, there were involved representatives of the National Pupils’ Council (NPC), who directly contributed to drawing up measures for increasing child participation.

In order to maintain and continue this good practice, NAPRCA signed a protocol with NPC in 2015, with a view to engaging the latter in the decision-making concerning children at national level, as well as in projects in the field of children’s rights.

According to the law, the major decisions in the secondary and upper secondary school are made by consulting NPC and other pupils associations and compulsory consultation of parents’ associations, representatives of business environment, local government administration and civil societies. NPC represents the voices of the children with disabilities enrolled in school.

The secondary legislation in the field of children’s rights protection stipulates that, considering their age, level of maturity and type of disability and/or level of disability, children must be encouraged to set up a representation group, called “Children’s Council” (Order of NAPRCA state secretary no. 21/2004 - Standard 8), which are operational at the level of several residential services or at county level. The Council is periodically consulted or whenever needed for making decisions that concern all children in the residential system. Child Participation, via the Council, generates effects such as: increasing child involvement in collecting information regarding realities concerning them, as well as in identifying issues of interest for them; increasing child influence on the activity development and optimization of placement centers; increasing trust of children in foster care as regards authorities and their own resources; up-regulating the preconceived ideas and stereotypes concerning children in residential-type services. Children’s Council represents the voices of the children with disabilities living in residential services.

**2c. Provision of support to families, support networks and care-givers to enable participation of children with disabilities**

There is no centralized data available on this topic, NAPRCA does not provide direct services to beneficiaries, but General Departments for Social Assistance and Child Protection does. Parents receive support from the 232 counselling centers, day care centers and rehabilitation centers for children with disabilities. Parental education is part of the support, through out they learn also in listening to their children and promote child participation.

Parental education is promoted also by NGO, such as Holt Romania and Foundation Our Children.

A national strategy on parental education - initiated by Ministry of Education - was elaborated by a working group supervised by the Federation of the NGOs for Children with support from UNICEF Romania.

**2d. Participation of children with disabilities in society, promoting deinstitutionalization and combating isolation**

Foundation Special Olympics is active in Romania since 2003 and children with disabilities and implements programs in sport, education and health. Children with disabilities from the child protection system are also involved in these activities.

Currently the National Authority for the Protection of Children Rights and Adoption is implementing a national project, ”Development of Plans for the De-institutionalization of Children Deprived of Parental Care and their Transfer to Community-based Care”, SIPOCA 2, funded from European Fuds, whose main purpose is to continue the process of deinstitutionalization and support the capacity of local authorities to close down classic type institutions and develop alternative services for the children into the special protection system.

Children with disabilities are also part of the project target group, they being involved in the assessment activities carried out within the project, their voice being accounted for in the process of establishing the opportunity for closure of the placement centers they are protected within.

**3. Rights of children with disabilities in conflict and humanitarian situation**

Not relevant for Romania.

**4. Policies and programmes aiming at respecting the participation in decision-making processes of children with disabilities**

See 2b

**5. Independent accountability mechanisms to monitor the situation of children with disabilities and their access to essential services, including to inclusive education**

Law no. 8/2016 regarding the establishment of the mechanisms stipulated by UN Convention on the rights of the persons with disabilities includes provision regarding the Monitoring Council, coordination mechanism and focal points for the implementation of the Convention. One of the focal points is within Ministry of Education, but no provision regarding inclusive education.

The law is focused on monitoring visits in the institutions for persons with disabilities by a team of three independent experts selected by the Monitoring Council. The visit report is public and published on the websites of the involved institutions.

**6a. Number of children with disabilities enrolled in education**

***Ministry of Education is responsible*** for the statistics regarding the children with disabilities and/or special education needs enrolled in education, but no public data are available.

**6b. Data on the number of children with disabilities living in institutions**

Statistics are available on the website of the NAPRCA [www.copii.ro](http://www.copii.ro) (<http://www.mmuncii.ro/j33/images/buletin_statistic/copil_2017-f.pdf>)

No. of children with disabilities in residential services at the end of 2017 = 5,438, out of which:

No. of children disabilities in public residential services = 5,312

* classic placement centers = 1,737
* restructured placement centers = 1,436
* apartments = 325
* family type homes = 1,735
* other services (life skills development centers, shelters) = 79

No. of children disabilities in private residential services = 126

* restructured placement centers = 60
* family type homes = 66