



Combating discrimination in education

Ninth consultation of Member States on the application of the Convention and the Recommendation against Discrimination in Education (1960)

Bucharest, December, 2016

Introduction

For the purpose of the Ninth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education, the Minister of National Education of Romania has drew up the following report, which gives information on the implementation of the provisions of the Convention at national level. The report covers the period 2012-2015 and updates the reports previously submitted by Romania. The structure of the report follows the guidelines provided by UNESCO to assist Member States in this task.

I. Information on the legislative, judicial, administrative and other measures taken by the State at the national level

1. Ratifications of the Convention and the Protocol

1.1 Romania ratified the **UNESCO Convention against discrimination in education** through the Decree no. 149 from April 20th 1964, published in *The Official Bulletin of the Grand National Meeting of the Socialist Republic of Romania*, no. 5 from April 20th 1964.

1.2 The Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education (10 December 1962) has not been ratified.

2. Legal framework governing the protection of the rights guaranteed in the Convention and the Recommendation in the national legal system



2.1 & 2.3 The Convention is ratified and directly applicable by:

- **Romania Constitution**, 2003 by: Chapter 2 – Rights and fundamental freedoms Article 29(6) Freedom of consciousness, Article 30(7) Freedom of speech, Article 32(1) - (7) Right to education. **The Constitution** stipulates:
 - the parents' right to educate their children according to their own beliefs (Article 29(6));
 - forbiddance to incite to national, racial, class or religious hatred, incite to discrimination, territorial autonomy or to public violence (Article 30(7))
 - the right to education through the compulsory and free general education for all children (Article 32, al.1, al.4), the right of national minorities to learn their mother tongue (Article 32, al.3), and the right to religious freedom (Article 32 (7)).
- **The Law of national education 1/2011** by all its articles;
- The updated **Government Ordinance no. 137/2000** on *prevention and sanctions of all forms of discrimination*, republished in the Official Monitor no. 99 from 8.02.2007; a legislative act known also as the law of discrimination, in Chapter 2 – Special provisions, Section 3, Access to education, Article 11 (1) - (6), Article 1 (2)(d) (vii)(e)(v, vi), Article 3(d), Article 6(d), Section 6, The National Council for Fighting Discrimination Article 16 – 25. This Ordinance considers as contravention the following:
 - refusal of access for a person or a group of persons to the state or private education system, for any form, degree and level, due to their particular race, nationality, ethnicity, religion, social category or disadvantaged category, respectively due to beliefs, age, gender or sexual orientation for the involved bodies (Article 11 (1)),
 - request of declarations to prove the particular person or group belongs to a certain ethnicity, fact that will condition the access for the person or group of persons to education in the mother tongue. The exception is in high-school and university education where the candidates compete for special places offered for a certain minority and it is imperious to prove he/she belongs to the relevant minority, with a document from a legally founded organization of the respective minority (Article 11 (3));
 - any restrictions caused by pertaining to a certain race, nationality, ethnicity, religion, social or disadvantaged category in the process of founding and accrediting the education institutions created within the current legislative framework (Article 11 (6));

It also established the National Council for Fighting Discrimination that is the state authority in the field of discrimination, autonomous, with legal personality (Article 16, 22, 23, 24, 25) and establishing its duties (Article 18, 19, 20, 21).



- **Law 272/ 2004** on *protecting and promoting the child's rights*, published in the Official Monitor, Part I no. 557 from 23/06/2004, in Articles 6 and 7, in Chapter 2 - Section 4 Education, leisure and cultural activities, Articles 47 and 48. This law guarantees:
 - respecting the child's rights according to the principles: respecting and promoting with priority the child's superior interest, equal chances and non-discrimination and ensuring stability and continuity in caring-of, upbringing and educating the child, taking into account its ethnical, religious, cultural and linguistic origin, if the case for deciding a protection measure (Article 6 (a, b, i));
 - the same rights for all the children without any discrimination, no matter the race, colour, sex, language, religion, public opinion or other kind of opinion, nationality, ethnical pertaining or social origin, material situation, the degree or type of deficiency, the status at birth or obtained, training, developing or any other kind of difficulties of the child, of the parents or of other legal representatives or any other type of distinction (Article 7);
 - the child's right to receive an education that would allow the development, in no discriminatory conditions, of its aptitudes and personality (Article 47 (1));
 - the parents' right to choose the type of education to be given to their children, and their responsibility to register the child in school and to ensure its regular attendance of the school course (Article 47(2));
 - facilitates access to preschool education and ensures compulsory and free general education for all the children through establishing the duties of the Minister of Education and Research, as specialised body of central public administration, as well as those of the school inspectorates and of the education units (Article 48 (1)(a))
 - the child's right to be treated with respect in the teaching-learning process, by the teachers, to be informed upon its rights, as well as on the ways of exerting them (Article 48 (2)).

- **Law 202/2002** on *equality of chances between women and men* published in the Official Monitor Part I no. 301 from 8.05.2002, in Articles 14 and 15 that targets equality of chances and treatment in what concerns the right to education. It:
 - forbids any form of discrimination based on gender in what concerns women's and men's access to all levels of instruction and professional training, improvement and, in general, to continuous education (Article 14 (1));
 - ensures equal chances and treatment between women and men within public and private institutions of education (Article 14 (2 and 3));
 - assigns the role to ensure instruction and education in the spirit of equal chances between genders to the Minister of Education.



- **Law no. 116/2002** on *preventing and fighting against social marginalisation* published in the Official Monitor, Part I no. 193 from 21.03.2002, in Section 4 Access to education, Article 19 – 22. This law:
 - financially supports the persons of school age who are part of families that have the right to guaranteed minimum income, have 2 or more children and are enrolled in compulsory education, through offered scholarships (Article 19 (1 - 4));
 - assigns to the Minister of Education the role of creating and implementing territorial programmes for adults' literacy (Article 20 (1)), as well as the role to ensure free access to rest and training camps for the beneficiaries of scholarships to education and continuing studies, that have obtained remarkable results in the educational process (Article 22);
 - regulates the way the scholarships for continuing studies are awarded (Article 21 (1 - 3)).

