



OHCHR REGISTRY

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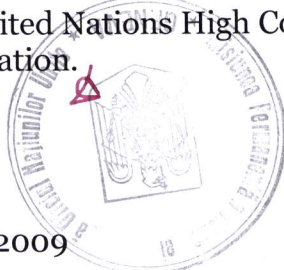
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No. *133*

The Permanent Mission of Romania to the United Nations Office and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the letter of the Independent Expert on the question on human rights and extreme poverty of 3 October 2008, and present, hereby, attached, the response of the Romanian authorities concerning the questionnaire on cash transfer programmes in the human rights situation for people living in extreme poverty.

The Permanent Mission of Romania to the United Nations Office and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 7 January 2009



**The Office of the United Nations High Commissioner for Human Rights
In town**

Questionnaire on financial transfers to support vulnerable groups

Between 2003 and 2007, the Government has taken several measures meant to foster economic development and social protection, reduce poverty and prevent social exclusion. The following programs have been developed during this period:

1. Social aid

Law 416/2001 established the guaranteed minimum income in order to improve the situation of people affected by the process of transition towards the economy market. This law stipulates granting of social benefits for the families and persons without incomes or with small incomes, in situations or periods in which these persons cannot assure by their own efforts the minimum life conditions.

As a result of the monitoring activity of the implementation of Law 416/2001, realized at central and local levels, some dysfunctions and difficulties have been identified in applying the provision of this law, as follows:

1. **partial payment and, in some cases, non-payment of the social aids**, because of the lack of funds in local budgets and also because the funds were allocated without taking into account the local social need.
2. **different interpretations of Law 416/2001 at the local level, regarding the establishment of the family monthly net income**, which was taken into account for granting the social aid. The establishment of the monthly net incomes resulted from rent or capitalization of some goods was made differently by Decisions of the Local Councils.
3. **aleatory distribution of the hours of community work**, without a monthly schedule for these activities and without a clear evidence;
4. **absence of provisions regarding the activities of control and sanctions** for non-application of the law.

In order to avoid the above-mentioned dysfunctions and difficulties, Law 416/2001 was modified and supplemented by Law no.115/2006. The Law concerning the guaranteed minimum income, as amended, provides the following:

- » sets up the monthly level for the guaranteed minimum income in accordance with the family structure as follows:

Family type	The guaranteed minimum income levels by Law 416/2001 (lei)		
	- 2005-	- 2006-	- 2007-
single person	88,3	92	96
families of 2	158,4	166	173
families of 3	220	231	241
families of 4	272,5	287	300
families of 5	325,4	341	356
for each additional person exceeding the number of 5, who is a family member.	22	23	24

- » the guaranteed minimum income (GMI) is ensured by the local councils through granting a social aid allowance and is set as the difference between the GMI levels that are stipulated by law in accordance with the family structure and the monthly net income of the eligible family, or single person.
- » the families and single persons with monthly net incomes under the level of GMI have the right to a 15% increase in the family social aid as long as at least one of the family members demonstrates to hold a labor agreement, or a civil agreement or provides services in order to obtain an income.

- » one of the persons of age, able to work from the family which receives the guaranteed minimum income has to carry out community actions or other works for local benefit which mayors assign to them, not exceeding the regular work schedule, on a monthly basis, and respecting the labor security and hygienic norms. If they refuse, the right to social aid allowance will be suspended;
- » If the person nominated to carry out community actions or other works for local benefit is temporarily work incapacitated, the obligation to provide community working hours can be transferred to other family members receiving social aid, upon the agreement of the mayor. The documents to prove the temporary work incapacity or, where appropriate, total or partial loss of working capacity are as follows:
 - a) decision issued by the social insurances medical expert from the County House for Pensions for disabled retired persons ;
 - b) certificate issued by the medical expert for persons with disabilities, for this category of people;
 - c) medical certificate establishing work capacity, issued by a social insurances medical expert from the County House for Pensions for people with chronic diseases who are not insured by the public pension system.
 - d) medical certificate issued by the family physician or, where applicable, practitioner, for people with diseases that cause temporary work incapacity.
- » the number of community work hours are calculated taking into account the amount of social aid for a family or for a single person and at a rate corresponding to the amount of the minimum gross wage compared with the average monthly work time period.
- » the mayors have the responsibility of establish a monthly action plan for community work hours which has to be accomplished by persons able to work from the families who are beneficiaries of the social aid.
- » the persons able to work, who do not receive incomes from salaries or from other activities, are taken into account when the number of family members is established for the calculation of the income level per family, only if they prove to be registered with the County Agencies for Employment and they didn't refuse a job or the participation to employment stimulation services or professional training services offered by these institutions. According to Law 76/2002, a *jobseeker* is the person registered with the National Agency for Employment or with another employment service provider, authorized according to the law, in order to receive support in getting a job. A person cannot refuse a job if it corresponds to his/her training or educational background and the job location is situated within 50 km from his/her domicile. The employment opportunities of the jobseekers are mainly increased by:
 - a) *professional information and counseling* - a set of services delivered free of charge to the jobseekers, in specialised centres, organised by employment agencies, as well as in other centres and by other accredited service providers from the public or private sector who conclude contracts with the employment agencies.
 - b) *labour exchange* - an activity which connects the employers and jobseekers in order to facilitate the establishment of working or civil service relations; the employment agencies have the obligation to identify the vacancies and to make them available to the jobseekers; as an employment stimulation measures, the employment agencies have the obligation to work-out an individual job-matching plan for every jobseeker.
 - c) *vocational training* - vocational training programmes meant to increase and diversify their skills with a view to ensuring their mobility and reintegration into the labour market;
 - d) *counselling and assistance* to start an activity as self-employed or to start-up a business.
- » establishing the minimum limits at national level for the family monthly net incomes and also, the possibility for the local councils to establish their own evaluation criteria

of the families monthly net incomes resulting from rent or capitalization of some goods.

