

*Permanent Mission of Romania
to the Office of the United Nations
and the International Organizations in
Switzerland*



*Mission Permanente de la Roumanie
auprès de l'Office des Nations Unies
et les Organisations Internationales
en Suisse*

Genève, 5 janvier 2007

OHCHR REGISTRY

No. 96

18 JAN. 2007

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La Mission Permanente de la Roumanie auprès de l'Office des Nations Unies et des autres Organisations Internationales en Suisse présente ses compliments à l'Office du Haut Commissariat aux Droits de l'Homme des Nations Unies à Genève, et a l'honneur de porter ci-joint un document informatif sur les mesures prises par les autorités roumaines compétentes, relatives à la mise en œuvre et la promotions des programmes sur la protection des droits de l'homme, y compris les femmes, les enfants et les groupes vulnérables, dans le contexte HIV/SIDA.

La Mission Permanente de la Roumanie auprès de l'Office des Nations Unies et des autres Organisations Internationales en Suisse saisit cette occasion pour renouveler à l'Office du Haut Commissariat aux Droits de l'Homme des Nations Unies à Genève l'assurance de sa très haute considération.

Genève, 15 janvier 2007



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**Programs for addressing the urgent HIV/AIDS- related human rights
of women, children and vulnerable groups in the context of prevention, care
and access to treatment
Response of the Government of Romania**

General framework

The Romanian Government has adopted a National Strategy for Monitoring, Preventing and Controlling the cases of HIV/AIDS for 2004 – 2007 (Law 584 /2002). The National Strategy provides measures for preventing the spread of the HIV/AIDS infection in Romania and for protecting the HIV/ AIDS infected persons.

Romania has a national network of specialists of the Public Health Ministry who continuously monitors the HIV/AIDS cases. Integration at the national governmental level of the HIV/AIDS response is realized by an inter-ministerial commission that ensures a coordinated and transparent approach of the various aspects involved while dealing with this disease. The inter-ministerial Commission is chaired by the Prime minister and the relevant ministries and national authorities (Ministry of Public Health, Ministry of Work, Social Solidarity and Family, Ministry of Education and Research, National Authority for the Persons with Disabilities, National Authority for the Protection of Children's Rights) are represented.

The internal legislation ensures an adequate approach of the health problems encountered while dealing with HIV/AIDS, respecting the international commitments of Romania. The provisions of the Criminal Code of Romania are also in accordance with the international commitments undertaken by Romania in various fora.

Through their provisions, the internal laws

- protect against the discrimination of the vulnerable groups, of persons living with HIV/AIDS, both in the public and private sector,
- ensure the privacy and confidentiality of the personal data of the infected persons
- provide measures in order to prevent further HIV/AIDS infection, as well as a fair and free treatment of the infected persons
- create the framework for organizing awareness raising campaigns and educational programs on various aspects related to HIV/ AIDS (legal rights of persons infected; dissemination of information about HIV/AIDS – spreading, protection measures, risks etc.)

The Ministry of Public Health, together with field related NGOS, are involved in all UN programs, including UNAIDS, aiming at protecting the human rights in the HIV/AIDS context at national and international level.

Legislative framework

- Law no 95/2006 on the reform on health;
- Law no. 272/2004 on the protection and promotion of children rights;
- OG no. 68/2003 on social services;
- Law no. 46/2003 on patient's rights;

- Law no. 584/2002 on the measures for prevention of the spread of AIDS disease in Romania and on the protection of persons infected with HIV/AIDS;
- GD no. 1342/2004 on the approval of the National Strategy for monitoring, control and prevention of cases of infection with HIV/AIDS for 2004 - 2007;
- GD no. 2108/2004 on the approval of the Regulations of application of law nr.584/2002 on the measures for prevention of the spread of AIDS disease in Romania and on the protection of persons infected with HIV/AIDS;
- GD no. 330/2003 on the organization and functioning of the National Commission for monitoring, control, and prevention of HIV/AIDS.
- Emergency Ordinance no. 102 / 1999 regarding the special protection and employment of persons with disabilities