- **Law no. 489/2006** on *religious freedom and the general regime of cults* published in the Official Monitor, Part I no. 11 from 08.01.2007, in Section 5 – Education organized by cults by all its articles, in Article 2(1) and Article 3. It guarantees:
 - the right of each person to have or to adopt a religion, to manifest it individually or collectively, in public or in private, through practices and rituals specific to the cult, including religious education, as well as the freedom to keep or change the religious belief (Article 2 (1));
 - the parents'/ tutors' exclusive right to choose the religious education of the minor children, according to their own beliefs (Article 3 (1));
 - the right of the child aged 16 and over to change its religion (Article 3 (2));
 - the right of the cults to ensure Religion teaching in state or private education, to assign the Religion teaching staff in state schools or, in case of serious misbehaviours, to withdraw its approval (Article 32 (1 - 3));
 - the pupils' right to prove the study of their own religion with a certificate from the cult they belong to, in case the school management cannot ensure Religion teachers that belong to the cult they are part of (Article 32 (4));
 - the cults right to found and manage education units for training Religion teachers, as well as to establish the form, the level, the number and the school plan for their own education institutions (Article 33 (1, 2));
 - the cults right to draft the education plans and curricula for pre-university theological education and the curricula for teaching Religion, as well as the right to approve the education plans and curricula for higher education (Article 34 (1, 2));



- the right of children from the placement centres organized by public, private or cult institutions, to benefit of religious education according to their religious pertaining (Article 36 (1));
 - the recognized cults right to create and manage forms of confessional education of all levels, profiles and specializations that will be financially supported by the state (Article 39 (1, 3));
 - the pupils or students' right to register in confessional education, no matter the religion or confession, guaranteeing their religious education freedom, corresponding to their own religion or confession (Article 39 (5)).
- **Law no. 122/2006** on *asylum in Romania*, published in the Official Monitor, Part I no. 428 from 18/05/2006, in Article 8 The child non-discrimination, Article 17(1) (p)(4) Rights, and Article 18 Access to education for minor asylum applicant. This ensures:
 - the child's superior interest in all the decisions taken in what concerns minors (Article 8);
 - the right of the minor asylum applicants to have access to compulsory education under the same conditions as the Romanian minor citizens (Article 17 (1)(p));
 - access to education of the minor asylum applicants (Article 18).

In Romania the National Council for Combating Discrimination has been created in order to settle the claims on discrimination. This council is not an extraordinary court, but a public authority carrying out its attributions independently, free from any influence from any institution or public authority, while complying with the provisions of article 1(4) of the Romanian Constitution which states that *the State shall be organized based on the principle of the separation and balance of powers -legislative, executive, and judicial - within the framework of constitutional democracy*. The National Council is a central government body involved in the prevention and sanctioning of all forms of discrimination, by overseeing and combating those acts that infringe the fundamental constitutional principle of equal rights.



II. Information on the implementation of the Convention (with reference to its provisions)

1. Non-discrimination in education

1.1 & 1.2 The legislative framework aims to prevent and to eliminate discrimination in education, in line with the Convention.

The Law of national education 1/2011 forbids discrimination and promotes equal chances in education through its numerous articles:

- ensures equal rights of access to all levels and forms of education with no form of discrimination for all the Romanian citizens (Article 2 (4)), the citizens of the European Union member states, of the states part of the European Economic Space and of the Swiss Confederation (Article 2 (5), Article 142 (4)), to the minor requesting or having obtained any form of protection in Romania, to foreign minors or stateless minors whose residence on Romanian territory is officially recognized according to the law (Article 2 (6)), to all persons with special educational needs (Article 12(6), Article 25(3));
- guarantees education based on the equity principle, guaranteeing the cultural identity, recognizing and guaranteeing the rights of national minorities, the right to maintain, develop and express their ethnical, cultural, linguistic and religious identity, the principle of equal chances, the principle of freedom of thought and of independence against ideologies, religious dogma and political doctrines, the principle of social inclusion, the principle of organizing the confessional education according to the specific requests of each recognized cult (Article 3);
- ensures education in the spirit of dignity, tolerance and respect of the human fundamental rights and freedoms, cultivates sensitivity towards human issues, moral and civic values and respect for nature and for natural, social and cultural environment (Article 4);
- forbids the activities that breach the morality norms or any other activities that might endanger the health, physical or psychic integrity of the children or of the youth, respectively of the educational, auxiliary educational and non-educational staff, as well as the activities of political nature and religious proselytism (Article 7);
- projects, fundaments and implements the national strategies in the field of education, with consultation of teachers' representative associations, parents' representative associative structures, The Deans National Council, associative structures of state, private and confessional universities and schools, The Council of National Minorities, representative unions from education, pupils' representative associations, students' representative associations, authorities of public administration, business environment and financing nongovernmental organizations that support educational programmes/ federations of social services suppliers (Article 14 (1));



- ensures to all the children their constitutional right to participate to religion class, according to their own confession (Article 18(1)) or allows not attending the Religion class (Article 18(2));
- guarantees non-discriminatory participation to competition for teaching or research positions (Article 294(2))
- guarantees also in higher education non-discrimination on age, ethnicity, gender, social origin, political or religious orientation, sexual orientation or other types of discrimination, excepting the affirmative measures foreseen by the law (Article 118(2)) as well as other facilities for students with physical disabilities (Article 118(3), Article 202(1)).

2. Equal opportunities in education

2.1 Along with the constitutional and legislative provisions that guarantees access to education for all the citizens, *with no form of discrimination, the right to differentiated education and to lifelong learning, the Law of national education no. 1/2011 foresees a series of measures supporting equal chances:*

- guarantees the right of differentiated education, based on educational pluralism, according to the age and individual particularities (Article 21(3)), as well as organizing educational programmes like „A second chance”, in order to promote primary education for persons that exceed by 4 years the age corresponding to the class and who from various reasons have not graduated this level of education till the age of 14 (Article 29(4));
- offers specific conditions and assistance for persons with special educational needs or other types of educational requests according to the type and degree of deficiency (Articles 48-56. Article 72 (2));
- supports the children and the youth capable of high performances and ensures human, curricular, informational, material and financial resources and educational programmes that respect their particularities of learning and performance guiding (Article 57);
- financially supports and educationally coordinates the educational alternatives (Article 59, Article 64(7)), and the accredited private and confessional education (Article 60, Article 64, (8, 9));
- encourages school attendance through offering study and social scholarships both for Romanian pupils, Romanian ethnics with stable residence abroad, foreign participants from the Romanian pre-university education (Article 82, Article 111(1c));
- subsidizes all costs to attend high-school for pupils coming from the rural area or from disadvantaged socio-economic groups, as well as for those who attend vocational schools (Article 85(2));



- includes school inspectors for the issue of children and youth coming from disadvantaged socio-economic environments in the structure of school inspectorates (Article 95(5)), also for education units with complete teaching in the national minorities language, it is compulsory the principal knows the respective language (Article 97(1));
- ensures the financing for some national programmes of social protection (Article 111(1g));
- ensures also financing and organizing of higher education in the mother tongue (Article 135, Article 161);
- ensures and promotes higher education centred upon student (cap. X);
- offers a number of budget places in higher education to candidates coming from environments with high socio-economic risk or socially marginalized— Roma, graduates of high-schools from the rural areas or from towns with less than 10.000 inhabitants (Article 205(6)).