- » setting out the possibility that County Departments for Labor and Social Protection control and monitor the application of this law, as well as contraventional sanctions in case of non-application of the law
- » the necessary funds for the payment of the social aid are sustained from the local budgets, mainly in amounts broken down from state budget revenues. However, there are some situations when the local authorities have difficulties in providing the necessary funds for the payment of social aids. For that reason, there are some delays in the payment of social aids in certain places. Nevertheless, there are no cases in which the requests of the social aids were rejected by the local authorities because of lack of financial resources.
- » the possibility to appeal against any decision of the mayor for approval/disapproval/suspension/modification of the right to social aid or any decision for reimbursement of the sums which have been unduly paid, according to the provisions of Law 554/2004 regarding the administrative disputes.

During 2003-2007, increased population revenues had a direct impact on diminishing the poverty and especially the extreme poverty.

- » **The number of requests for social aid** during 2003-2007 is presented in the table below:

	31 December 2003	31 December 2004	31 December 2005	31 December 2006	31 December 2007
No of applications	392,508	422,157	383,671	337,246	289,535

- » **The amounts granted** as social aid decreased in 2006 compared to 2005 by 10%, namely from 472 million RON to 449 million RON. In 2007 the amounts provided raised to 396,6 million RON.

**The comparative situation
of social aids effectively paid (2006 – 2007)**

Development regions	Average monthly no. of social aids paid in 2006	Average monthly no. of social aids paid in 2006	% of social aid in 2007 compared to 2006
NORTH - EAST	50,082	47,184	5.8
SOUTH - EAST	46,880	41,569	11.3
SOUTH MUNTENIA	48,987	38,274	21.9
SOUTH – WEST OLTENIA	45,521	39,293	13.7
WEST	23,227	15,697	32.4
NORTH - WEST	29,752	26,206	11.9
CENTRE	31,165	27,517	11.7
BUCHAREST + ILFOV	5,119	4,496	12.2
TOTAL COUNTRY	280,733	240,236	14.4

Source: Ministry of Labour, Family and Equal Opportunities

- » Families receiving the guaranteed minimum income who are in difficulty following the death of a family member can receive **a funeral aid**, granted by the local public authorities. In 2006, 4,239 funeral aids were granted, and the amount spent from the local budgets was 1.1 million lei, and in the year 2007, 4,588 funeral aids were granted aid and the amount spent was 1.6 million lei.

2. Preventing and combating social marginalization is regulated by Law no. 116/2002 concerning preventing and combating social marginalization.

The situation at national level in 2006 shows as follows:

Crt. No.	Measures	No. of marginalized people	No of marginalized families	No of beneficiaries	No of benefiting families	Amounts	
						(RON)	
						Needed	Spent
1.	Access to housing	30,613	14,962	7,720	4,514	78,947,485	17,951,347
2.	Access to public services of bare necessity	110,548	51,360	79,834	37,579	36,261,410	10,254,492
3.	Other measures	173,855	83,689	142,863	56,041	56,916,758	53,930,366
Total		315,016	150,011	230,417	98,134	172,125,653	82,136,205

Source: Ministry of Labour, Family and Equal Opportunities

Besides the measures regarding the access to dwelling and necessary public services, set out by the law, the local councils initiated other measures, such as:

- funeral aids,
- emergency aids (grocery)
- aids for debts payment support,
- financial aids for medicines supply,
- financial aids for persons in extreme need as a consequence of their health status,
- financial aids for taxes payment,
- Reduction/exemption from building and land taxes payment for persons with disability and families who are benefiting from social aids;
- free meals for social aid canteens;
- pupils transport;
- attendance services to the domicile;
- transport to the hospital for the persons in need;
- payment for crèche;
- scholarship;
- socio-medical assistance to domicile for ageing persons and persons with disabilities;
- prevention of unwanted pregnancies;
- payment of medicine family insurance;
- personal assistance;
- social allowances for blind persons;
- access to TV cable;
- subsidies granted to associations and foundations;
- counseling for persons who were imprisoned, in order to facilitate social reintegration;
- services plans for prevention separation of children from their parents;
- social, legal and psychological counseling;
- scholarship for pupils in marginalized families.

Health insurance contributions for persons benefiting from social aid are established by applying the percentage quota provided by the law to the social aid granted by the law, for insuring the guaranteed minimum income.

The law on preventing and combating social marginalization aims to guarantee the effective access of citizens, especially youth, to fundamental rights, such the right to job, to dwelling, to medical assistance, to education.

Based on this law, the National Agency for Employment provides training, mediation and employment for youth aged between 16-25 years. This is realized based on a solidarity contract concluded between youth who are benefiting from provisions of Law no. 116/2002 and county agency for employment and Bucharest Agency for Employment.

In 2007, 2,476 persons belonging to disadvantaged categories were trained, 2,212 solidarity contracts were concluded and 1,076 employers were identified.

Regarding job access, during 2007, 1,976 persons were employed, out of whom 1,832 were employed with individual labor contract on a determined period and 144 persons were employed with individual labor contract on an undetermined period.

The training level of those 1,976 persons who concluded individual labor contracts according to the Law no. 116/2002, in 2007, is the following: 942 persons with unfinished or no studies (47,7%), 618 persons with vocational education (31,3%), 380 persons with secondary education (19,2%) and 36 persons with superior education (1,8%).

The employment program for social marginalized people had a direct impact on the employment of youth who are confronted with the risk of professional exclusion. A comparative analysis of the number of persons employed in 2007 (1,976 persons) and in 2006 (1,705 persons) shows a positive trend in this regard.

At the national level, the sum paid from the unemployment insurance budget to the insertion employers who employed social marginalized persons in 2007 amounted to 11,849,201 RON.

3. Financial benefits for house heating.

Since 2003, the Government has been granting house heating benefits and some financial facilities for the payment of thermal energy to families and single persons who use thermal energy in centralized system for house heating and for warm water preparation, the persons who use natural gases for house heating, the persons who use woods, coals and oil gases for house heating.

The provisions of Government Emergency Ordinance no.55/2004 regarding some financial measures for granting the benefits for house heating, stipulated how to grant aid for house heating until the cold season 2005 to 2006. The provisions of this legislation were repealed in 2006.

