*Romania’s contribution to the oral update of the High Commissioner for Human Rights*

*at the Human Rights Council’s forty-fifth session*

*Human rights implications of the COVID-19 pandemic*

**Social Protection**

In Romania, the state of emergency was declared on 16 March 2020, for an initial period of 30 days, by Presidential decree, according to the law[[1]](#footnote-1). The state of emergency was further prolonged, until 14 May 2020[[2]](#footnote-2). Article 2 of the Decree lists the rights that could be limited during the state of emergency. The list of the rights that could be limited during the state of emergency was provided in article 2 of the decree and comprise the following: Freedom of movement; Right to intimate, family and private life; Inviolability of home; Right to education; Freedom of assembly; Right to private property; Right to strike; and Economic freedom. The exercise of these rights could be restricted proportionally with the gravity of the health threat, by means of military ordinances issued by the Minister of Interior.

In Romania, the state of alert was initially declared on 15 May 2020, by Decision of the National Committee for Emergency Situations, for a period of 30 days. The state of alert was prolonged on 16 June 2020, by the Decision of the Government, for another 30 days, and renewed for successive periods of 30 days on 17 July and 16 August.

Romania dully notified the Council of Europe, in accordance with article 15 of the European Convention on Human Rights and the UN Secretary General, according to article 4 of the International Covenant of Civil and Political Rights, on the above-mentioned actions.

Similar to other countries, in line with the WHO recommendations and according to the national law, the measures taken by the Romanian authorities covered a broad spectrum of the social and economic life: social distancing measures, recommended to the general population; suspension of cultural, artistic, religious and of other type of gatherings; limitation of the freedom of movement; limitation of the commercial activity; wide range of measures regarding work from home and teleworking; closure of the schools; limitation of the religious services.

In order to balance the effects of the measures aimed at combating the spread of the virus, the Romanian state acted mainly on the social field, with particular consideration to the vulnerable categories and also in the educational field.

In Romania, the responsibility for developing, managing and providing **social services** is shared as follows:

* a) the elaboration of public policies, programs, national strategies, regulating, coordinating and controlling their implementation, as well as the evaluation and monitoring of the social services’ quality- is under the responsibility of the central public administration authorities;
* b) the organization, administration and provision of social services – falls under the responsibility of local public administration authorities, responsibilities that may be outsourced to the non-governmental sector, religious institutions, other natural and legal persons of public or private law, under the law;
* c) the financing of social services, in accordance with the law - from the local budget, from the contribution of the beneficiary and / or, as the case may be, of his family, the state budget, as well as from other sources.
* Social services are organized and provided at the community level. Social services are based on the identification and assessment of individual, family or group social needs and the development of intervention plans to prevent, combat and solve situations of difficulty.

In the field of social services, the Military Ordinance no.8 from 09.04.2020 provided for the prohibition, during the state of emergency, of the cessation or suspension of the activity of social services such as residential care and assistance centres for elderly people, residential centres for children and adults, with and without disabilities, as well as for other vulnerable categories, being public or private. The personnel of these social care units worked in 14 days shifts, followed by a period of self-isolation at home. Any breach of the above-mentioned measures would imply criminal or contravention sanctions, as the case may be.

If the social service providers do not have their own accommodation resources for the application of the provisions above, the local public administration authorities have the obligation to identify and provide, in their proximity: accommodation spaces, daily meals, transport of staff from/to work to/from their home or their temporary allocated residence.

Priority testing in case of specific symptoms COVID-19 is provided for the care personnel and of the beneficiaries of the social residential centres.

In this context, the Government approved the payment, from EU funds, of the salaries, transportation, medical protection equipment, as well as other categories of expenses incurred by /for the personnel in the field of social assistance and communication, involved in supporting elderly people in isolation at home or with mobility restrictions, persons with disabilities and families who take care of persons with disabilities, during the epidemic with COVID – 19.

Other subsidies and incentives were granted as follows:

* The social service centres having subsidy agreements with the local authorities, according to the Law no. 34/1998, may still benefit from the subsidies granted from the state budget, provided that they perform support activities for the local public administration authorities, for implementing the measures aiming at combating the spread of SARS-Cov-2, according to article 29 (2) of the annex no. 1 to the Decree no. 195/2020 on the establishment of the state of emergency in the territory of Romania, as well as information and counselling activities, according to article. XVI of the Government Emergency Ordinance no. 32/2020 for establishing social protection measures during the current state of emergency.
* The staff/ personnel of the social assistance units, respectively public residential social services, involved in the application of measures for prevention, limitation and treatment of COVID-19 cases, during the emergency situation, benefited from food subsidy/allowance, regardless of the actual time worked.

