

## Romania's reply to the guiding questions put forward for the 13<sup>th</sup> session of the Open-ended Working Group on Ageing

### Guiding questions for defining the normative content of the issues examined at the twelfth session

#### *Focus Area 1: Contribution of older persons to sustainable development*

The rights mentioned in the questionnaire are specified by the Romanian Constitution and are valid without discrimination for all citizens.

The Constitution underpins the exercise of governmental power and the development of relevant legislation and details the nature of the relationship between citizens and the state. Chapter II of the Constitution details the fundamental rights and freedoms and at the same time the fundamental rules, values and principles underlying democracy. Respect for these freedoms is also part of Romania's obligation as a member of the European Union (EU) and as a state party to the European Convention on Human Rights.

Art. 40 The right of association, of the Constitution stipulates that (1) Citizens may freely associate in political parties, trade unions, employers and other forms of association.

Article 41 from the Constitution - Work and social protection of work stipulates

(1) The right to work cannot be limited. The choice of profession, job or occupation, as well as the workplace is free.

(2) Employees have the right to social protection measures. These concern the safety and health of employees, the working regime of women and young people, the establishment of a gross minimum wage in the country, weekly rest, paid rest leave, the performance of work in special or special conditions, professional training, as well as other specific situations, established by law.

(3) the normal duration of the working day is, on average, no more than 8 hours.

(4) For equal work, women have the same salary as men.

(5) The right to collective negotiations in labor matters and the binding nature of collective agreements are guaranteed.

Separately, the Law on the National Social Assistance System No 292/2011, as amended and supplemented, and the Law on Social Assistance for the Elderly No 17/2000, as amended and supplemented, provide for the right of elderly persons to social assistance.

States should ensure the participation of older persons, through their representative organisations within the decision-making process, in particular in designing, monitoring and evaluation of policy frameworks for a sustainable development.

## *Focus Area 2: Economic Security*

Article 47 (The standard of living) from the Romanian Constitution confirms the State's obligation to take measures for economic development and social protection, in order to ensure a decent standard of living for its citizens. Also, the citizens have the right to social assistance measures, according to the law.

Social assistance, through specific measures and actions, aims to develop individual, group or collective capacities to provide social needs, increase the quality of life and promote cohesion principles and social inclusion.

Social assistance benefits, depending on their purpose, are classified as follows:

- a) social benefits for the prevention and combating poverty and social exclusion risk;
- b) social assistance benefits for child and family support;
- c) social assistance benefits to assist people with special needs;
- d) social assistance benefits for special situations.

The Romanian law of social assistance stipulates that the social assistance benefits and social services are being granted, without discrimination, for all Romanian citizens as well as for all the foreigners and stateless persons who have the domicile or residence in Romania. The vulnerable persons are benefiting from measures and social protection actions without any restriction or preference of race, nationality, ethnic origin, language, religion, social status, opinion, sex or sexual orientation, age, political affiliation, disability, chronic illness or belonging to a disadvantaged category.

The legal framework defines poverty as the condition of a person/family/group/community manifested by the lack of resources strictly necessary for the purchase of goods and services considered to ensure the minimum standard of living in a certain period of time, related to the socio-economic conditions of society.

The poverty line is the quantification of resources and the standards used to establish it are influenced by the general level of the cost of living, as well as by the specifics of the social policies adopted.

Romania has recently adopted the National Strategy for Social Inclusion and Poverty Reduction for the period 2022-2027; its overall objective is to reduce the number of people at risk of poverty or social exclusion by at least 7% compared to 2020 by 2027. Older people are one of the target groups covered by the strategy.

The strategic objectives include:

- a. a decent living for all, by combating transitory situations of monetary poverty, with a focus on ensuring adequate amounts (wages, pensions and social benefits) for basic needs of the population; access to services of general public interest, including quality social services; social and economic participation of vulnerable groups, social responsibility, development of public-public and public-private partnerships,
- b. lifelong social protection through access to housing, healthcare and integrated social services,
- c. improving administrative capacity to implement policies.

The Strategy provides for implementation of:

- a procedure for consulting vulnerable groups in the development of programs that concern them, such as the Community Facilitation model;

- cultural, sports, entrepreneurship and social economy programs dedicated inclusively to vulnerable groups;
- activities at the level of administrative-territorial units in the field of personal and community development, leisure, information, counselling, organization of voluntary activities, organization of mutual support networks.