In this regard, for the cold season November 2006 - March 2007, was adopted the Government Emergency Ordinance no.57/2006 for modifying and completing the Government Emergency Ordinance no.5/2003 on granting financial benefits for house heating or some facilities for paying the thermal energy for population.

In 2006, the law was modified with the purpose to create a more quick and efficient system. The old system of granting house heating benefits in a fix amount was replaced by value tickets - a procedure of offsetting the actual percentage of the value of thermal energy invoice between 100% and 10% depending on the average level of monthly net income per family member.

The family income levels have been increased and completed for all heating systems - thermal energy in centralized system, natural gas and wood, coal, oil gases. The house heating beneficiaries are the families and single persons whose average monthly net income per family member is up to 500 lei. If until the cold season 2006 - 2007 the benefits for house

heating with wood, coal, oil gases were granted only for the beneficiaries of social aid, starting from January 2007 these benefits are also granted to other categories of beneficiaries, and to all those who realize incomes per family member up to 500 lei and use this type of fuel.

In September 2007, a new Government Decision increased the amounts of house heating benefits with 10.7% for natural gas, 5.4% for wood, coal, oil gases, starting with the cold season in 2007 - 2008. It also increased the income limit upon which house heating benefit is granted with 21.9%, as well as the maximum limit - from 500 lei to 615 lei starting with January 2008.

The results for the **cold season 2005-2006** are as follows:

- total number of beneficiaries: **1,467,823 families and single persons**
 - thermal energy: 512,355
 - natural gas: 601,559
 - wood, coal, oil gases (VMG): 353,909
- total amounts granted :**702,19** million RON

The results for the **cold season 2006 – 2007** are as follows:

- total number of beneficiaries: **4,393,053 families and single persons**
 - thermal energy: 744,853
 - natural gas: 840,090
 - wood, coal, oil gases (VMG) : 306,381
- wood, coal, oil gases (others than VMG) : 2,501,726
- total amounts granted :**946,15** million RON

The results for the **cold season 2007 – March 2008** are as follows:

- total number of beneficiaries: **4,313,243 families and single persons**
 - thermal energy: 602,580
 - natural gas: 789,162
 - wood, coal, oil gases (VMG): 283,664
- wood, coal, oil gases (others than VMG): 2,637,837
- total amounts granted :**1072,80** million RON

4. Financial benefits for persons with minimum resources who use natural gases for house heating

During the period 2005 – 2007, the program of granting house heating benefits has been complemented by the program of granting financial benefits in the amount of 1,500 lei for acquisition and installation of individual heating stations and in the amount of 300 lei for acquisition and installation of individual automated burners.

The beneficiaries are the families and the single persons who accomplish the following conditions:

- use natural gases for house heating and have terracotta stoves;
- have a monthly net income per family member up to the guaranteed minimum gross income
- do not have a heating station.

The introduction of this measure has been achieved as a result of natural gas price increases, in order to make the individual consumption of natural gas efficient for persons who use this source of heating.

- In 2006, the amount granted for the implementation of this program was 2,54 million lei for a number of 1,400 heating stations and 465 automated burners.

- In 2007, the amount granted for the implementation of this program was 2,5 million lei for a number of 1,639 central heating stations and 97 automated burners.

5. Emergency aids

The Ministry of Labor, Family and Equal Opportunities may grant emergency aids for families and single persons who are in situations of need due to natural disasters, fires, accidents, and other special circumstances established by law.

Situation of emergency aids 2005-2007:

Year	Number of beneficiaries	Amounts granted -RON-
2005	8,160	7,216,758
2006	15,322	4,118,536
2007	17,623	6,334,400

Source: Ministry of Labour, Family and Equal Opportunities

6. The financial aids

Financial aids are granted for families and persons who are into extreme difficulty because of their health state or some other causes.

Situation of granting financial aids 2005-2007:

Year	Number of beneficiaries	Amounts granted -RON -
2005	4,729	4,747,089
2006	6,416	5,791,604
2007	4,720	4,355,491

Source: Ministry of labour, Family and Equal Opportunities

In addition to a system of adequate family benefits, Romania also strived to develop the social services system. In 2004, Government Ordinance no.68/2003 was improved by G.O. no.86/2004, taking into consideration the following elements, namely:

The role of the state in developing social services:

- Encourage and organize the application of social services;
- Promoting civil society participation in creating and maintaining social services.
- Creation of social services accessible to all persons
- developing efficient social services.

Social services were divided in two main categories, as follows:

1. Primary services - prevent and diminish difficult situations or vulnerabilities that can lead to marginalization or social exclusion.

Public services of social assistance, organized at the local level, bear the responsibility for creating, maintaining and developing primary social services, depending on the identified social needs, with the main purpose of sustaining a person in her/him family and community life.

2. Specialized social services - maintain, recover or develop individual capacities with the purpose to overcome a situation of social need.

Social public services, organized at the county level, have the responsibility of developing and diversifying specialized social services, depending on the identified social needs, with the

main purpose of maintaining the a person's social functions, following reinsertion in his/her family and community environment.

Social services are granted by accredited social services suppliers, which can be natural and legal persons, public or private. Social services are decentralized, being granted at the community level, depending on the identified needs, the number of beneficiaries, the complexity of the situation etc.

The 2004 law on the social assistance status created a professional framework for intervention:

a) institutional means:

- adopting measures that encourage decentralization and increased responsibility for local authorities;
- encouraging the private initiative in the area of social services (supplying social services can be externalized by concluding a contract of granting social services between the social assistance public service and any other social service supplier)

b) financial means

- Creating a dynamic policy with a view to developing social services taking into account the total amount of spending allocated to finance them;
- Allocation of resources proportional to the community needs;
- Creating a support mechanism by the state for those with private initiatives. This mechanism can function both through the direct involvement of the state and by providing tax advantages or easing the "social charges" for those who are involved in activities in the social field.

d) ensuring quality social services

- the provision of social services can be done only by accredited suppliers of social services;
- quality standards.