As regards the situation of single parent households, a special law was adopted for parents taking care of children during the temporary closure of schools as a result of weather conditions or other extreme situations so decreed by the competent authorities with responsibilities in the field (Law no. 19/2020). The allowance for each day off corresponds to 75% of the salary for one working day, but no more than the daily correspondent of 75% of the average gross earnings used to substantiate the state social insurance budget.

As regards **social protection** - Law No.59/2020 on approving Emergency Ordinance of the Government (EOG) No.30/2020 on amending and supplementing certain legal documents and for establishing social protection measures in the context of the epidemiological situation caused by the spread of SARS-CoV-2, has then extended by three months the period for granting the unemployment indemnity, under the law. This measure applies to those who receive unemployment indemnity payments, as well as to those for which, at the date the EOG entered into force, the payment of unemployment indemnities has been suspended under the law, the extension being applied from the date when the payment is restored. The 3 month extension of the entitlement to unemployment indemnity is applicable until December 31st, 2020.

On May 29th, 2020, the Romanian Government has adopted EOG No.92/2020, which provides for the following active labour market measures:

A. Stimulating the employment of unemployed aged over 50 whose employment relations were terminated during the emergency/alert, young people aged between 16 and 29, and Romanian citizens whose employment with employers from abroad was terminated for reasons beyond their control

• the state covers 50% of employee's wages, up to 2,500 RON

• 12 months duration, with the obligation to keep the employee for another 12 months

B. Wage support for employees who have benefited from technical unemployment measures

• the state covers 41.5% of the base wage, up to 41.5% of the average gross wage

• 3 months duration, with the obligation to keep the employee until December 31st, 2020

C. Extending payment of technical unemployment beyond June 1st, for economic areas where restrictions are maintained, until the restrictions are lifted.

**In the field of education**, the decision on the closure of schools was taken in order to protect the pupils and teachers, as well as the communities they live in. This was a protection measure taken by the majority of EU states.

As a result, the Romanian Ministry of Education and Research (MER) encouraged teachers to continue the learning activities by means of technology-supported courses for pupils.

In order to support teachers in this endeavour, the following measures have been implemented:

• Teachers have been advised to access the suite of educational applications offered under a free license by Google and Microsoft. For this approach, the teachers are supported by the Teacher Training Houses (national resource centres for the training and professional development of the teaching staff) and by the e-learning experts within the national project Relevant curriculum, open education for all (CRED).

In addition, teachers can access tutorials on various collaborative platforms, such as Teams/Office365, Google Meet, Zoom, Livresq, Google Classroom etc., in order to capitalize on the new technologies within the learning activities with pupils.

• Teacher training on how to use digital tools is also provided by means of webinars within the project School on the Net, initiated by a group of NGOs in partnership with the MER - https://bit.ly/3dq5H5a;

• The MER, in partnership with the Romanian Public Television (TVR), organized courses for all levels of education, free of charge, with priority for pupils of the 8th and 12th grades, in order to ensure the continuity of the preparation for the national exams.

Thus, the public television started broadcasting the educational show “Tele-school” on March 16.

 lessons could be watched from Monday to Friday on TV, on two channels (TVR 2 and TVR 3) channels, but also on Romanian Public Television’s YouTube channel and on the website www.tvr.ro, where the full schedule is also available. These classes were for pupils in the 8th and 12th grades, who had to take exams this year.

• At local level, in Bucharest, the e-learning platform [www.hubproedus.ro](http://www.hubproedus.ro) has been launched.

From March 15, several video courses are available for pre-schoolers and as from the following week, primary school pupils will be able to watch live lessons. The platform offers over 2,000 learning hours, from 10 different disciplines, such as foreign languages (English, French, German, Spanish and Italian), management and personal development.

• On March 24, the MER launched the online platform digital.educred.ro, which centralizes different types of digital resources and useful information, available for free. The Platform was developed by the CRED project team, with the support of the experts from the Institute of Educational Sciences.

The platform provides teachers with learning resources supporting distance activities with pupils, digital tools for developing such resources, collaborative learning platforms, tailored to the needs of the classroom and the available school resources, respectively, useful communication tools and distance collaboration, as well as learning communities in which experiences and resources can be shared with other disciplinary colleagues.

As a general approach, teachers have been encouraged to share with other colleagues their experience on using online tools and platforms for learning activities.

• The first line for psychological support on COVID-19, called “Ambassador for Community” was recently launched, within the partnership between the MER and the Proacta EDU Association. The initiative aims at providing teachers, pupils and parents with free of charge online or on the phone personalized counselling in order to better manage the current situation.

Psychologists from the Proacta EDU Association will provide teachers with support on the communication with families and the identification of special or risk situations in which parents or pupils may be. They will also benefit from psychological counselling.

To this end, two telephone lines, free of charge, as well as an email address have been made available.

On the MER’s recommendation, the daily schedule of the online learning activities organized by the teachers is at the decision of schools’ leadership.