In accordance with the Law regarding the unitary system of public pensions, the right to social insurance is guaranteed by the State and is exercised through the public pension system and other social insurance rights. The public pension system is based on the principle of equal treatment, which ensures all participants in the public pension system, taxpayers and beneficiaries, a non-discriminatory treatment, between persons in the same legal situation, in terms of the rights and obligations provided by law.

The amount of the pension is determined by multiplying the average annual score achieved by the insured by the value of one pension point. Protecting the purchasing power of pensioners is achieved by increasing the value of the pension point.

In the National Recovery and Resilience Plan, Romania committed to reform the public pension system in order to create a modern and efficient legal framework to ensure the sustainability and predictability of the system, by respecting the contributory principle in relation to the beneficiaries of pension rights.

The reform involves the development of a new law on the public pension system, which will provide solutions for:

- The elimination of inequities between the beneficiaries of the system, respectively between both genders and between categories of people who carried out the activity in the same working conditions and with a relatively similar salary level, regardless of the year of retirement;
- Strengthening the principle of contribution, so that the amount of the pension reflects the professional activity and the contribution to the public pension system, in relation to the income made by the insured;
- Maintaining an adequate level of pensions, and offering equal opportunities for adequate and sustainable pension rights, in order to prevent poverty of the elderly;
- Regulation of a pension indexation mechanism, correlated with economic realities. The new mechanism will be based on real and predictable indicators, which favor increasing the level of confidence in the system, while ensuring a real predictability of the evolution of public pensions.

## Guiding questions for the thirteenth session

### *Focus area 1: Right to health and access to health services*

Article 34 of the Romanian constitution guarantees the right to health's protection. The law on social protection of the elderly provides for their right to social assistance, through social services and benefits, first of all within the community, at the older persons' home, including personal grooming, dental consults, medication intake or distribution of medical devices. The medical care services are provided upon recommendation from specialist medical professional, or the GP, given the ECOG score of the patient (their mobility, their ability to perform basic self-care).

In 2021, the medical staff offering community medical assistance monitored the health of over 1.3 million beneficiaries. The sanitary mediators visited and counselled 31.365 older persons.

The residential places for older persons must provide them consultations with the GP, geriatric physician, and therapies for physical, psychic or mental recovery.

The 2021-2024 Government's Program provides for the creation of new socio-medical centres to delivers combined social and medical care for the elderly (including by connecting psychiatric wards with the structures in charge of community psychiatric assistance), the development of public-private partnerships to expend and professionalizing the centres already in place, the adoption of a legal framework that encourages the development and diversification of home care services, the training of nurses /medical assistants for these type of home services.

The new framework will allow for a common evaluation scale of elderly's needs, both from the medical and the social assistances' perspective, as well as focusing on the local and county level, by developing long-term care plans for the elderly, priority being given to the rural older population.

As the demographic ageing process is intensifying (with the current ageing index at 123% for 100 young persons), with over 3.8 million persons aged over 65 residing in Romania in 2021, and the access to medical care of older persons living in the rural or disadvantaged areas is the main challenge, the National Health Strategy for 2022-2030 aims at ensuring that at least 50% of towns or villages with a high percentage of vulnerable/disadvantage population have teams of professional providers offering integrated functional socio-medical services, and at least 25% of all towns/villages have such teams. The Strategy also aims at reducing by 20% the number of towns/villages with no GP, and that at least 33% of the GPs' practices manages a community team offering primarily preventive services.

The Strategy is also addressing the improvement, professionalizing and diversification of long-term care services (at home, in day-time centres and in residential units).

In case the patient's rights are disrespected, the patients can file a complaint before the medical units' management, the County General Directorates for Public Health, the Ministry of Health and the Physicians' College. The free access to justice is also guaranteed.

In the process of legal drafting, the authorities consult the public on the intended content of every normative draft law or Government's decision. The National Council of Pensioners and Elderly's Organizations has a consultative role in deciding and implementing the public policies concerning the pensioners' and elderly's rights and freedoms, at central and local level.

## *Focus area 2: Social Inclusion*

The national strategy for long-term care and active ageing for the period 2023-2030 has as overall objective to increase the number of elderly people who manage to live an independent life for as long as possible as they age and to improve access to adequate long-term care services for dependent elderly people.

The reforms proposed by the National Strategy on Long-Term Care and Active Ageing for the period 2023-2030 aim to develop a framework for the provision of long-term care (LTC) services for the elderly by clarifying and improving the regulatory framework and developing methodological and financial tools to facilitate its implementation.