2.2 & 2.3 Specific provisions of the Education law that support the equality of chances:

- basic financing for all pre-schoolers and for all pupils from the accredited compulsory general state, private or confessional education, for accredited state, private and confessional vocational and high-school education, as well as for the state post-high-school (Article 16 (3));
- facilities/gratuities on transport, lodging, meals level (Article 12(8); Article 85(1));
- home schooling /units of medical assistance for person unable to move (Article 25(3));
- education in mother tongue, at all levels, types and forms of pre-university education, for persons pertaining to national minorities, envisaged by the law (Article 45(1));
- special and integrated special education, for all levels of education, differentiated, according to type and degree of deficiency, for persons with special educational needs (Article 48(1 and 2));
- olympics and competitions, relevant camps, symposiums and other specific activities, scholarships and other forms of material support for helping children and youth capable of high accomplishments; programmes to respect the particularities of learning and performance orientation. (Article 57 (4 and 5));
- cost reduction (Article 84):
- Pupils from the accredited/authorized compulsory high-school education benefit of a cost reduction of 50% for local common means of transport, surface, naval and underground, as well as for inner auto, railway and naval transport, during the entire calendar year.;
- As a special measure of protection, the orphan pupils, pupils with special educational requests, as well as those institutionalised may benefit of gratuity for all transport categories mentioned at (1), during the entire calendar year;



- For the pupils who cannot be schooled in the residence locality the transport expenses are disbursed from the Ministry of Education budget, through the education units they are enrolled in, based on subscription, within a limit of 50 km, or they receive disbursement of the sum representing the counter value of eight both-ways trips by semester, if they live in a boarding house or lodging;
- Pupils benefit of costs reduced by 75% for access to museum, concerts, theatre, opera, film and other cultural and sportive displays organized by public institutions;
- The Romanian ethnic pupils from abroad, scholars of the Romanian state benefit of gratuity to all the events/ displays mentioned in the previous point;
- subsidies for the costs related to high-school attendance for pupils coming from the rural areas or from disadvantaged socio-economic groups, as well as for those attending vocational schools (Article 85(2)).

The Romanian Government develops a series of social programmes meant to **facilitate access and reduce the quota of school drop-out in the educational system for pupils coming from disadvantaged categories**: *Money for high-school, Euro 200, Croissant roll and milk, School materials, scholarships*. These programs have been carried out for a long time.

- ***Money for high-school*** programme is based on two legislative documents: *Government Decision no. 1488/2004* on approving the criteria and the quantum of financial support that is offered to pupils within „Money for high-school” national programme of social protection and *Order no. 4839/2004* regarding the specific criteria and the methodology of offering support within „Money for high-school” national programme of social protection. The eligible applicants are those pupils coming from families with ***monthly gross income per family member, realized in the last 3 months before filing the request, lower or equal to 150 lei*** (approximately, 33 euros).
- The ***Croissant roll and milk*** programme offers a snack made up of milk and bakery product to each pupil from state education (primary and secondary), as well as to pre-school children enrolled in state kindergarten with normal programme, every school day.
- ***School materials***. According to **OMECTS no. 4385/07.06.2012**, the maximum value of each pack of school materials is 25 lei/pack/pupil from primary education (preparatory class – the 4th grade) and of 30 lei/pack/pupil from secondary education (the 5th grade– the 8th grade). These school materials are offered to those pupils coming from families where the monthly medium net income per family member (realized in July) is 50% of the gross minimum basic salary per country.

“The second chance” programmes are developed in order to offer people that exceed by more than four years the appropriate school age for a certain level of education and who have



not graduated that proper level of education, the chance to finalize the compulsory education or to achieve a professional qualification.

- **“The second chance”** programme – **primary education** aims to support children/ youth/ adults for resuming the primary education, being opened to all those who have not finalized this level of studies and who have exceeded by at least 4 years the school age corresponding to the school class (Article 1 from Appendix no. 1 to *OMECTS no. 5248/31.08.2011*). There are two categories of persons that can benefit from such educational services: those who have not attended any class of primary education and those who have abandoned their studies and have exceeded the maximum legal age for re-registering in primary education. The number of pupils (except some special situations, cases in which the number can be lower/ higher) required to form such a class for this type of educational programme is minimum 12 and maximum 20 (Article 2(2)).

- **“The second chance”** programme – **secondary education** aims to support people aged over 14, who have not graduated this level, to complete and finalize the basic education within compulsory education, as well as train for obtaining a professional qualification in a certain domain (Article 1, Appendix 3 to *OMECTS no. 5248/31.08.2011*). The classes can be created with a minimum number of 8 pupils and a maximum number of 15 pupils, excepting special situations that require the readjustment of these numbers (Article 4 (1)).

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3. Progress made with respect to implementing the right to education

3.1 Universal primary education

In Romania, primary education is free and accessible to everybody. The gratuity of the primary education is guaranteed by Constitution (Article 32, al.4). The Constitution also foresees the possibility to offer social scholarships for study to children and youths coming from disadvantaged families or institutionalized, under the law provisions (Article 32, al 6), as well as the right of persons pertaining to national minorities to learn in their mother tongue (Article 32, al 2).

The **Law of national education no. 1/2011** also states aspects connected to gratuity and children’s accessibility to educational system:

- state education is free. For some activities, levels, cycles and programmes of studies taxes can be charged, under conditions established by law (Article 9 (3));



- special and integrated special education is free and usually organized as full-time. According to the local needs, it can be organized under other forms too, in correspondence with the current legislation (Article 48 (2)) ;
- the state ensures equal rights of access for the Romanian citizens to all levels and forms of pre-university and higher education, as well as lifelong learning, with no form of discrimination (Article 2 (4)).

In Romania, compulsory education lasts 11 years. **Primary education** lasts for 5 years (from preparatory grade to 4th grade) and includes children ages 6 to 11. In recent years, school gross enrolment rate in primary education has recorded high values (approximately 88% in the school year 2015-2016). There are rural-urban differences regarding the participation in primary education, which highlight the disadvantaged circumstances of the rural areas: higher rates of participation for children from urban areas (over 90%) and lower rates for those living in rural areas (approximately 80%). The difference between genders regarding participation in primary education highlights a slight increase of participation of boys in comparison to girls.