Specific measures

The main actions undertaken at governmental level are focusing on:

- implementing educational programs on the legal rights of the infected persons (programs implemented through the governmental health promotion system, in cooperation with NGOs and communitarian assistants)
- implementing continuous population education campaign, aiming at better integrating, and accepting the HIV/AIDS infected persons by the society and at changing attitudes, the discriminative behavior and stigmata associated with this disease (Ministry of Public Health with the support of the mass media)

According to the Romanian legislation on the protection of persons with disabilities, the persons infected with HIV/SIDA will receive, upon request, a disability certificate for a specific degree of disability.

The Emergency Ordinance no. 102/1999 regarding the special protection and the employment of the persons with disabilities, with the modifications and the subsequent completions, as well as the Law 584/2002 regarding the measures to prevent the dissemination of AIDS in Romania and the protection of the persons living with HIV/AIDS, provide the following rights and benefits:

- increased state allowance for children (by 100%)
- food indemnity for both adults and children
- food allowance for children infected with HIV/AIDS
- indemnity for the persons with disabilities without income; the same indemnity will be calculated, in percentage, in the case of persons with disabilities having an income
- personal assistant for the persons with severe disability
- free urban transport
- intercity transport for 6 or 12 round trips
- radio/TV benefits depending on disability degree.

The county assessment commission for the adults with disabilities establishes the disability categories for adults in accordance with the Order nr. 726/2002 of the Ministry of Public Health. The disability certificate can be contested in 30 days, to the Superior Commission for assessment for the persons with disabilities.

The confidentiality of the information in the disability certificates is provided by the diagnosis code in accordance with CIM 2000 as well as the disability code. Only the members of the assessment commission have access to these codes.

The National Authority for the Persons with Disabilities - NAPD (subordinated to the Ministry of Work, Social Solidarity and Family) intends to modify the medical criteria regarding the disability categories into medical-psycho-social criteria in accordance with the International Classification of Function, Disability and Health, approved by the World Health Organization.

- NAPD cooperates with the National Authority for Children's Rights Protection to ensure continuity of specific services for the children who turn 18.

I. Women

The National Agency for Equal Opportunities between women and men (NAEO) is in charge of the implementation of the National Strategy for Equal Opportunities between women and men for the period 2006-2009 through the General Action Plan, both approved in March 2006 by Government Decision no. 319. This National Strategy comprises several specific actions which target women at risk of being discriminated against, like HIV/AIDS infected women. Therefore, in the Chapter Economic Life, the objective "Facilitating the entry on the labor market of women in risk of being discriminated" states two actions:

- *Identifying employment opportunities for women in risk of being discriminated, and*
- *Information regarding the employment opportunities for women in risk of being discriminated.*

The same document has put into place a special partnership between NAEO and the Ministry of Public Health on women's health and the problems which they confront with.

II. Children

According to the statistics from the Ministry of Public Health and from the National Authority for the Protection of Children's Rights (NAPCR), **7.351** children and adolescents infected with HIV/AIDS were recorded on June 30th, 2006. **570** were included in the system of child protection (**254** children in public placement centers, **259** children in private placement centers and 57 children were placed in foster care/professional maternal assistance).

According to art 6 from the Law 272/2004 on the promotion and protection of children rights, the respect and the exercise of all children's rights must be implemented respecting the principle of equal opportunities and the principle of non-discrimination.

The main objectives of NAPCR's actions to reduce the discrimination of children with HIV/AIDS are:

a). To increase tolerance and acceptance of children with HIV/AIDS in schools and high schools/professional schools

A number of children were denied the right to education in early 1990, as they were hospitalized for long period of time. Progress in medication and treatment allowed an increased life expectancy for these children and, as a result, the Government undertook the necessary measures to ensure the respect of the right to education for these children.