The MER maintains permanent contact with the pre-university educational institutions through the county school inspectorates, who have the obligation to monitor the pupils and teachers all throughout the period during which the courses are suspended and to report daily to the MER.

Regarding the pupils and teachers form disadvantaged communities, the following measures have been taken:

• The MER and the NGO Narada, with the support of Cora România, have launched the initiative “Reaction to Education”, which enables the provision of technology to the teachers and pupils from disadvantaged communities. By means of an online platform - narada.online - teachers can submit requests for resources that they and their pupils need in order to ensure the distance education process. The objective of this tool is to attract and coagulate the local communities, in order to accommodate as many requests as possible in a short time.

Online learning material equipment for teachers from eight disadvantaged communities will be soon provided.

Moreover, on the narada.online platform, workspaces for each of the digital applications used by teachers in distance teaching will be available. This virtual space has the capacity to provide constant support for 30,000 teachers in order to familiarize them with the free educational applications, platforms and software.

From April 1, the digital platform has hosted digital classrooms with courses held by business people, celebrities, teachers and trainers, on topics of interest for pupils, students and teachers.

• Further support is provided to high school pupils from disadvantaged communities, within a partnership between the MER and the Foundation of the University of Agronomic Sciences and Veterinary Medicine of Bucharest (USAMV Foundation). The pupils will receive tablets with Internet connection, while the internet subscription will be covered by USAMV for 24 months.

• Since 2004, MER has been implementing the “Euro200” National Program which supports pupils and students with reduced financial opportunities in purchasing a personal computer, by providing a financial support equivalent to 200 Euros per pupil/student. Until present, over 300000 pupils and students have beneficiated of this program.

Regarding the application of this programme in 2020, on March 26, the Romanian Government has adopted a decision on modifying the methodological norms for the application of Law no 269/2004, on which the implementation of the Euro2020 programme is based on. The decision provides the update of the recommended minimum configuration of computers.

Lately, the Government of Romania, through the MER, together with the Romanian educational institutions and universities, the National Council of Rectors, the parents, students and students associations, the education unions and all the education partners, have been putting in efforts in order to ensure quality education for all pupils and students, despite the poor access to information technology in rural areas, as well as despite the difficult teaching conditions in the context of the suspension of the courses.

The continuous training was carrying out online, as regards the theoretical aspects of the training. The vocational training programs were not suspended during the state of alert and it was the responsibility of the training providers to run the programs safely, in compliance with the measures to prevent infection and taking into account the decisions of the local committees for emergency situations.

The Ministry of Labour and Social Protection elaborated norms regarding the theoretical training in online format and the conduct of online exams for these programs.

In line with Article 3 of the Order 4.266/840/2020 on the implementation of the measures regarding the education system in the context of the establishment of the alert state on the Romanian territory, which provides for some exceptions to the measure regarding the suspension of courses in all educational units and institutions, higher education institutions are allowed to carry out the following face-to-face activities: exam preparation activities for admission to undergraduate and master programmes, preparation activities for bachelor and master graduation exams, as well as other activities established based on the principle of university autonomy. In addition, higher education institutions are allowed to carry out the necessary activities to allow candidates to sit entrance and/ or graduation exams and to finalize improvement/ post-graduation courses.

The admission to undergraduate study programmes will be organized after the national Baccalaureate exam takes place, and admission to the master's and doctorate programmes will be organized after the bachelor's final exam/dissertation.

The majority of Romanian universities have announced that admission will be organized mainly using online platforms. The universities of medicine and pharmacy and some faculties (e.g. vocational ones) have opted for the classical exam.

In preparation for the school year 2020-2021, a new program is dedicated to the training the teachers on how to better use digital tools in the teaching act. The National broadcast Television is facilitating the programme for the teachers free of charge.

**Protection of persons belonging to various groups at risk**

As regards **persons from vulnerable categories** – Romanian authorities presented separate information to the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (“SPT”) on the situation of detainees – see the annex to the present report.

As for the social care workers and the beneficiaries from the social residential care units, please consider the following information:

The following regulations were relevant for the situation in the social residential care units envisaged by the urgent appeal:

* Military Ordinance no. 8/2020 – imposing the preventive isolation at the working place for 14 days shifts;
* Orders of the Minister of Health regarding the organisation of hospitals in view of managing COVID-19 cases[[3]](#footnote-3);
* Common order no.3577/831/2020 of the Minister of Labour and Social Protection and the Minister of Health on measures to prevent contamination with SARS Cov-2 and to ensure that work is carried out in safe and healthy conditions at work, during the period of alert for employers in social services for vulnerable categories[[4]](#footnote-4) (supplemented by the recommendations issued by NARPDCA)
* Protocols regarding the management of COVID-19 cases, published on the site of the National Institute for Public Health.