The accreditation process was designed to stimulate development of a system of quality social services. Accreditation is done at the level of each county and in the capital, by a Committee made up of 9-11 permanent members, including representatives of relevant structures of the Ministry of Labor, Family and Equal Opportunities, the Ministry of Public Health, Ministry of Education, Research and Youth, representatives of the County Council, representatives of providers of public and private social services at the regional level. Also, two representatives of the beneficiaries may also be invited as observers at the meetings of the Committee.

In the process of accreditation, compliance with quality standards is one of the essential conditions, and performance analysis will be part of the assessment report. These standards for social services are based on the European Quality in Rehabilitation Award (EQRM). The accreditation of social services providers is valid for a period of 3 years or, as appropriate, for the duration of social services provision if it lasts less than 3 years.

In the field of social services, a sectoral legislative framework was developed, taking into account the specific needs of various vulnerable groups: elderly persons, persons with disabilities, children, victims of domestic violence, families in difficulty, people dependent on drugs or other substances etc.

1. Social services for the elderly:

The legal framework for this segment of the population is ensured by the Law no.17/2000 on social assistance to elderly people, and by the 2005 -2008 National Strategy on the development of the social assistance system for the elderly.

The services for the elderly focus on:

- a) temporary or permanent care home;
- b) temporary or permanent care in a residential institution for elderly persons;
- c) care in day centers, clubs for elderly, residence for temporary care, apartments and social housing, and others.

a. The services provided at home can be:

- i) *social services* - personal care, prevention of social exclusion and support for social reintegration, legal and administrative advice, support for payment of certain services and current obligations, housing and household care, help for cleaning, food preparation;
- ii) *socio-medical services* - support to achieve personal hygiene, rehabilitation of physical and mental capacities, involvement in economic, social and cultural activities as well as temporary care in day centers, night shelters or other specialized centers;
- iii) *medical services* – doctor visits, medical care at home or in health care institutions, dental consultations, administration of medicines, provision of sanitary materials and medical devices.

Home care is the most effective strategy for the care of the elderly in situation of dependence, not only because it is a lower cost method than care in institutions, but because it is favored by all persons, representing an essential aspect to ensure an increased quality of life.

Romania has given priority to programs which enable the development of social infrastructure capable to support a network of services in this area. This means sufficient financial means, granted in conformity with a well structured and defined model at national level, specialized staff, involvement of civil society, volunteering development, providing support for families and carers.

Most of the dependent elderly people receive care in the family. According to an Order of Minister of Labour, temporary or permanent home care of the elderly can be achieved only with their consent, by an accredited person, named caretaker, or by a legal entity with responsibilities in this area.

Home care aims at providing social and socio-medical services, recommended under the National Assessment Scale of dependent elderly. The de-concentrated structures of the Ministry of Labor, Family and Equal Opportunities approve the accreditation of the caretaker, following a request submitted by those requiring this service, where the conditions are fulfilled. Accredited natural or legal persons receive a "certificate of carer for the elderly" which will be issued for a period of one year. Annually or when deemed necessary, the social services of the local councils prepare a report assessing the activities carried out by the carer, which it is transmitted to the county directorate for labour and social protection. Based on this, the certificate may be renewed, suspended or withdrawn.

In order to support the informal carer, local councils may employ, part time or full-time, the spouse or relatives of such person, ensuring payment for this period of work in an amount calculated according to the gross monthly salary of a debutant social assistant who graduated high school. Also while working part time, the work done by the caretaker is considered as full time employment. Staff who provides home care can be employed by local councils and can be paid, depending on the period of care required, by payment by the hour, part-time or full time.

The number of people who have received home care in 2007 is presented in the table below:

Source of funding	Children	Elderly	People with disabilities	Other categories of beneficiaries
From the state budget (subsidies under the Law no.34/1998)				
From the local budgets	1,147	6,685	12,732	236
From the budgets of NGOs or other civil society representatives	368	12,233	2,516	1,899

Source: Ministry of Labour, Family and Equal Opportunities

2. The services provided in residential institutions

The main objectives of a residential institution are to ensure maximum autonomy and security, the necessary surveillance and medical care services, to provide support for improving physical and intellectual capacities of the elderly, to stimulate the participation of the elderly in the society.

The community services provided to elderly people in residential institutions are:

- a) social services: help with housework, legal and administrative counseling, ways to prevent social exclusion and promote social reintegration, proportionally with the psychical and affective abilities;
- b) socio-medical services: support for the maintenance and rehabilitation of physical or intellectual capacities, provision of occupational therapy programs, support for the body hygiene;
- c) medical services: consultations and treatments in medical clinics, in specialized medical institutions or at the person's bed if he/she is immobilized; service care – infirmary; providing medicines; medical insurance; dental care and advice.

The situation on the residential institutions for elderly persons is as follows:

	Residential institutions for the elderly					
	Local budgets			NGOs Budgets		
	Number of units	Number of beneficiaries	Capacity	Number of Units	Number of beneficiaries	Capacity
2005	19	1,891	2,011	na	na	na
2006	54	4,441	4,827	32	1,147	1,267
2007	68	4,711	5,588	38	1,301	1,429

Source: Ministry of Labor, Family and Equal Opportunities

Granting social assistance, social and medical care is organized by the local councils which also determine the types of services and their costs; services may be granted directly by local councils or by non-governmental organizations on the basis of contracts concluded with the local councils; people with incomes 5 times less than the net monthly income taken into account for determining the social aid benefit from these services free of charge.

Funding:

- it is achieved mainly through the *local budgets* by granting subsidies in addition to the extra income of residential institutions. The local budget also ensures the financing of expenses for

the organization and operation of community services, including those granted at home, for the funeral expenses in cases where there are no legal supporters or they cannot meet their family obligations because of economic or health reasons as well as for the financing of NGOs' social assistance;

- resources from the *state budget* cover, inter alia, the costs of investments and capital repairs for the units of social assistance in the disadvantaged areas and subsidize social assistance programs carried out by NGOs.

Access of the elderly in residential institutions is ensured, with priority, for those who are in a situation of dependency and who require constant care, for persons without legal supporters, for people who can not be cared for at home, for people who cannot take care of themselves, people who have no housing, people who do not earn incomes.