The duration of the compulsory education is aligned with the provisions concerning the minimum age to enter into employment.

3.2 Secondary education

In Romania, the entire secondary education is accessible and open to everybody in public schools. The **Law of National Education** foresees gratuity of state education, both at pre-university, and higher education levels (Article 9(3)) and ensures basic financing for all pre-schoolers and for all pupils from state, private and accredited confessional general compulsory education, and for state, private and confessional accredited vocational and high-school education, as well as for state post-high-school (Article 16 (3)).

Lower secondary school (gymnasium) is part of compulsory education; it is free and lasts 4 years (5th to 8th grade). Gross enrolment rate in secondary education had a value of 91.5% in the school year 2015-2016, recording higher values in urban areas than in rural ones. The situation is determined by a combination of factors: more commonly situations of early drop off after completing primary school are registered in rural areas; some parents choose to move their children to urban schools in secondary school, although they live in rural areas. Regarding gender difference, boys' participation in secondary level education exceeds that of girls.

In 2015/2016 school year, the value of **gross enrolment rate within higher secondary education (high school and professional school)** was 85,6%, declining in comparison with the previous years. By gender, the situation is balanced, as there are no significant differences between boys and girls (85,9% girls and 85,4% boys). Starting with 2014/2015 school year, there are no available data on the place of residence of parents whose children are enrolled in secondary higher education. The situation of the previous years reflected a significant enrolment gap in favour of students coming from urban areas. Within high school



educational level, the percentage of students coming from urban areas was bigger, whereas for professional schools most of the students came from rural areas.

At high school level, the gross enrolment rate dropped in the last years, reaching 77,7% in 2015/2016. The percentage of the female students population was bigger than the male one, the difference being of seven percentage points in 2015/2016 (81,2% vs. 74,4%). The gross enrolment rate within theoretical and vocational high schools is reducing in comparison with the previous years (2015/2016: 43,2%) and the same thing happens with the one corresponding to technological high schools (2015/2016: 34,5%).

The professional education was heavily affected by different restructuring measures. The most important one was the going into liquidation of these educational institutions starting with 2009/2010 and their re-establishment beginning with the 2014/2015 school year. The gross enrolment rate grew highly in the last two years, reaching 10,5% in 2015/2016. The percentage of male students population is larger than the female one for this educational level, the difference, in 2015/2016, being of eight percentage points (14,6% vs. 6,2%). It is worthy to mention the negative correlation between the reduction in the gross enrolment rate in high school level and the growth of the one for professional education.

Challenges for ensuring access to secondary education

Not all localities from Romania have school units for secondary education. That is why The Law on National Education (Law no 1/2011) provides:

- facilities/gratuities at transport, accommodation and meal level (Article 12(8); Article 85(1));
- reduced costs for the local transport for pupils or transport gratuity for children with special education needs, for orphans or for institutionalised children (Article 84);
- disbursement of transport costs for pupils who are not schooled in the locality of residence;
- subsidization of the costs corresponding to high-school attendance for pupils coming from rural areas or from socio-economic disadvantaged groups, as well as for those attending vocational schools (Article 85 (2)).

To continue the progress in ensuring equal chances in education a **Government Decision** was approved, which subsidizes the costs corresponding to high-school attendance for high-school pupils from rural or urban areas coming from socio-economic disadvantaged groups, as well as the costs for pupils who attend vocational education; the decision comes into force starting from September 10th 2012 (Article 17). The decision supports:

- regulation of subsidizing costs corresponding to high-school attendance for high-school pupils from rural or urban areas coming from socio-economic disadvantaged groups, as well as costs for pupils who attend vocational education;



- conferring “Gheorghe Sincai” scholarship to high-school pupils from disadvantaged environments, orphans or suffering from illness (Article 4);
- conferring “Constantin Brancusi” scholarship to all pupils who attend vocational education, and it consists of a monthly financial support (Article 6).

3.3 Higher education

In the academic year 2015-2016, the national higher education system in Romania comprised 99 institutions of higher education, including a number of 567 faculties. In the same academic year, 535 200 people were registered in the Romanian institutions of higher education, out of which 76.7% were undergraduate students, 20% - Master students, 3.2% - PhD students, and less than 0.5% were studying in postgraduate programs (postdoctoral programs, advanced and postgraduate academic studies, postgraduate specialization studies). The capital city, Bucharest, has the highest percentage of higher education institutions, as well as the largest number of students, of which more than a quarter of students are enrolled in public universities and more than half in private universities.

The Romanian National Report based on Eurostudent V survey¹ revealed that this situation was due to both demographic cohorts' reduction and economic difficulties experienced by an important part of the young people and their families. In the rural areas, in particular, the participation rate in higher education reached only 16% (versus 43% in urban areas). Only 38.3% of high school graduates enter college during the first year after graduation and higher education graduation rate was also reduced to just 38%. Access to higher education is not facilitated by providing alternative routes or special incentives for attending higher education offered to the older students or those with delayed transition (who discontinue studies for a while). Access to higher education is obviously limited, on the one hand by the family's ability to support the student for the duration of the study program, and secondly by the remoteness of a university. Under these circumstances, nearly half of the student life costs is allocated to housing and maintenance, and thus, students who are forced to leave their village or family home to pursue a university degree program have to bear costs that they cannot afford. Financial support for students is based on a significant proportion of the family resources. Revenues from public sources are very small in nominal terms. Authorities' ability to clear certain vulnerabilities remains extremely limited.

(de la ISE)

Access to higher education according to individual capacities

In Romania, access to higher education is done according to individual capacities as provided by The **Law of National Education, no. 1/2011** through the following articles:

- In order to test the knowledge and the cognitive, respectively artistic or sportive capacities, and to admit in a study program for bachelor, master or doctorate degree,

¹ This national report is available at <http://www.ise.ro/raport-eurostudent-v>



higher education institutions organize admittance exams for each program or study cycle (Article 199 (4));

- Access to higher education is, from the legal point of view, universal for any person who holds a Matura diploma (Article 151 (1)).
- At admission to public or private higher education, for each cycle and programme of higher education, citizens of the Member States of the European Union, of states part of the European Economic Space and of the Swiss Confederation can apply under the same conditions foreseen by the law for Romanian citizens, including also school taxes (Article 142 (4));
- In higher education discriminations on age, ethnicity, sex, social origin, political or religious orientation, sexual orientation criteria or other types of discrimination are not allowed, except the affirmative measures envisaged by the law (Article 118 (2)).