Based on these norms, each residential care unit had the obligation to elaborate and implement its own protocols, according to its needs and particularities. NARPDCA created a strategic coordination and prevention mechanism for COVID-19 pandemic around the 47 county level GDSACPs and the private social service providers and strived to coordinate also with the structures subordinated to the Ministry of Health and with local authorities.

The National Coordination Unit for COVID-19, established at the level of NARPDCA since 10th of March 2020, ensures a continuous flow of information and facilitates the publication on the NARPDCA’ site of regular updates on the COVID-19 situation in residential care units (see [http://NARPDCA.gov.ro/w/wp-content/uploads/2020/07/Situatia-raspandirii-COVID-03-iulie.pdf](http://andpdca.gov.ro/w/wp-content/uploads/2020/07/Situatia-raspandirii-COVID-03-iulie.pdf)).

During this period (March-May 2020), NARPDCA issued coordination and management instruments. We mention the most relevant for the situations envisaged: methodological recommendations towards GDSACPs regarding the first phase prevention measures (methodology published on 10 March 2020); procedure for public relations activities; recommendation on suspension of the day services, recovery and rehabilitation services; official notice on extension of validity of disability certificates (16 March 2020); Prevention Guide COVID-19 (26 March 2020)[[5]](#footnote-5); official notification of the GDSACPs on the support for children and adults in the protection system run by a private corporation and subsequent methodology (2 April 2020); Recommendation regarding the application of the provisions of the Military Ordinance no.8/2020. It is worth mentioning that, at the request of UNICEF Romania, some of these recommendations were disseminated in the UN system, as good practices to be implemented in other parts of the world.

NARPDCA issued further recommendations and formal notices at the end of the emergency state (recommendation on the resumption of activities following the termination of the state of emergency situation – 16 May 2020) and during the state of alert (recommendation for social services applicable during the alert period – 16 May 2020). Moreover, it initiated a working group with the National Institute of Public Health for developing a methodology for further preventing and combating COVID-19 in social services (2 June 2020)[[6]](#footnote-6). At the same time, it sent a letter to the Ministry of National Education and Research proposing measures on the education of children with disabilities and CES during COVID-19 pandemic.

Measures like isolation at the work place of the medical and of the social care assistance personnel were among the strictest in Europe, but as pointed out by the Council of Europe Human Rights Commissioner, one with positive results[[7]](#footnote-7).

As regards measures intended for elderly persons (besides the ones residing in centres) - on May 29th, 2020, the Romanian Government has adopted EOG No.92, which provides for stimulating the employment of unemployed aged over 50 whose employment relations were terminated during the emergency/alert:

• the state covers 50% of employee's wages, up to 2,500 RON

• 12 months duration, with the obligation to keep the employee for another 12 months

The measures taken for the elderly during the pandemic were supplemented by the measures taken by local authorities, but also by NGOs, private persons, small companies such as: shopping and delivery of shopped items (from supermarkets) to elderly for free, the delivery of free hot meals for poor elderly, provision of disinfectants, masks, packages with food and other necessary items, free medical care/ interventions at home directly or by ICT means, hotlines for counselling etc.

As regards **women** and combating the rise of the domestic violence phenomenon during the pandemic COVID 19, the National Agency for Equal Opportunities between Women and Men (NAEO) increased its efforts in order to support and encourage women to speak (see statistics below).

Specific information were provided  through the national hotline - 0 800 500 333 - for the victims of domestic violence, gender based discrimination and human trafficking (free of charge and available nonstop,24 h from 24 h) on the following:  guidelines on teleworking, work from home issues, staying at home with children under 12 years of age, general information for women’s living abroad in countries affected by COVID-19, provisions of the military ordinances, etc.

During the first semester of the year (01 January 2020 – 30 June 2020), a total number of 1642 calls were received. During the state of emergency (16 March 2020 – 14 May 2020) there were 603 calls (an increase of 70% compared to 181 calls). During the state of alert, until 30 June 2020, there were 491 calls registered.

The Romanian Government initiated an Action Plan with measures to prevent domestic violence during the Covid-19 pandemic that includes some supplementary mitigating measures addressing the domestic and gender violence, as well as preventing all forms of gender discrimination, such as:

* Recommendations sent to all **social services providers as to remain available** to all potential beneficiaries and to ensure the admission to the residential specialized services according to the **new protection measures** (some elaborated their own procedure adapted to the emergency situation as for COVID 19, taking into account: increased level of hygiene, social distancing and if the case, the isolation of the new beneficiaries). The social services providers dealing with a high number of isolated persons, established centres for the domestic violence (DV) victims separated from those existing, at national level;
* The access of the domestic violence victims at the 42 protected houses and 84 specialized services meaning: 42 de support groups and 42 vocational orientation offices for the victims of domestic violence (new services launched in March this year – 2020).
* Promoting the use of alternative means of communication (telephone, WhatsApp, Skype, Facebook, the institution's website) to ensure the continuation of the activities of the non-residential services for the victims of domestic violence.
* Adapted, contextualized information’s are provided via the national hotline for victims of domestic violence (free of charge and available nonstop) touching upon: the guidelines on teleworking, work from home issues, staying home with children’s under 12 years old, general information for women’s abroad and so on;
* The national free hotline (0 800 500 333) was made accessible for victims of domestic violence, of gender based discrimination, and human trafficking. (from the institutional website page of the ANES. Specific training sessions were carried out in order to strengthen the intervention capacity of the hotline  operators increasing the quality services for the victim of domestic violence, gender based discrimination, human trafficking (with the support of the e-Liberation Association).
* Systematic and regulate communications are published on ANES social media webpages (also press releases through national news agencies Agerpres and Mediafax) calling for calm in managing possible stressful situations in the family (reiterating consequences), providing information on the existing measures, rights and support available and promoting the use of the hotline;
* Online campaigns are organized, with the participation of public figures, promoting the intervention of the authorities in cases of DV
* An Individual Safety Plan for victims of domestic violence was elaborated and disseminated, with specific and useful recommendations for the potential victims.
Online campaigns were organized, with the participation of public figures, promoting the protection measures and increasing the trust in the intervention of the authorities in cases of domestic violence. It is worth mentioning that a mobile application Bright Sky Romania was launched at the beginning of May 2020, in cooperation with a private telecom company. The popularization of this application is ongoing.
* Continue dialogue with trade unions and employers organizations in order to ensure a proper dissemination of information regarding the DV protection measures provided by law (provisional protection order/OPP or protection order/OP), accessing social services, applying the Individual Security Plan for DV victims.

A protocol of collaboration with the National Agency for Employment was initiated, in order to support the activity of the 42 county vocational counselling offices set up to provide vocational guidance and to support the socio-professional reintegration of domestic violence victims, in the context of the labor market dynamics generated by COVID-19 (including post pandemic perspective).

The version of the Action Plan presented at the footnote no.51 does not reveal with accuracy the situation presented in the version posted on the ANES site\* and Facebook page\* (the latter includes an monitoring report on the implementation of the action plan).

\*https://ro-ro.facebook.com/egalitatedesanse/videos/vb.616491801840799/185795666167599/?type=2&theater
\*https://www.facebook.com/egalitatedesanse/videos/1407661806288362
\*https://anes.gov.ro/

**Awareness raising and technology**

The Strategic Communication Group, functioning within the Ministry of Internal Affairs (the coordinating institution of the inter-institutional National Committee for Special Emergency Situations) was entrusted to transmit, in an integrated manner, all information relating to the measures taken by the authorities to limit the spread of COVID-19: public policy measures taken and the sanctions imposed, the total number of people confirmed with COVID-19 infection, the total number of people in quarantine or isolation, the total number of tests processed, the general international situation in the context of the COVID-19 pandemic, as well as the situation of Romanian citizens confirmed with COVID infection -19 in other states.

At county level, data regarding the local situation are transmitted through the institutions of the prefect.

Awareness campaigns at national level targeted vulnerable categories (especially women):

* Campaign "We see you, we respect you, we act together!"
* Objective: the valorisation with priority of the work of the personnel from the fields of maximum importance in the context created by the COVID1 pandemic - health, public order, defence, education.
* The campaign also aims to reduce the existing social cleavages in society for less visible categories of staff, but indispensable for carrying out day-to-day activities in any public or private entity
* One of the actions of the campaign is to prioritize the work of auxiliary staff in medical care units (nurses and caregivers, who ensure the cleanliness and hygiene of health facilities, preparation of materials necessary for the activity, accompanying hospitalized patients and taking care of deceased persons).
* Campaign "Women in the front line!" on the FB page of the National Agency for Equal Opportunities between Women and Men (NAEO) for highlighting the activity submitted by women in the front line during the COVID 19 pandemic, in areas such as health, public order, defence, education, etc. It is to be mentioned that in Romania: 70% of doctors are women; 91% of nurses are women; 78% of family doctors are women; 90% of pharmacists and pharmacists are women.

Is relevant to note also public-private partnership initiatives, like the collaboration with CARREFOUR ROMANIA, in a public campaign, in order to bring to the public's attention the work of those women involved in combating the pandemic.

Permanent promotion of the telephone line with unique number 0800 500 333 intended for victims of domestic violence.

Press releases / conducting interviews through the national news agencies Agerpres and Mediafax and radio stations (Antena Satelor, Europa FM, etc.).

**Accountability and justice**

The Superior Council of Magistracy, the institution entrusted with the supervision of the good functioning of the courts and prosecutors’ offices, adopted several measures during the emergency state period in line with the general measures for combating the spread of the virus and with the aim of ensuring the continuation of the good administration of justice during these exceptional circumstances.