The right to social assistance, at home and in institutions, is determined by the mayor based on a social survey and the recommendations made in accordance with National Scale Assessment. The monthly contribution for maintenance is established by the management of the institution, depending on the degree of dependency and the incomes of the elderly or his/her legal supporters.

2. Social services for people with disabilities:

The responsibility for the development of social services for disabled people rests with the National Authority for Disabled Persons. The National Authority for Disabled Persons is a specialized institution of public administration, with legal personality under the coordination of the Ministry of Labor, Family and Equal opportunities.

The rate of persons with disabilities (children and adults) in 2006 was 2.25% of the total population (488,054 people, out of whom - 261,449 women), registering a slight increase from 2007, namely 2.63% (567,542 persons, out of whom 308,812 - women).

	Adult persons with disabilities in the family care or living independently	Adult persons with disabilities assisted in residential institutions	TOTAL
2006	415,802	17,131	432,933
2007	493,910	16,736	510,646

Source: National Authority for Disabled Persons

In the field of special protection of disabled persons, 2006 was the first year of implementing the 2006 - 2013 National Strategy on the protection, integration and social inclusion of persons with disabilities "Equal opportunities for people with disabilities - to a society without discrimination".¹ The main concern was the restructuring of old type residential institutions by: reducing the number of assisted people, redefining the mandate of the institution, implementing the quality standards for the services provided, re-modeling, re-arrangement, endowment, equipping new centers, training/ improvement/ retraining of staff, recruitment of specialized personnel.

The implementation of the National Strategy required the allocation of important financial resources, both national and international, as follows:

⇒ In 2006, the sum of 3,463,000 RON was allocated from the state budget for the year 2006 to finance projects of special protection and socio-professional integration of disabled adults. Thus, a number of projects submitted by NGOs were financed, the results being the

¹ Government Decision no. 1175/2005 on the approval of the 2006-2013 National Strategy on the protection, integration and social inclusion of disabled people "Equal opportunities for people with disabilities - to a society without discrimination"

establishment in 2006 of 23 new social services and vocational training. In 2007, the sum of 3,623,000 RON was allocated and 18 social services have been set up. For the year 2008, the sum of 3,781,000 RON was allocated with the aim to set up 16 services.

⇒ In 2006, the funds allocated from the state budget amounted to 12,654,000 RON to implement 5 programs of national interest in the field of special protection of disabled persons. The results of these programs were the restructuring of 2 residential institutions which have a capacity of over 200 assisted persons, the vocational qualification of 300 persons with disabilities, the development of 31 service centers for motor neuron recovery of ambulatory type, the training of 160 persons operating in the field.

⇒ In 2006, 14,905,000 RON were allocated from the state budget for the design works and capital repairs for 14 residential centers, as well as for cleaning and equipping of 45 centers;

⇒ Also in 2006, capitals repair works were carried out in 9 residential centers in 8 counties. The amount allocated from the state budget was 17,822,000 RON;

⇒ Between 29 November 2005 and 29 October 2007, 2003/005-551.01.04 Phare project "Support to reform the system of protection of persons with disabilities" was conducted. The total amount of the financing scheme was 21,355,195.74 Euros. Romania co-financed 4,079,093 Euro. In the non-reimbursable funding scheme, at the end of 2005, 36 contracts were signed, having as beneficiaries 20 County Councils and the Local Council of Sector 3 - Bucharest. By the end of the program, 78 new services have been established, such as: protected houses (45), integration centers through occupational therapy (5), centers for care and support (13), center of recovery and neuron-psychic rehabilitation (10), day centers (4), recreational centers (1).

During 1 January 2007 - December 31 2007, the number of social services for adults with disabilities increased, which shows a more significant involvement of local authorities in promoting special protection measures for people with disabilities.

The evolution of institutions and social services for adults with disabilities:

Type of service/ institution	Number of institutions		
	1 Jan 2005	31 Dec 2006	31 Dec 2007
Centers for recovery and neuron-psychical rehabilitation	25	33	45
Centers for integration through occupational therapy	11	18	18
Centers for recovery and rehabilitation	20	21	34
Pilot centers for recovery and rehabilitation	6	5	1
Care and support centers	83	83	98
Day centers	4	8	13
Social centers	0	1	1
Recreational centers	0	1	5
Centers for assistive technologies	0	1	1
Pilot centers for vocational recovery and integration	0	1	1
Neuronal and motor	0	34	36

recovery centers			
Protected housing	0	14	70
Protected workshops	0	6	11
Vocational training and advanced training centers	0	7	7
Crisis center	0	2	2
Home support	0	2	2
Counseling and assistance services for socio-professional integration	0	2	3

Source: National Authority for Disabled Persons

The employment of persons with disabilities

Employment on the labor market of people with disabilities is one of the most important processes for the active participation of this category in the economic and social life and one of the objectives of the relevant national strategy.

The employment of people with disabilities is carried out according to their vocational training and work capacity, in the following forms: on the free labour market, at home and in protected forms. The people with disabilities who get employed are exempted from taxes on wages and cumulate the social benefits for being a disabled person with the wage income. Also, employers who refuse to employ people with disabilities are fined.

In order to stimulate employers to employ persons with disabilities, they enjoy certain rights, namely:

1. deduction, in calculating the taxable profits, of the expenses made with the adjustment of the protected jobs and the purchase of machinery and equipments used in the production process by the person with disabilities;
2. deduction, in calculating the taxable profits, of the expenses made with the transport of people with disabilities from home to work, as well as of the transport costs of raw materials and finished products to and from the domicile of the person with disabilities, committed to work at home;
3. payment from the unemployment insurance budget of the specific expenditure with the vocational training, vocational guidance and employment of persons with disabilities;
4. subsidies from the state, in terms of legislation on unemployment insurance system and stimulation of employment.