Measures adopted by the government to ensure that there is no discrimination on the ground prohibited by the Convention preventing the access and graduation of university studies, both in public and private institutions

The Romanian Government, by **The Law of National Education**, promotes a national system of higher education based on the principle of academic freedom, the principle of equity, the principle of respecting the rights and freedoms of students and academic personnel, the principle of independence from ideologies, religions and politic doctrines, the principle of freedom of national and international mobility for students, teachers and researchers (Article 118, al. 1, lit. a, e, h, i, j). Thus, in higher education discriminations on age, ethnicity, gender, social origin, political or religious orientation, sexual orientation criteria or any other types of discrimination are not allowed, except the affirmative measures provided by law (Article 118 (2)).

In the process of admission to public or private higher education, for each cycle and program of higher education, citizens of the Member States of the European Union, of states part of the European Economic Space and of the Swiss Confederation can apply under the same conditions foreseen by the law for Romanian citizens, also with respect to the previsions regarding school taxes (Article 142 (4)).

The national minorities have the right to university and post-university studies in their mother tongue (Article 135 (4)). In multilingual and multicultural universities, at least one of the deputy deans is appointed on the proposal of teachers pertaining to the national minority belonging to the department of the teaching area or line of study provided in one of the national minorities' language (Article 207 (5)(d)). For confessional universities, the election of persons in management positions is done with the approval of the founding cult (Article 207 (8)).



The students with physical disabilities have the right to access ways adapted to their needs, in all university spaces, as well as to conditions for normal development of academic, social and cultural activities within higher education institutions (Article 118 (3)). However young people with disabilities remain an important disadvantaged category, facing challenges in regard to access to the higher education. Only 6% of the people with disabilities are enrolled in Romanian higher education institutions.)

In order to accomplish their studies, the students coming from families with reduced incomes benefit of a system of bank loans, guaranteed by state, under the provisions of the current legislation, through the Agency of Study Credits and Scholarships. The loans can cover school taxes and cost of living for the study period (Article 204 (1)). A number of budget places are guaranteed for candidates coming from environments with high socio-economic risk or from socially marginalized ones— Roma, graduates from rural high-schools or from towns with less than 10.000 inhabitants (Article 205 (6)).

Also, **The Government Act no. 789 from August 3rd 2011**, on *approval of the evaluation methodology in order to classify universities and rank the study programmes*, as well as **The Order of the Minister of Education, Research, Youth and Sports (OMECTS) no. 4174/2011** that establishes the list of indicators effectively used in the process of evaluation, introduced for the first time in the evaluation process of Romanian universities, criteria and indicators that measure the degree in which the universities fight against discrimination and stimulate inclusion by ensuring access to higher education. Thus, we can illustrate, from OMECTS 4174/2011, by quoting some indicators under Standard “SS3. The social and cultural involvement of the university”:

I 2.9. Students from disadvantaged socio-economic environments;

I 2.7. Grown-up students;

I 2.8. Students with disabilities.

These data were part of the assessment done at the level of the whole system of higher education.

A series of **projects financed through the Sectoral Operational Programme—Development of Human Resources (POS – DRU)** supports and finances activities that facilitate access and participation to higher education for the groups considered vulnerable.

Financial costs in higher education

The system of higher education in Romania uses a **dual form of financing**, in which students can either have their education funded by the public budget (financed by the state), or pay tuition fees from their own funds (in public education, as "tuition fee" or in private education). The public universities are mainly funded by the state budget and the supplementation comes from tuition fees paid by student payers, research or service (for a fee) for the community. The funds allocated by the Ministry of Education from the state budget take into account the number of students and the type of university (its place in the



national classification) and consists of three components: core, complementary and supplementary funding.

The following points emerge from a **project financed through the Sectoral Operational Programme– Development of Human Resources (POS – DRU): [Strategic Framework for Equitable Higher Education](#)**:

- for all types of scholarships, the state, through the Ministry of Education, allocates each university a total amount of **69 lei/ student (approx.. 15.3 euros)** multiplied by the number of students who do not pay for their studies offered by that university;
- afterwards, each university distributes this amount to students in the form of social, merit, study and performance grants - based on criteria developed at school (based on university autonomy);

Although the Law of National Education states that social scholarships should cover minimum expenses and lodging, according the **National Council for Funding Higher Education**, the national average of these scholarships sums up 192 lei/ month (approx. 42 euros), while the average amount expected to cover the minimum cost of a meal (lunch and dinner) is 566 lei (approx. 125.7 euros) - a level unattainable by many universities.

Participation in tertiary education

One of the targets of the Europe 2020 Strategy aims that at least 40% of the population aged between 30 and 34 completed a form of **tertiary education** or obtained a university degree or similar qualification. According to the Ministry of Education, **Romania has set for 2020 a tertiary graduation rate of 26.7% of the total population aged 30 to 34**. The target assumed by Romania is much lower than that proposed at European level (40%), ranking second to last in this venture project.

The National Tertiary Education Strategy of Romania presents a framework for the development of this sector over the period 2015-2020. In order to realize the development envisioned, the strategy focuses on four main areas of action:

1. strengthening of governance, financing, monitoring and evaluation of tertiary education - "support conditions";
2. encouraging and supporting wider participation in tertiary education, especially for underrepresented groups;
3. improving the quality and relevance of tertiary education;
4. developing commitments to the economy, in particular in relation to the labour market and innovation/ entrepreneurship.

This strategy correlates with other strategies for research, development - innovation and lifelong learning, as all three fields promote tertiary sector as the engine of economic growth based on knowledge and highly qualification. According to the moderate scenario, the full cost of implementing the strategy for the period 2016- 2020 is approximately € 2.1 billion, of



which € 465.1 million from ESIF (European Structural and Investment Funds), based on the Partnership between Romania and the European Commission. (*Evidence-based policy and labour market impact, POS – DRU*)

3.4 Adult education and lifelong learning

The participation rate of adults in LLL in Romania is one of the most important gaps in comparison with EU 2020 targets. In recent years Romania has not made significant progress regarding the participation of adults aged 25-64 to LLL and the indicator recorded slight variations from 2% in 2013 to 1.5% in 2014 and 1.3% in 2015. The gap between the present rate and the EU 2020 target (15%) is significant. Participation of adults to LLL is very low especially in the case of adults with lower educational and qualification levels and adults from rural areas. Both supply and demand barriers are currently influencing LLL development, including a lack of flexible and relevant training programmes based on social partnership and limited access to systems of prior learning validation and certification.

The National Survey on Employees Participation to LLL - carried out in 2011 by the Observatory for Permanent Learning Development² - showed that the lowest percentages of participation to training were recorded among employees:

- with low levels of education and professional qualification;
- working in small companies with less than 10 employees and
- aged over 40 years.