The main measures concerned : the activity hours and strict programming of each case, suspension of the work with the public, the evaluation of the necessity of some procedural activities, the epidemiological sorting; limiting the activities of the courts to the civil cases of extreme urgency.

According to the Decision of the Superior Council of the Magistracy no. 417/24 March 2020, the protection order was included among the cases that can be judge during the emergency situation.

Following the institution of the state of alert, another decision provided for the conditions during 15 May-31 August 2020[[8]](#footnote-8): the possibility to adapt the working hours and the possibility to hold the séances through videoconferences; electronic processing of the requests and procedural acts.

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In addition to the measures mentioned in the text, Romania has also taken the following measures regarding social assistance personnel:

1. In the sanitary units and in the social assistance services, contractual medical personnel, auxiliary personnel, pharmacists, laboratory personnel and other necessary categories of contractual staff can be hired without a competition, for a fixed period of 6 months (art.16 from Annex no. 1 to the President of Romania’s Decree no. 195/2020 on establishing the state of emergency on the territory of Romania).

2. Payment, from EU funds, of the salaries, transportation, medical protection equipment, as well as other categories of expenses incurred by / for the personnel in the field of social assistance and communication, involved in supporting elderly people in isolation at home or with mobility restrictions, persons with disabilities and families who care for persons with disabilities, during the epidemic with COVID - 19 and other vulnerable groups identified (art. 7 of Emergency Ordinance of the Government no. 43/2020).

3. The local public administration authorities, in applying the provisions of art. 4 paragraph (4) lit. d) of the President's Decree no. 195/2020 regarding the establishment of a state of emergency on the territory of Romania, may:

a. contract or hire / employ specialists to provide social assistance, psychological counselling, legal counselling, by phone or other electronic means;

b. conclude volunteering contracts for the implementation of support services for isolated persons at home or those with movement restrictions;

c. identifies spaces for the isolation of homeless people, in case the rules for preventing infection with SARS-CoV-2 cannot be implemented in existing shelters) - art. XV of the GEO No.32 / 2020;

4. The social service centres that have subsidy agreements according to the Law no. 34/1998 with subsequent amendments, and which suspended their activity as a result of the measures to combat the spread of SARS-CoV-2, can still benefit from the subsidy granted from the state budget, for the payment of centres’ personnel’s salaries, through the budget of the Ministry of Labour and Social Protection, if they perform support activities for the local public administration authorities in implementing the measures provided for in art. 29 paragraph (2) of the annex no. 1 to the Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, as well as of the information and counselling measures granted to these persons (art. XVI of the Emergency Ordinance of the Government no. 32/2020).

5. Granting food subsidy / allowance, according to art. 18 para. (1) of the Framework Law no. 153/2017, with subsequent amendments, in the monthly amount established according to art. 36 para.(6) of the Emergency Ordinance of the Government no. 114/2018 on the establishment of measures in the field of public investments and fiscal-budgetary measures, amendment and completion of normative acts and extension of deadlines, with subsequent amendments, to the staff/ personnel of the social assistance units, respectively public residential social services, as they are identified in the annex to the Government Decision no. 867/2015 for the approval of the Social Services Nomenclature, as well as of the framework - regulations for the organization and functioning of social services, with subsequent amendments, in application of measures for prevention, limitation and treatment of COVID-19 cases, during the emergency situation, regardless of the actual time worked.

6. Emergency Ordinance of the Government no.55 / 2020 regarding the establishment of social protection measures in the context of the epidemiological situation determined by the spread of SARS-CoV-2 coronavirus, establishes the financing source for the amounts necessary for the fulfilment by the local public administration authorities of the obligations provided for in art. 11 of the Military Ordinance no. 8/2020 on measures to prevent the spread of COVID-19, with subsequent amendments. These will be granted from the budgetary reserve fund at the disposal of the Government, by supplementing the amounts deducted from the value added tax (VAT) allocated for balancing the local budgets for 2020, in accordance with the provisions of art. 30 para. (3) of Law no. 500/2002 on public finances, with subsequent amendments. The nominal value of food subsidy/allowance and the accommodation subsidy/allowance borne from the amounts transferred from the reserve fund transferred amounts, as well as their settlement will be established by a Government decision.

Thus, in the Government meeting of April 23 2020, the Government Decision no. 329/2020 on supplementing local budgets to cover expenses for social services staff/personnel in preventive isolation at work, from the Budget Reserve Fund available to the Government, provided in the state budget for 2020 , as well as for the amendment of article 2 of the Government Decision no. 201/2020 on the approval of methodological norms for establishing quarantine expenditures and taking measures in the field of health, as well as for allocating an amount from the Budget Reserve Fund available to the Government, provided in the state budget for 2020, to supplement the budget of the Ministry of Health was approved and published in the Official Gazette of Romania no. 343 of April 28 this year.