The law provides for the rights of persons with disabilities in finding a job or who are already employed:

- a) training courses;
- b) reasonable adjustment of the workplace;
- c) counseling during prior employment and during employment and on probation, from a counselor specialized in mediation at work;
- d) a probationary period of employment, paid at least 45 working days;
- e) a paid notification of at least 30 working days, given at the termination of the individual employment contract at the initiative of the employer for reasons not attributable to it;
- f) the possibility to work less than 8 hours a day, according to the law, in case he/she receives the recommendation of the evaluation committee in this regard;
- g) exemption from payment of income tax, for people with pronounced and severe disabilities.

The authorities and public institutions, legal persons, public or private, with at least 50 employees, are required to employ disabled people in a rate of at least 4% of the total number of employees.

In a situation where they do not employ people with disabilities, they may choose to fulfill one of the following requirements:

- a) to pay monthly to the state budget an amount representing 50% of the basic minimum gross national salary multiplied by the number of jobs that have been filled in with people with disabilities;
- b) to purchase products or services from protected authorized units, based on partnership, in the amount equivalent to the amount owed to the state budget.

Following the introduction of this right to choice, in 2007, an increase in the number of protected authorized units was recorded. If at the end of 2006 there 48 units were authorized, by the end of 2007 they were 150. The increase in the number of protected units was maintained and protected in 2008, currently being authorized 193 units. Within these units, 898 persons with disabilities were employed.

With the new legislative package was covered the status of protected units, as well as the rights that they enjoyed, namely:

- a) exemption from payment of authorizing taxes, at the establishment and re-authorization;
- b) exemption from payment of income tax, provided that at least 75% of the fund obtained by the exemption to be reinvested for restructuring or for the purchase of technological equipment, machinery, tools, other facilities and/or the re-arrangement of the protected workplaces, in terms set by the Fiscal Code;
- c) other rights granted by the local public administration financed from its own funds.

In conclusion, on 31 December 2007 the number of people with disabilities placed in employment was 21,906 compared to 16,225 at 31 December 2006, out of whom 2,431 were people with severe disabilities and 16,707 people with pronounced disabilities.

An important contribution had the activity carried out by the 9 centers for mediation and counseling of persons with disabilities (8 established under the project "Counseling services for people with disabilities", with IBRD financing (RO 4616) and 1 in partnership with a foundation in Germany).

The difficulties of integrating people with disabilities are very diverse. They are mainly related to: accessibility that the community and employers have to provide to them, adaptations of the workplace by employers, the mentalities related to the use of these people in practical activities.

In order to prevent and combat discrimination and provide equal opportunities for persons with disabilities, the National Authority for Disabled Persons implemented in 2007 an awareness raising campaign, with the slogan "Put yourself in my place! Learn to understand."

Also, persons with disabilities enjoy a package of financial rights and privileges. In 2006, the amount of 549,385,322 RON was allocated for this purpose and 209,752,797 RON were spent for the payment of special aids for people with visual disabilities.

In 2007, the amounts spent for the payment of benefits for persons with disabilities was 1,248,151,098 RON.

The number of disabled adult recipients of benefits:

Development Region	Monthly allowance for the carers of adults with serious and pronounced visual disabilities	Monthly aid for adults with severe and pronounced disabilities	Additional personal budget for people with severe, pronounced and medium disabilities
North-east	7,257	61,809	74,628
South-east	4,723	54,434	67,219
South Muntenia	7,135	71,947	81,821
South-West Oltenia	4,650	43,883	52,414
West	4,266	44,440	52,667
North-west	6,188	60,862	72,645
Center	4,753	48,588	58,726
Bucharest-Ilfov	3,432	41,212	47,175
TOTAL	42,404	427,175	507,295

Source: Ministry of Labor, Family and Equal Opportunities

3. Social services for children in difficulty

Since 1997, a comprehensive reform has been conducted in the field of child protection. It focused on the need to develop alternative social services that provide adequate support to families in difficulty in order to keep the children in the family.

Thus, emphasis was placed on the development of social services to prevent institutionalization. At the same time, new residential centers were established as a result of the closure and restructuring of the old institutions. The results of these reforms can be seen through the analysis of key indicators, namely:

- decrease in the number of institutionalized children in residential-type services (placement centers, reception centers in emergency regime, maternal centers);

	2005	2006	2007
Public services of residential-type	23,684	21,198	20,532
Private service of residential-type	5,102	4,907	4,582
TOTAL	28,786	26,105	25,114

Source: National Authority for the Protection of Child's Rights

- existence of a number of 467 apartments where children enjoy a family-type protection, and a number of 361 houses of family-type;
- number of maternal assistants: 15,225;
- number of children in substitutive families (professional maternal assistants, relatives) - 48,172 in 2007;

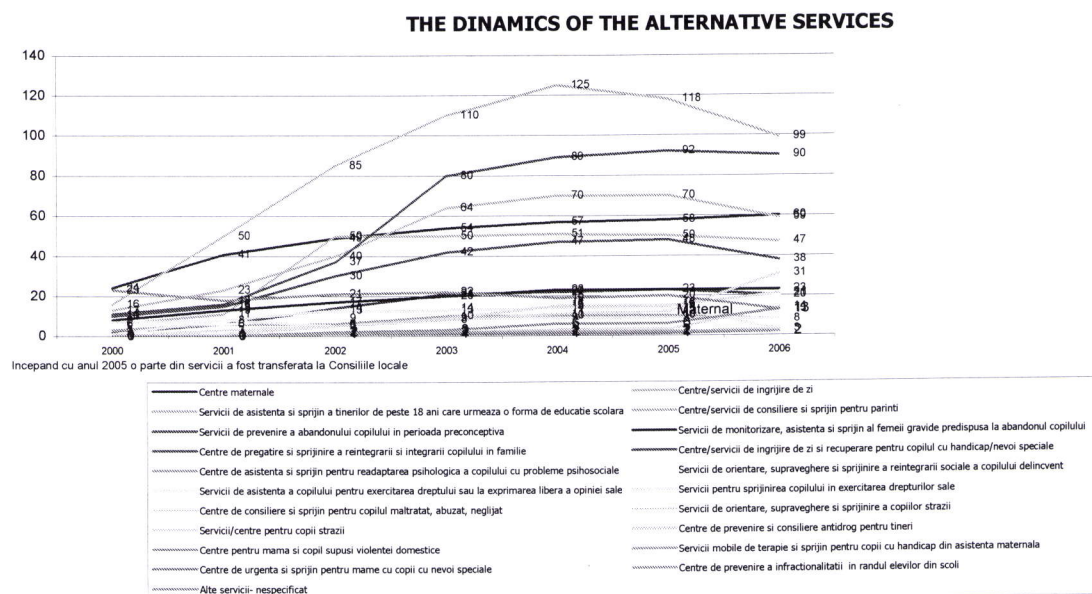
	2005	2006	2007
With maternal assistants of the public services (DGASPC, local councils)	17,213	19,571	20,226
With maternal assistants of private authorized bodies	348	238	186
With relatives	24,689	23,847	21,888
With other families and individuals	55,473	4,215	3,870
TOTAL	47,723	47,871	46,172