The revision of the regulatory framework for social care for the elderly aims in particular at ensuring efficiency in the financing of LTC services, improving the current system of social care for the elderly, in particular the system of LTC services, developing a LTC programme and implementing public policies to promote active ageing and the protection of the elderly. It also covers the revision or development, as appropriate, of quality and cost standards for services for older people, the development of performance indicators for social services and the revision of the national needs assessment grid for older people.

Compliance with the principle of prevention means that priority should be given to care within the community (at home and in day centres), in order to prevent a worsening of the situation of dependency and, implicitly, to prevent institutionalisation, with residential care only as an exceptional measure, with clear priority criteria being applicable.

In Romania there are no age limits that prevent the full and equal participation of older persons in the field of employment.

In order to be eligible for social services for the elderly, a person in a vulnerable situation must have reached the statutory retirement age (63 years old for women, 65 years old for men).

A specific objective of the *National Strategy for Long-Term Care and Active Ageing for the period 2023-2030* is promoting active and dignified social participation of older people. To achieve this objective a number of specific measures are implemented at national level such as:

- promoting a positive image of older people
- combating abuse and marginalisation of older people through actions by social service providers and information campaigns to inform the population about social risks for older people
- implementing local programmes to support the active social participation of older people, i.e.: involvement in local advisory structures, creation of networks of local volunteers and their involvement in community activities.

Also, the elderly persons, who are entitled to social assistance benefits could be exempted from certain conditions imposed by law, in order to receive the benefits (for example: a persons who is over 65 years has no obligation to perform community work in order to receive the social aid, also the obligation to not refuse a job is not applicable to the elderly, etc.).

The ageing of the population at the national level also attracts the ageing of the workforce, which determines the need to adapt economies, labour markets and working conditions to these changes. Consequently, in order to face the demographic challenges of the future, it is necessary to permanently improve public policies that have a direct effect

on this phenomenon, by promoting better conditions for families and improving the reconciliation of professional and family life, promoting employment through more jobs and prolonging and increasing the quality of working life.

In the field of employment, in order to remedy the labour shortage, in the period 2020-2021, the Ministry of Labour and Social Solidarity developed, in cooperation with representatives of the relevant ministries with attributions in the organization and implementation of an economic system based on sustainable development, the National Strategy for Employment 2021-2027 and the Action Plan for the implementation of the National Employment Strategy 2021-2027 (NES).

The measures planned in NES 2021 - 2027 are intended to lead to the achievement of the general objective of increasing employment, through measures to activate inactive persons able to work, the unemployed, especially the long-term unemployed, young people, including NEETs, women with dependent children, as well as other disadvantaged categories, by ensuring quick and quality transitions in employment, by developing human resources and increasing employability, by stimulating entrepreneurial culture and self-employment and by supporting the creation of new opportunities and jobs.

The National Strategy for Employment 2021-2027 proposes as a general target, at the horizon of 2027, an employment rate of 75% of the population aged between 20-64 years.

Subsidies are granted to employers, monthly, for a period of 12 months, to provide employment opportunities to people looking for a job, who are in a disadvantaged category on the labour market such as people over 45 years old, long-term unemployed, or unemployed who have 5 more years until they meet the conditions for obtaining the anticipated / partial anticipated pension or old-age pension.

The minimum quality standards laid down by law for the licensing of long-term care social services for the elderly provide specific measures aimed at respecting the rights of beneficiaries and preventing abuse.

One of the mandatory minimum standards to be observed in the process of providing social services is ensuring an active life and social contacts. The residential centre must encourage and promote an independent and active lifestyle for its beneficiaries, by encouraging and supporting the beneficiaries to maintain relationships with family and friends, by providing means of communication between beneficiaries and family members and friends. The centre must be open to the community and facilitate visits and communication between the beneficiaries and members of the community.

The residential centre shall encourage beneficiaries to undertake activities outside the centre, to become acquainted with and use services in the community: post and communications, transport, education, medical and rehabilitation services, vocational guidance services, according to individual needs and choices.

The centre plans, together with the beneficiaries, and organises regular social activities with community members to promote social contacts and raise community awareness of the beneficiaries' needs and lives.

The centre shall facilitate the participation of beneficiaries in social and leisure activities. To this end, the centre is encouraged to conclude protocols with the local authority and to ensure the participation of beneficiaries, free of charge, in entertainment activities (concerts, theatre, opera, museums, cinema, etc.).