This normative act finances the expenses with the food subsidy/ allowance and with the accommodation subsidy/allowance for the personnel of the public and private social services such as the residential care and assistance centres for the elderly, the residential centres for children and adults, with and without disabilities, as well as for other vulnerable categories in preventive isolation at work or in specially dedicated areas where people from outside don’t have access.

7. Establishment/Implementation of the preventive isolation measure at the workplace or in specially dedicated areas where persons from outside don’t have access, for the staff / personnel of the centres for a period of 14 days followed by a period of preventive isolation at home, for an equal period with that of preventive isolation at work, the presence of staff/personnel in the centre being done in shifts. The shifts are established by the head of centre, the designated substitute or the coordinator of the specialized staff (as the case may be, the director of the general directorate of social assistance and child protection / mayor / legal representative of the private provider) or, in exceptional cases, by the county committee for special emergency situations).

8. The obligation of the local public administration to identify and provide spaces for the accommodation of preventive - isolated staff/personnel at work, of the daily food necessary for them, as well as to ensure the transport of staff /personnel who are in preventive isolation at home, from work to home / residence and vice versa, if social service providers do not have their own resources.

9. Providing the necessary hygienic-sanitary and protective equipment to the staff/ personnel serving the centres, by the social service provider.

10. By way of exception from the legal provisions in force, in case of resignation of the employees of the centres, the notice period is 45 calendar days.

Moreover, in the same context, Romania has taken a set of measures related to the beneficiaries of social services, as follows:

1. Distribution, during the state of emergency, of hygiene products purchased by the Ministry of European Funds and remaining undistributed to the following categories of beneficiaries, in the following order:

a) persons in quarantine, isolation, self-isolation as a result of the application of the measures ordered by the military ordinances issued on the basis of Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania;

b) the elderly in the homes/residential centres for elderly;

c) children and adults with disabilities institutionalized in residential centres;

d) other persons in vulnerable situations, at the request of the local public administration authorities.

2. Prohibition of the cessation or suspension of the activity of social services such as residential centres for elderly care and assistance, residential centres for children and adults, with or without disabilities, as well as for other vulnerable categories, public and private. The transfer of the beneficiaries from the centre to the home, or as the case may be, to the residence of the relatives / supporters / legal representatives is made on the basis of a declaration on the own responsibility of the relatives / supporters / legal representatives.

3. Prohibiting visitors’ access in the residential centres.

4. Ensuring that the beneficiaries and all staff/personnel of the centres are tested at the headquarters of the social service by the public health departments in case of manifestation of specific symptoms COVID-19 or, as the case may be, or in case of information resulting from direct contact with an infected person among the beneficiaries or staff/personnel.

Regarding testing, according to the amendments to the document Case definitions for Acute Respiratory Syndrome with the new coronavirus (COVID-19) and testing algorithms, published on the website of the National Centre for Surveillance and Control of Communicable Diseases, care staff/personnel in elderly homes /residential centres is recommended to be tested twice a month. <http://www.cnscbt.ro/index.php/1665-definitii-de-caz-si-algoritm-de-testare/file>.

Also regarding equipment, at the recommendation of the Ministry of Economy, Energy and Business Environment (MEEMA), social service providers can also address the National Office for Centralized Procurement (ONAC), an institution authorized to purchase products for the accumulation, replenishment and refreshment of emergency medical stocks, as well as to the National Company UNIFARM - SA, an institution that carries out a social-sanitary activity, as an integral part of the health care system. We mention the fact that, according to MEEMA, the ROMARM National Company subordinated to MEEMA started the production of protection masks type 3PLY and N35 on April 15, 2020.

Considering the evolution of the pandemic situation on the Romanian territory in the current situation where COVID-19 is a severe health emergency and taking into account the fact that the most vulnerable are the elderly. For 65 years and over, by address no. 620 / DPSS / 26.03.2020, the Ministry of Labour and Social Protection has asked the Ministry of Health to:

- take all the necessary steps to ensure, for the residential centres for elderly, the materials and equipment for the protection and prevention of the new coronavirus infection (eg surgical masks, gloves, disposable robes, disinfectants and medicines used / usable in the treatment of COVID-19, etc.), at least by identifying possible sources for their acquisition,

- provide specialized medical support and access to the rapid testing of the personnel employed and / or, as the case may be, of the beneficiaries of social services, in order to prevent new coronavirus infection of the staff / beneficiaries of these centres.

By another address of the Ministry of Labour and Social Protection, the Ministry of Health was requested to facilitate the testing of beneficiaries on discharge from a hospital unit and return to residential centres, testing the staff/personnel of the centre after leaving the isolation period at home and entering the period of 14 days of isolation at work, as well as testing new beneficiaries upon admission to a residential centre.