Source: National Authority for the Protection of Child's Rights

- Reducing the number of classical placement centers (in March 2007 there were only 42).

As regards the de-institutionalization, excellent results were recorded in the period 2005 – 2006. The number of children who left the institutions of protection was 4.5 times higher in 2006 compared to 2005.

The development of alternative services to institutionalization represented the priority of all programs in this field. Following all these actions there was a dynamic in the development of alternative services, as shown in the chart below:



Source: National Authority for the Protection of Child's Rights

In order to develop alternative services, programs of national interest have been promoted, implemented with the support of NGOs. Thus, in 2005, there were created:

- 2 services on guidance and vocational counseling (one of residential-type, the other a day care center for young people who have left the protection system).
- 2 transit centers for the protection of repatriated children and victims of trafficking (prevention activities were carried out for 4,850 children);
- 4 local inter-sectoral teams to prevent and combat exploitation of child labor in 4 counties, 40 focal points (consultative community structures), as well as 3 days centers and 5 centers to prevent the exploitation of children.
- 108 community social services: 26 services to prevent separation of children from their parents (5 days centers, 5 counseling center for parents, 16 services to monitor pregnant women and women at risk to abandon the child) and 82 social services at the level of local authorities.

In 2006, 5 programs of national interest were carried out, such as:
the program named "Establishment of placement centers of family type – houses and apartments for children in institutions with a capacity bigger than 100 seats, which have not been restructured on modules of family -type", amounting to 3,731.6 thousand RON. 7 houses of family type were established in 2 counties.

- the program named "The development of alternative services for children with disabilities/HIV/ AIDS", with a budget of 2,260 thousand RON, aimed at setting up 4

alternative services for children with disabilities/ HIV/ AIDS in one county, and the continuation of the program of national interest "Development of day/recovery services and/or the closing of old institutions for children with disabilities that can not be restructured/ rehabilitated" that had started in 2005.

- "Developing the network of community social services for the child and family, and support for families in crisis to prevent child separation from his family", with a budget of 6,088 thousand RON, under which 32 services were established in 5 counties to prevent child separation from his family, employing 68 people with responsibilities in social work at the level of local councils; also, 134 community consultative structures were established and their members trained).

In 2007, 2 programs of national interest were carried out, namely:

⇒ "The development of alternative services for children with disabilities/ HIV/ AIDS", with a budget of 3,200 thousand RON (26 professional maternal assistants were recruited and trained, 12 maternal assistants were hired);

⇒ "The development of community network of social services for child and family and support for families in crisis to prevent child separation of his family", with a budget of 1,400 thousand RON

(210 people were trained in the public services of social assistance and 521 people in the residential-type services).

As regards the social reintegration of street children, the "Street Children Initiative" was funded by the Development Bank of the Council of Europe, with an amount of 4,78 million EURO. The project created 20 centers for a total of 300 children and about 150 social workers will benefit from training programs.

Training of professionals involved in protecting children's rights was another priority area. Training was customized for the professionals who work with disabled children, Roma and other minorities, street children, children who commit criminal offences and do not respond for their deeds, trafficked children etc. Textbooks for 6 professional categories (social workers, teachers, medical staff, judges and prosecutors, police and priests) were compiled under the project financed from PHARE funds, which started in December 2005.

The National Authority for Protection of Children's Rights conducted an education campaign on the child's rights, funded by the European Union through PHARE. The first part of the campaign, carried out from October 2004 to March 2006 under the slogan "Children's rights are the law!" was structured in three parts: (1) the information campaign for the general public "Children's rights are the law!", (2) the component of training for professional groups (100 workshops which were attended by 1800 professionals) and (3) activities related to national and international media.

Raising awareness activities and efforts to change perceptions and attitudes towards the rights of children and enhance the decision-making process and best practices that are in the interests of children in Romania continued with a new Phare project which started in December 2005 and ended in October 2007.

Other national campaigns for informing and raising awareness have focused on:

- role of parents or legal custodians
- children's rights recognized by the UN Convention on the Rights of the Child and the national legislation
- prevention of ill-treatment of children and corporal punishment
- prevent and combat the exploitation of children, carrying out training and information activities for all categories of professionals that come into contact with children

- ensuring the effective exercise of the children's rights
- the right to special protection etc.

4. social services for the protection of victims of domestic violence:

Statistical data of the National Agency for Family Protection show that, during 2004 - 2007, throughout the entire country, there were 35,800 cases of domestic violence and 540 deaths caused by acts of violence perpetrated in the family. The actual number of cases of domestic violence can be higher because many victims do not report to the competent institutions or face this problem.

According to the administrative data held by the National Agency for Family Protection, in 2007, there were 8787 cases of domestic violence, namely:

- ⇒ 5794 female victims (4447 adults and 1347 children), representing 66% of the 8065 cases of domestic violence;
- ⇒ 2271 male victims (937 adults and 1334 children), representing 25.84% of the 8065 cases of domestic violence.
- ⇒ 722 cases of domestic violence where there was no mention of the victim's gender and age.

276 family aggressors were recorded by the Centers for family aggressors rehabilitation during the year 2007 and the first quarter of 2008. In these centers, family aggressors received social, psychological, legal counseling, conflict mediation, psychological treatments, psychiatric and alcohol rehab (given in hospitals or specialized public health units with which cooperation agreements were concluded), as well as information and orientation services.

