Contribution by Romania

to the annual thematic study on the rights of persons with disabilities and support systems to ensure community inclusion of persons with disabilities, including as a means of building forward better after the COVID-19 pandemic

As regards the topics stated in point 1 (a) paragraph i, iii, iv, v, vi, the legal framework that regulates these aspects is represented by Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and additions, and also the National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027, in force from April 15, 2022, approved by the Decision Government no. 490/2022.

1 (a) ii- Support in decision-making is regulated by Law no. 140/2022 regarding some protection measures for people with intellectual and psychosocial disabilities and the modification and completion of some normative acts.

Also, the National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027 mentioned above, contains at the 2-nd priority area” Effective protection of the rights of persons with disabilities”, the Specific Objective 2.1. Improving the ability of persons with disabilities to make decisions.

1(a) vi - Support in providing family and household aid is regulated by Module 1 - Social service management (Standard 1) of Order no. 82/2019 regarding the approval of specific mandatory minimum quality standards for social services intended for adults with disabilities

The mobile team for adults with disabilities is the social service that provides specialized interventions at home, for a fixed period and based on the assessment and identification of specific individual needs, for adults with disabilities who do not have easy access to Day Centers and/or is not in the vicinity of a Day Center, in order to develop personal potential and prevent institutionalization.

iii. Mobility/support for personal mobility and access to quality assistance in this regard, to assistive equipment and products, is regulated within the Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with amendments and additions, as well as in the National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027

iv. Assistance and support in carrying out daily activities, personal assistant are regulated under Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and additions, section 2 - Personal assistant and section 3 - Professional personal assistant.

Also, the National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027 contains, as 5th prioritary area, 5. „Independent living and community integration, including access to public services and the Specific Objective 5.3. Improving access to social services in the community necessary for an independent life.

1 (b) The National Authority for the Protection of the Rights of Persons with Disabilities is a specialized body of the central public administration, with legal personality, subordinated to the Ministry of Labor and Social Solidarity, under the conditions of art. 4 para. (1) from Government Emergency Ordinance no. 121/2021 regarding the establishment of measures at the level of the central public administration and for the modification and completion of some normative acts, with subsequent amendments and additions.

The authority coordinates at the central level the activities of protection and promotion of the rights of persons with disabilities, elaborates the policies, strategies and standards in the field of protection and promotion of the rights of persons with disabilities, ensures the follow-up of the application of the regulations

in its own field and the control of the activities of protection and promotion of the rights of persons with disabilities disabilities.

The Authority is the mechanism for coordinating the implementation of the Convention on the Rights of Persons with Disabilities, adopted in New York by the United Nations General Assembly on December 13, 2006, opened for signature on March 30, 2007 and signed by Romania on September 26, 2007, ratified by Law no. 221/2010, with subsequent amendments.

Among the functions performed by the Authority in its own fields of competence are the following:

a) by authority - through which it monitors the manner in which the rights of persons with disabilities are respected and promoted, by natural or legal persons, under public or private law, in accordance with the legislation in force;

b) representation - which ensures internal and external representation in the field of the protection of the rights of persons with disabilities, within the limits of the mandate granted by the Ministry of Labor and Social Solidarity;

c) regulatory - through which he initiates draft normative acts, including strategies, in his own field of activity, which he submits to the approval of the Minister of Labor and Social Solidarity;

d) coordination - through which it ensures the uniform application of normative acts, policies and strategies in its own field of activity;

e) control and monitoring of the observance of the rights of persons with disabilities, etc.

The public bodies responsible for the development of public policy are

- At the central level, the Ministry of Labor and Social Solidarity, through the function of drafting, updating and coordinating updating and coordinating the application of strategies, plans and programs in its fields of activity as well as coordinating the activity of public policy drafting in its fields of competence and ANPDPD

- At the territorial county level, the General Directorate of Social Assistance and Child Protection (DGASPC), public institution with legal personality, established under the subordination of the county councils/local councils of the sectors of the city of Bucharest with the aim of ensuring the application of social policies in the field of child and family protection, to elderly people, persons with disabilities, as well as other people, groups or communities in social need, with a role in the administration and granting of social assistance benefits and social services, institutions under the methodological coordination of ANPDPD in the field of protection and promotion of persons's rights with disabilities

- At the local level, the Public Social Assistance Services (SPAS), specialized structures organized in the specialized apparatus of the county council/mayor, the department responsible for contracting social services.