Moreover, in this COVID -19 pandemic context, the Ministry of Labour and Social Protection had taken the following measures related to the implementation of the subsidies’ program:

1. The social services centres that have agreements for granting the subsidy under the conditions of Law no. 34/1998 with the subsequent amendments, and which suspended their activity as a result of measures to combat the spread of SARS-CoV-2, can still benefit from the subsidy granted from the state budget, through the budget of the Ministry of Labour and Social Protection, if it performs support activities for the local public administration authorities in implementing the measures provided for in art. 29 paragraph (2) of the annex no. 1 to the Decree no. 195/2020 regarding the establishment of the state of emergency in the territory of Romania, as well as the information and counselling measures granted to these persons. The subsidy is used to pay the salaries of the personnel of the social services centres (art. XVI of the Emergency Ordinance of the Government no. 32/2020).

2. Suspension of verification of the provision of social assistance services, as well as verification of the use of the subsidy, during the period of emergency.

During the state of emergency, the subsidy is granted on a monthly basis, based on the documents provided by law, as well as a declaration stating the provision of social assistance services according to the technical sheets of the social assistance units and the use of the subsidy exclusively for the social assistance services granted to the categories of assisted persons for whom the subsidy was approved (art. XIV of Emergency Ordinance of the Government no. 32/2020).

And also measures regarding accreditation of providers and licensing of social services:

a. The accreditation certificates of social service providers and the provisional and functioning social services licenses, whose validity expire during the emergency period, extend their validity until the end of the state of emergency (art. 40 of Annex no. 1 to the President of Romania’s Decree no. 195/2020 on establishing the state of emergency on the territory of Romania).

b. The monitoring reports provided in art. 30 paragraph (2) from the annex to the Government Decision no. 118/2014 for approving the Methodological Norms for applying the provisions of Law no. 197/2012 regarding the quality assurance in the field of social services, with subsequent amendments, drawn up before the establishment of the state of emergency by the President's Decree no. 195/2020 regarding the establishment of the state of emergency on the territory of Romania, remain valid after the cessation of the state of emergency and will be taken into account in the evaluation process for granting a new license for the social service (art.VIII of Emergency Ordinance of the Government no.30 / 2020 for the modification and completion of some normative acts, as well as for establishing measures in the field of social protection in the context of the epidemiological situation determined by the spread of SARS-CoV-2 - art.VIII of the Government Emergency Ordinance no.30 / 2020.

The Ministry of Labour and Social Protection has elaborated a series of recommendations addressed to the social service providers regarding the measures to prevent the transmission of COVID-19.

These can be consulted by accessing the following links (in Romanian):

[http://www.mmuncii.ro/j33/images/Documente/Familie/2020/http://www.mmuncii.ro/j33/images/Documente/Familie/2020/25032020recomandari\_masuri\_pentru\_serviciile\_pentru\_PV\_si\_alte\_SS\_coronavirus.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2020/http%3A//www.mmuncii.ro/j33/images/Documente/Familie/2020/25032020recomandari_masuri_pentru_serviciile_pentru_PV_si_alte_SS_coronavirus.pdf)

<http://www.mmuncii.ro/j33/images/Documente/MMPS/Servicii_Sociale/MMPS-DPSS-COVID19_Recomandari_prevenirea-managementul-sit-genrate-de-pandemie.pdf>

1. [*Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României*](http://legislatie.just.ro/Public/DetaliiDocument/223831), official translation in English available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/webContent/62111354> [↑](#footnote-ref-1)
2. [*Decret nr. 240 din 14 aprilie 2020 privind prelungirea stării de urgență pe teritoriul României*](http://legislatie.just.ro/Public/DetaliiDocument/224849)*,* official translation in English available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/webContent/62111354> [↑](#footnote-ref-2)
3. The National Institute for Public Health publishes all relevant regulation on COVID-19 pandemic on its site, including Minister’s orders: <http://www.cnscbt.ro/index.php/legislatie_cov> [↑](#footnote-ref-3)
4. Article 1 provides for detailed obligations regarding (among others): training of the personnel, organization of work (including the identification of the persons responsible for the temperature measurement of the beneficiaries) and management of resources (including providing the necessary equipment), re-evaluation of risks, and permanent communication with the competent medical personnel. [↑](#footnote-ref-4)
5. This guide, elaborated in an easy-to-understand language, was sent to the GDSACP’s in order to be disseminated among beneficiaries [↑](#footnote-ref-5)
6. The methodology will be released soon. [↑](#footnote-ref-6)
7. <https://www.coe.int/en/web/commissioner/-/lessons-to-be-drawn-from-the-ravages-of-the-covid-19-pandemic-in-long-term-care-facilities>. [↑](#footnote-ref-7)
8. The courts vacation will be only one month (1 to 31 August 2020) [↑](#footnote-ref-8)