In Romania, gender violence is visible in all social spheres and is directed to all women, regardless of age or social condition.

The 2005 National Strategy on preventing and fighting against domestic violence and the relevant Action Plan aim to complement and harmonize the legal framework existing in this area. In order to develop a uniform system of specific social services for preventing and combating domestic violence, a series of Programs of National Interest (PIN) have been approved. During their implementation, 25 projects with non-reimbursable funding from the state budget were awarded, such as:

- ⇒ "Supporting the system of specialized services by financing in partnership projects aimed at developing and maintaining the units to prevent and combat domestic violence" – under this project, 12 new shelters for domestic violence victims were set up and 6 shelters already established were funded.
- ⇒ "The development of recovery and social reintegration services for family aggressors" – the first centers in the country to assist family aggressors were set up.

The National Agency for Family Protection included the issue of domestic violence in the Social Inclusion Project (SIP), co-financed by the International Bank for Reconstruction and Development and Romania. The project's goal is to improve the living conditions and social inclusion of disadvantaged groups or people in situations of risk, including victims of domestic violence. The Program for victims of domestic violence is part of the Social Assistance Program - one of SIP components. Thus, it aims to develop integrated social services for victims of domestic violence by creating a network of centers, training of specialized personnel, informing the public about the phenomenon and its consequences.

The specific objectives of the Program for victims of domestic violence concerned:

- creation of a network of centers (16) for victims of domestic violence by financing sub-projects (awarded in competitive conditions) on rehabilitation/construction of buildings

for the Centers for sheltering and assisting the victims of domestic violence, furnishings and equipment supply.

- staff training centers for victims of domestic violence and the staff of the National Agency for Family Protection;
- developing guides for best practices and ways of evaluating projects;
- undertaking activities to raise awareness and informing the public;
- developing a system of information management.

Improving information and raising awareness about the effects of domestic violence was achieved through a series of public events, such as photo exhibitions, celebratory events of the International Women's Day.

The National Agency for Family Protection and the Information Office of the Council of Europe in Bucharest organized, during November 28 - December 10 2007, activities dedicated to combating domestic violence against women, within the relevant pan-European Campaign of the Council of Europe (2006-2008). The campaign was supported by all relevant Romanian institutions and organizations.

Another objective of the National Agency for Family Protection is to implement the *National integrated information system for recording, reporting and management of cases of domestic violence and family bullies "SIIVF"*.

The National Agency for Family Protection launched in December 2007 the first guide on intervention in cases of domestic violence for the providers of social services in this area. The guide can be used by all professionals who come into contact with victims of domestic violence and family with bullies, specialists involved in shaping the social inclusion policies and the respect for fundamental human rights, but also by students and workers in the social field.

5. Other programs aimed at developing social services for people in difficulty

To develop an integrated system of social services and to ensure the effective implementation of national strategies on social services, programs of national interest were promoted in the field of social assistance for people with disabilities, victims of domestic violence, elderly and homeless persons. There were 9 such programs of national interest approved, and the total amount allocated for their implementation was 67,614,120 RON.

The program of national interest on the development of home care for elderly dependents had a budget of 7,600,000 RON. 40 projects were accepted for funding. Under the program on combating social exclusion of homeless people, 37 projects were selected.

In order to support the work of NGOs, annually, the state budget provides subsidies for private non-profit providers of social services. To facilitate the process of granting subsidies, priority lines of financing were approved. In order to receive the subsidies allocated for 2007, 3110 funding applications were sent for 315 units of social assistance, out of which 92 applications were approved for a total of 267 units. The total amount approved was 9,999,837 RON.

To provide the subsidies allocated for 2008, a selection was organized during November-December 2007. Grants were approved for 117 associations and foundations, with 307 units of social assistance. The total amount approved was 13,106,287 RON for 15,148 beneficiaries.

Another vulnerable category is composed of young people who left the system of child

protection. In this sense, the Government approved the 2005 – 2008 National Strategy for the protection of young people leaving the system of child protection. Its implementation is ensured through a loan allocated by the World Bank under the "Social Inclusion Project". The value of this component of the project was 47.2 million EURO.

People in special economic and social situations or special care may qualify, for free or against payment, for meals at social canteens for a period not exceeding 90 days per year. The categories of beneficiaries are:

- a) children up to 18 years old in the maintenance of those families whose average net monthly income per dependent person is below the net monthly income for a single person taken into account in determining the social assistance allowance;
- b) young people who attend daily courses at institutions which function under the law, until they graduate, but they do not exceed the age of 25 years, or 26 years for those who attend higher education with a duration of more than 5 years, in the situation referred to at letter a);
- c) those receiving social aid or other money support granted in the terms set by law and whose income is below the net monthly net income for a single person taken into account in determining the social aid;
- d) retired;
- e) persons who have reached retirement age, located in one of the following situations: they are socially isolated, have no legal supporters, have no income;
- f) disabled and chronically ill;
- g) any person who temporarily does not realize revenue.

Those who earn an income that is above the level of monthly net income for a single person taken into account in determining the social aid can benefit from the social canteen services, with the payment of a contribution of 30% of the income per person, not to exceed the cost of meals served, calculated for the same period.

The situation on social aid canteens:

	Social canteens					
	Local budgets			NGOs budgets		
	Number of units	Capacity	Average daily number of beneficiaries	Number of units	Capacity	Average daily number of beneficiaries
2005	114	28,203	19,600	na	na	na
2006	124	32,086	23,590	57	4,565	3,474
2007	115	32,001	21,059	69	5,204	3,807

Source: Ministry of Labor, Family and Equal Opportunities

The Phare Project 2004/016-772.04 – the non-reimbursable grant scheme for social services, with a budget of 10.67 million Euros was launched in 2006, and 83.4% of the funds were contracted (91 projects). On 7 September 2007, it was launched the second call for proposals under the 2006 PHARE Program, under which there were submitted 306 projects on the development of primary and specialized social services. The budget allocated for this call was 7 million Euros.