The taking over of external medical units into the system of child protection from 2000 and their transformation into placement centers allowed the assurance of better psycho-social services and the educative recuperation of these children.

For children with HIV/AIDS with no other associated diseases, the integration in regular or special schools was successful. For the children with easy and medium disabilities special classes were organized in the placement centers. Out of the 570 children included in the child protection system, 461 are attending a regular or a special school. The failures to integrate children with HIV/AIDS were due to the following causes:

- advanced age of children reported to their level of education (ex: 12-14 years old and only primary school)
- lack of motivation of children, low IQ.

Concerned parents and on specialists in child protection have been put under pressure not to register in certain schools the infected children. Through the combined efforts of School Inspectorates, Public Health Directorates, General Directorates for Social Assistance and Child Protection and nongovernmental organizations, parents and teachers have been convinced that children with HIV/AIDS are entitled to education and that they are not infecting the other children.

This attitude is rooted in the lack of knowledge about the HIV/AIDS at the society level. Therefore, awareness raising campaigns aimed at informing the population on HIV/AIDS and at disseminating relevant information in order to reduce segregation and discrimination.

The number of such cases reported diminished after the implementation of awareness raising campaigns.

b). To ensure access to non discriminative medical services

ARV treatment and of opportunistic infections is ensured, for free, by the National House of Medical Insurances and by the Ministry of Health for all children with HIV/AIDS.

No major impediments of treatment were recorded in 2004, 2005 and 2006. A certain deficiency on the assurances of psychiatric medical services, was identified, as psychiatric units do not have specialized staff for treating patients with HIV/AIDS. Cases of children asked to be hospitalized with their legal guardian or with one parent, or to be transferred to an infectious disease hospital were brought to the attention of the Government.

In order to reduce the discrimination of children with HIV/AIDS, the NAPCR is implementing, since 2005, an awareness raising campaign to inform the public opinion and to train professionals on the obligation to respect children rights, under the title „Children’s rights are law!”. This awareness raising campaign also includes the issue of children with HIV/AIDS. Therefore, in 2005, 1.800 professionals (social assistants, medical staff, teachers, policemen) had been trained on the ways to respect and to promote children’s rights, including the rights of children infected with HIV/AIDS. In 2006, 1.316 medical staff and 1.316 teachers have been trained on the same topic, under the training component of the educational campaign.

c). Social reintegration in community's life of children with HIV/AIDS

NAPCR paid a special attention to the development of necessary skills of the children infected with HIV/AIDS in order for them to live an independent life (integrate and participate to the community life, find a job, etc.). Therefore, several projects, in different counties, were implemented in cooperation with the Global Found for fighting against AIDS and ChildNet.

A major component of the work of the staff in the placement centers and in the day care centers is the education and information of the infected children with HIV /AIDS on hygiene notions, health, sexual education, ways of transmitting AIDS and prevention, treatment, provided services, according to their degree of understanding.

A project financed by the Global Found to fight against AIDS had a prevention component where 300 specialists from the General Directorates for Social Assistance and Child Protection were trained in the field of prevention of AIDS and other sexually transmitted diseases, 7.500 children participated in education sessions for health, held by specialized staff and 150 children with HIV/AIDS benefited from activities for self education, including camps.

NAPCR has a special relationship with the Organization of Parents of Children with HIV/AIDS (UNOPA), as well as with the following NGOs: Romanian Association Anti AIDS, Save the Children, Foundation for People's Development, Health AID Romania, Foundation SERA Romania, Foundation „Cuvioasa Parascheva” Ialomita, „Children in distress”, „Alaturi de Voi” Iasi. The partnership focuses on common awareness raising campaigns and on specific situations in order to help the children infected with HIV/AIDS and their families.

The nongovernmental organizations are very supportive of the activity of the General Directorates for Social Assistance and Child Protection. As a result, 20 family type homes for children infected with HIV / AIDS, as well as day care or counseling centers have been created in partnership.