1 (c) Romania fully recognizes and respects the fact that "persons with disabilities and their representative organizations must fully participate in the process of monitoring the CRPD" so that one of the specific objectives of field 9 (Implementation of the CRPD and monitoring of respect for the rights of persons with disabilities disabilities) is: Increasing the participation of persons with disabilities and their representative organizations in the monitoring process. Among the measures provided for the fulfillment of this objective, we list: (i) increasing the number of trainings and information materials about the CDPD; (ii) increasing the number of monitoring visits carried out with the participation of organizations of persons with disabilities or of civil society; (iii) increasing the number of persons with disabilities and organizations trained to monitor the implementation of the CRPD.

Also, an extremely important principle stated in the National Strategy 2022-2027 is: "Consultation and involvement of persons with disabilities, their representatives and organizations in all programs, projects, activities in the field of disability, respecting the motto "Nothing for us, without we!" in decision-making processes, in the development of policies, programs, actions and measures".

Also, relevant stakeholders at national level (trade unions, employers, NGOs, think tanks, etc.) were consulted electronically on the National Recovery and Resilience Plan 2022’ project, for example. The aim was to help strengthen the dialogue with partners. social services and civil society in general. Contributions / suggestions received have been forwarded to the institutions with substantive responsibilities.

1 (d) According to Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and completions, the ANPDPD established the Council for the Analysis of Disability Problems, hereinafter referred to as the Council, with an advisory role, composed of representatives of central public institutions as well as in a representative of a non-governmental organization for the protection of human rights and a representative of the central and / or local public administration bodies, as well as of other bodies of public or private law in the field, with the status of non-permanent members.

The Council's responsibilities include issuing advisory opinions on draft regulations on the protection of persons with disabilities, initiated by the ANPDPD or other competent authorities and analyzing the issue of protection of persons with disabilities and proposing measures to improve their living conditions.

At the same time, it notifies the competent bodies regarding the violation of the rights of persons with disabilities.

Also, Law no. 52/2003 on decision-making transparency in public administration mentions, in Chapter II, Procedures on the participation of citizens and legally constituted associations in the process of drafting normative acts and in the decision-making process.

The above-mentioned normative act establishes the minimum procedural rules applicable for ensuring the transparency of decision-making within the central and local public administration authorities, elected or appointed, as well as other public institutions using public financial resources, in the relations established between citizens and legally constituted associations.

The law aims to increase the responsibility of the public administration towards the citizen, as a beneficiary of the administrative decision, respectively to involve the active participation of citizens in the administrative decision-making process and in the elaboration of normative acts and to increase the degree of transparency of the entire public administration.

The announcement regarding the elaboration of a draft normative act will be brought to the public's notice, under the conditions of par. (1), at least 30 working days before the submission for approval by the public authorities. The notice shall include: the date of posting, a statement of reasons, an approval report on the need to adopt the proposed legislation, an impact and / or feasibility study, as appropriate, the full text of the draft act and the deadline, the place and the way in which those interested can send in writing proposals, suggestions, opinions with value of recommendation regarding the draft normative act.

(3) The announcement regarding the elaboration of a draft normative act with relevance on the business environment shall be sent by the initiator to the business associations and other legally constituted associations, on specific fields of activity, within the term provided in par. (2).

(4) When publishing the announcement, the public administration authority shall establish a period of at least 10 calendar days for the draft normative acts provided in par. (2), in order to receive in writing proposals, suggestions or opinions regarding the draft normative act subject to public debate.

(5) The proposals, suggestions or opinions regarding the draft normative act subject to public debate shall be recorded in a register, mentioning the date of receipt, the person and the contact details from which the proposal, opinion or recommendation was received.

(6) Interested persons or organizations who submit written proposals, suggestions or opinions on the draft normative act for public debate shall specify the article or articles in the draft normative act to which it refers, indicating the date of dispatch and the contact details of the sender.

(7) The head of the public authority shall designate a person within the institution, responsible for the relationship with civil society, who shall receive the proposals, suggestions and opinions of the persons concerned regarding the proposed draft normative act.

(8) The draft normative act is sent for analysis and approval to the interested public authorities only after finalization, based on the observations and proposals formulated.

(9) The public authority in question is obliged to decide on the organization of a meeting in which the draft normative act will be publicly debated, if this has been requested in writing by a legally constituted association or by another public authority.

2(a) -The Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities, republished, with subsequent amendments and additions;

* The National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027;
* The Social assistance law no. 292/2011, with amendments and additions;

3. - The National Strategy regarding the rights of persons with disabilities "A fair Romania" 2022-2027

The document can be accessed by following the link <http://anpd.gov.ro/strategia2022-2027/#/>

4. The statistical data in the field can be consulted following the link http://anpd.gov.ro/web/transparenta/statistici/