There were also reported discrepancies related to residence and gender: Training participation rates are lower in rural areas than in urban areas and higher for women, compared to males. The survey also identified a number of **obstacles explaining the low participation in LLL**:

- Negative learning experiences of adults in their personal history, accompanied by a low level of confidence in the effectiveness of continuing vocational education and training (C-VET) for their professional status. The level of confidence in C-VET is twice as high among high school or university graduates, compared to youth or adults with low level of education and qualification;
- Lack of flexibility of current C-VET offers, which doesn't allow to adapt C-VET engagement with job and family obligations, given the fact that most of the C-VET training offer in Romania is linked to full qualifications - implying also long term-training courses;
- Relatively high costs of training which sometimes exceed 25% of the employee's monthly income and a the lack of employer support; and

² www.invatapentrutine.ro



- Low level of awareness and recognition of skills acquired in non-formal or informal education, especially for youth and adults with low education and qualification.

In view of increasing the participation of adults in LLL, a number of policy initiatives were implemented. The law of education no. 1/2011 contains an entire chapter on lifelong learning, recognising the rights of all individuals to access education and training services, including the validation of learning acquired in non-formal and informal learning. Moreover, the law is specifying certain individuals whose participation should be made a priority:

- Young people and adults not finishing their compulsory education;³
- Early school leavers;⁴
- Graduates with formal qualifications that are not relevant any more on the labour market special education needs;
- Young people and adults returning to the country after period of working abroad;
- Low skilled adults older than 40; and
- Children at risk of dropping out of compulsory education.

The main effort in the recent years as regards to education for persons who have not received or completed the whole period of their primary education was to set up a policy strategic vision, based on the following strategic documents, approved by the Romanian Government in 2015:

- *National Strategy to Reduce Early School Leaving in Romania*
- *National Strategy for Stimulating LLL participation in Romania.*

Additionally, Romania continued the implementation of the *Second chance education programme*.

Measures implemented to ensure equitable access to continuing education

A specific measure to provide the opportunity for early school leavers to finish their primary and lower secondary education is the ***Second chance education programme***. The programme is a remedial education intervention. The target groups are young people or adults without education or with a primary school certificate only who are willing to finish their compulsory education or to obtain a qualification. The programme was introduced in 2005 and continues to be developed in some schools. Regarding participation in the "second chance" programme, national statistics shows an increase from one year to another: The number of persons included in the programme increased from 3659 students in 2007/2008 to 9202 students in 2011/2012, with a fall to 8589 students in 2012/2013. However, the development of this

³ Definition (as opposed to early school leavers) according to law

⁴ Definition (as opposed to 'Young people and adults not finishing their compulsory education) according to law



programme is still limited to the national level. This is due to the low institutional capacity of disadvantaged schools to apply for the European Social Fund (ESF) projects and to limited access of teachers to specific second chance teacher training programmes.

There is also a significant amount of measures implemented by civil society, especially on topics like civic education, education for talent, basic computer skills for adults, transition of young people from school to work or teacher training. In general, those measures are implemented on a smaller scale, but sometimes they have significant outcomes and impact.

In the recent years, the issue of improving outputs from education and training were specifically addressed in the framework of ESF type programmes for Romania. However, even though the internal evaluation of some strategic projects seems to be valuable and having an impact on direct beneficiaries, no impact evaluation system is in place at national level regarding the contribution of ESF programmes to the educational system.

Great expectations are created among the main stakeholders regarding future policies addressing early school leaving. This is based on the National Strategy for Early School Leaving, approved by the Romanian Government in 2015, as ex-ante conditionality for a new generation of ESF programme in Romania for 2014-2020. The strategy is proposing a complex data collection and monitoring system on early school leaving.

In order to ensure a sound programming of measures to increase the participation in LLL a national strategic policy framework called "Strategy for Stimulating the participation to Lifelong Learning in Romania" has been approved by the Romanian Government based on the Government Decision no. 418/2015 in view of the ex-ante conditionalities for the ESF Programme 2014-2020. LLL Strategy is focusing on three major pillars of interventions:

- Pillar 1. Access and incentives for participation
- Pillar 2. Quality and relevance
- Pillar 3. Partnership for a better information

The priorities are relevant and consistent and covering the main specific measures to be taken, based on an integrative approach. Under the *Pillar 1. Access and incentives for participation*, concrete measures to better connect and value learning acquired in different tracks (e.g. Vocational Education and Training and higher education) and settings (formal, non-formal, informal learning) are proposed. Measures to integrate different LLL services are also envisaged, especially by supporting the institutional development of LLL Community Centres, as multifunctional LLL provider at the community level, but also by supporting regulations in order to diversify the training provision in different institutional settings. Under the Pillar 3 specific measures are also addressing the need for a strengthen



partnership, including better coordination, information campaigns and counselling services. The strategy is also focusing on:

- Strengthening the social partnership in LLL, involving all key actors;
- Strengthening the relevance of IVET in general;
- Improving the matching of VET qualifications with labour market demands – especially regarding basic and transversal skills;
- Developing the institutional capacity to assess and certify informal and non-formal skills; and
- Improving counselling and guidance systems.

3.5 Quality education

The Standards for Quality of Education are approved by law:

- *Government Decision No 21/2007* – for the Approval of standards for provisional authorization and accreditation of educational institutions and programs. The accreditation standards define the minimal level of quality accepted in pre-university education – namely, pre-primary, primary, secondary, post secondary (non university) levels of schooling;
- *Government Decision No 1534/2008* – for the Approval of reference standards and performance indicators – defining the optimal level of quality in pre-university education;
- *Order of Minister of Education No 4688/2012* – for the Approval of specific standards for each of the above mentioned levels of education (provisional authorization, accreditation and reference standards).

The standards are national, applicable for public and private schools, including schools founded by legally established religious cults and organizations.

The National Standards for Quality of Education ensures that the conditions relating to the quality of the education provided with regard to institutional capacity (management, infrastructure and safety, and human resources), educational effectiveness (educational offer for programs, curriculum design and delivery, evaluation of learning outcomes, extra-curricular activities, professional development of teachers and financial management) and the management of quality (self assessment and procedures, staff development, improved programs etc.) are offered at least at a minimum level established by law and standards.

Each school is evaluated, by an institution entitled by the law with this role (Romanian Agency for Quality Assurance in Pre-University Education):

- before offering any educational program (for provisional authorization);
- after one educational cycle (for full accreditation);
- every five years, for all accredited schools (recurrent evaluation).



The standards and the external evaluation procedures ensures that all schools offer at least the minimal conditions established by standards, for every pupil, regardless the economical, social, ethnical etc. background.

Besides the equality in the conditions, the existing standards include positive measures in order to raise the inclusiveness of education:

- The school development planning must be grounded on the social, economic and cultural context for the education provider;
- The school development planning must include elements leading to inclusive education (providing equal education opportunities and supporting pupils belonging to disadvantaged groups and special needs education, respectively);
- Access for pupils with special needs in all school areas;
- Didactic strategies and methodology adapted to the cultural specificity of school population and to individual motivation of pupils;
- Developing, in accordance with the legal provisions, of differentiated education programs (for children with special needs, from socially disadvantaged or at drop-out risk groups, for gifted children etc.);
- Demonstrating progress in facilitating individual study and integration of pupils with special needs and of children at risk (of dropout and low achievement).
- To introduce elements of intercultural education;
- Adequacy of teaching aids and printed / electronic material according with the ethnical structure of the school population;
- Specific support (special education experts, school counselor etc.) for children with special needs or at risk (of dropout and low achievement).

Since 2014, the Romanian Agency for Quality Assurance in Pre-University Education developed and piloted **a new set of standards regarding quality of education**, now in the procedure of being adopted by Government Decision, replacing all three legal documents mentioned above.

The new standards strengthen the non-discrimination, equity and equal access dimensions of education.

Providing a safe environment free from violence or harassment constitutes a constant concern for policy makers in education. In 2007, The National Strategy was approved on reducing the phenomenon of violence in school units (The Order of the Ministry of Education No. 1409/2007). The strategy establishes Principles and guidelines on Preventing and Combating general violence in schools, roles and functions of the educational institutions system framework.

Other regulations that support efforts to reduce the phenomenon of school violence are:



- *The Regulation for organizing and functioning of pre-university institutions (Order of the Ministry of Education No. 5115/2014)* – This document stipulates the rights and obligations of teachers, students and parents. It also established powers on preventing and combating violence in schools and discrimination and promoting interculturalism.
- *Order 1540/19.07.2007 on banning school segregation of Roma children and approving the Methodology for preventing and eliminating school segregation of Roma children* - aims to prevent, prohibit and eliminate segregation, seen as a serious form of discrimination, involving negative consequences equal access of children to quality education.
- *Governmental Order No. 726/2004 on the approval of the Priority Actions Plan in the field of child protection against abuse, neglect and exploitation* – The Ordinance establishes a priority action plan for child protection, teacher training, building institutional partnerships and raising public awareness.
- *Law No. 48/2002 approving Government Ordinance No. 137/2000 regarding the prevention and sanctioning of all forms of discrimination* – normative act to prevent and combat discrimination;
- *other regulations which include specific ways of reducing violence at school proposals (e.g. the law on the organization and functioning of the Romanian Police and the community police, the law on the protection of children's rights; the regulation regarding the activity of learning, training, compensation, rehabilitation and special protection of children/pupils with disabilities,*

Operating at national level is the National Council on Combating Discrimination, as well as the Deputies People's Advocate, which is specialized in different areas of activity, such as: human rights, equality of chances between men and women, religious cults and national minorities; rights of the child, family, young people, pensioners, persons with disabilities; army, justice, police, penitentiaries; area of property, labour, social protection, taxes and duties; prevention of torture and other cruel, inhuman or degrading treatment or punishment.

3.6. Teaching profession

Overall, nearly three-quarters of employees in pre-university education are teachers. In 2015 210 008 teachers were registered in the system. The share of female teachers was 80.3%. The share of qualified teachers varies by level of education. With the exception of the vocational education, the share of qualified teachers equals more than 90% for all other levels of education. The largest share of qualified teachers is recorded at the high school level (about 98%). In the past seven school years, students-teacher ratio showed slight changes, influenced also by educational policy measures implemented at system level.



The conditions of teaching staff at all levels in your country

The salaries of the education personnel are calculated according to the level of studies, seniority, teaching degree/scientific title, specific duties (e.g., bonuses for head teachers). At pre-university level, the net salary for debutant teachers varies in the range of 1200 ROL, the equivalent of about 265 Euro (calculated at a medium exchange of 4.52 lei = 1 Euro, in December 2016), and the salary of a teacher with the highest teaching degree is around 2700 lei (almost 600 Eur) - source: <http://docere.ro/salar/>

The difference between the salary of debutant teachers and that of experienced ones is still very significant, with repercussion upon the structure of the teaching personnel (ageing of the personnel, high quota of teachers leaving the profession in the first stage of the career etc.), the motivation for the teaching career (low interest from the youths for the teaching profession) and, implicitly, on the quality of education.

Also, some measures, which financially reward teachers with very good results, are in place:

- merit gradation that can be obtained for a duration of five years, based on a competition organized at county school inspectorates' level and which represents 25% from the basic salary (according to OMECTS no. 5486 from 29.09.2011);
- "Gheorghe Lazăr" diploma grades 1, 2, 3 represents an award of 20%, 15% and 10%, respectively, of the basic salaries received in the last 12 months of activity;
- excellency diploma may be conferred to retired or about to retire teachers and it is accompanied by an award representing 20% of the basic salaries received in the last 12 months of activity.

Measures regarding the training for the teaching profession

Debates concerning the training of teachers have been taking place for some time. The Education law no 1/2011 stipulates that the training of teachers must be done at Master level, instead of the actual model of training which consists of a training module on didactics at Bachelor level, followed by a second module that can be attended at Master level. The debates continue because this new model of training implies major approach changes.

Are there instances of discrimination as regards the training for the teaching profession?

There are no cases of discrimination concerning teacher training, as access to training, employment and progress in teaching career is done based on open competition, legally regulated:

- admission to the courses of initial training for the teaching profession is done based on an interview and a registration file, according to OMECTS no. 4316/2008;
- teachers from pre-university education have the right to participate to any type of training and organization of continuous improvement/ training foreseen in *The methodology of continuous training for the personnel from pre-university education*, in the country or abroad (Article 2);



- teachers carrying out teacher duties for groups or classes where the teaching language is one of the national minorities' language have the right to training and improvement in the teaching language, in the country or abroad (acc. The Law of National Education 1/2011, Article 45 (11));
- employment for the teaching positions is done through competition organized at the level of educational units having legal body; the competition is open, thus, any person who meets the conditions provided by the law is allowed to apply (acc. The Law of National Education no. 1/2011, Articles 89-90);
- in higher education, the rights and duties of the teaching personnel are established by university Charter, the University Ethics Code, the individual employment contract and other legislative provisions; the academic freedom is guaranteed to members of the university community (The Law of National Education, no. 1/2011, Article 304).

3.7 Respect for human rights and fundamental freedoms

Human Rights Education in the national legislation

Romania is currently making use of all legal instruments of the Council of Europe, OSCE and the United Nations, relating to the right to education, rights of minorities, child's rights, elimination of all forms of discrimination, protection of human rights and fundamental freedoms. According to article 20.1 of the *Romanian Constitution*, the constitutional provisions are referring to citizens' rights and freedoms interpreted and applied in accordance with the *Universal Declaration of Human Rights* and the fundamental instruments for the protection of human rights that Romania has adhered to. Furthermore, article 20.2 stipulates that, in the case of inconsistency between domestic legislation and the international instruments for the protection of human rights to which Romania is part, international regulations should prevail.

- *The Law of National Education No 1/2011*, with subsequent amendments;
Respecting human rights and fundamental freedoms is ensured by *The Law of National Education*, through different articles. Article 1, in particular, guarantees the fundamental rights to lifelong learning in public, private and confessional education. Lifelong learning includes all the educational activities realized by each person, starting with early education, in order to achieve knowledge, skills/abilities, train and develop significant aptitudes from a personal, civic, social and/or occupational perspective (Article 13). Article 2 officially recognizes and guarantees the following: the right to a free, integral and harmonious development of the human individuality, in shaping the autonomous personality and in assuming a system of values that are necessary for personal fulfilment and development, for development of the entrepreneurial spirit, for citizens' active participation in society, for social inclusion and for employment, as well as access without discrimination to all forms and levels of education for Romanian citizens, for the



citizens of the European Union and of the Swiss Confederation, for minors requesting or having received a form of protection in Romania, for foreign minors and stateless minors whose reside in Romanian. The Law guarantees the right to cultural identity and to intercultural dialogue, to quality education, corresponding to the needs of personal and social-economic development, and ensures maintenance, development and expression of ethnic, cultural, linguistic and religious identity for persons pertaining to national minorities, the right to equal chances, academic freedom, freedom of thought and independence from ideologies, religious dogma and political doctrines (Article 3).

The parents have the right to be involved in the children's education, and the schools may sign an educational contract with them that states the mutual rights and obligations of the parties (Articles 3 and 86).

Pupils and students have the right to education in the spirit of dignity, tolerance and respect of human rights and fundamental freedoms (Article 4 (e)). Pupils and students also enjoy the following rights: total access to school decision and results through regular and adequate communications (Article 3 (m)), education for health, through physical education and sports activities (Article 3(r)), inclusive, the right to opinion as direct beneficiaries of the education system (Article 3 (u)) etc. The school may establish together with The Romanian National School Students Council and with the representative governmental and non-governmental organizations, its own statute that foresees pupils' rights and duties (Article 80).

- ***Law No 272/2004 on protecting and promoting the child's rights***, with subsequent amendments, guarantees:
 - respect for the children's rights according to the principles: respecting and promoting with priority the child's superior interest, equal opportunities and non-discrimination; ensuring stability and continuity in caring-of, upbringing and educating the child, taking into account his/her ethnical, religious, cultural and linguistic origin, when deciding on protection measures – Article 6 (a, b, i);
 - the same rights for all the children without any discrimination, no matter the race, colour, gender, language, religion, public opinion or other kind of opinion, nationality, ethnical pertaining or social origin, material situation, the degree or type of deficiency – Article 7.

- ***Law no. 116/2002 on preventing and fighting against social marginalisation*** stipulates financial support in the form of scholarships for school age students enrolled in compulsory education who belong to families entitled to the guaranteed minimum income, having two or more children– Article 19 (1-4).

Education for democratic citizenship and Human Rights in the National Curriculum



Democratic citizenship and Human Rights education within the school curriculum has been realized until now in the following ways:

- A. Formal learning/ education**, according to a formal curriculum;
- B. Non - formal learning/ education.**

A. The formal education is delivered as a chronologically graded learning with a systematic structure, performed in specialized institutions of different levels of education (pre-primary, primary, lower secondary, upper secondary, post secondary education) and conducted by a specialized personnel (educators, teachers). It is accomplished at the national curriculum level. A list of such curriculum subjects, together with some examples of themes and content of learning are given below:

A.1.1. Common Core School Curriculum (mandatory subjects)

- *Civic education* Curriculum, grades III - IV, approved by OMEN No 5003/2014, 1 hour/week. This syllabus includes, as part of the learning content, topics like *Our relation with other people* (grade III), *Children's rights* (grade IV);
- *Civic Culture* Curriculum, grades VII and VIII approved by OMEdC 4740/2003. The curriculum was revised by OMECT no. 4698/2008 and OMEC no. 5097/2009, 1-2 hours/week. This syllabus includes, as part of the learning content, topics like *Citizens' rights and responsibilities*, *Human rights* (grade VII) and *Freedom and responsibility*, *Justice and equality* (grade VIII);
- *Sociology* Curriculum has been approved by OMEdC 3252/2006, 1-2 hours/week (according to the educational route). Examples of topics: *Social problems* (discrimination, criminality, social conflicts, corruption, poverty);
- *Philosophy* Curriculum has been approved by OMEC 5959/2006, 1-2-3 hours/week (according to the educational route). Examples of topics: *Freedom and social and political responsibility*, *Equality and justice*, *Human rights*;
- *Social Studies* Curriculum has been approved by OMEC 5959/2006, 1 hour/week (for some educational routes within the theoretical profile and the vocational profile). Examples of topics: *The democratic principles and the citizenship*.

A.1.2. National offer for school-based curriculum (optional subjects)

- *Civic Culture* Curriculum – *Education for children's rights*, grade VI; the curriculum has been approved by OMECT 4921/22.09.2003 and reviewed by OMEC 5098 /2009;
- *Human Rights* Curriculum, secondary level, approved by OMEdC no. 5208/2006 reviewed by OMECT no. 3774/22.04.2008;
- *European Education* Curriculum, primary level, approved by OMEdC 5208/2006;



- *Intercultural education* Curriculum, gymnasium, approved by OMECT no. 3774/2008, reviewed by OMEC 5098/2009;
- *Civic education* Curriculum, secondary level, approved by OMEdC 4730/2004;
- *Competence in mass-media* Curriculum, secondary level, approved by OMEdC 4730/2004;
- *Intercultural education* Curriculum, secondary level, approved by OMECTS 5817/2010;
- *Education for Democracy* Curriculum, secondary level, approved by OMECTS 5817/2010;
- *EU institutions* Curriculum, secondary level, approved by OMECTS 5817/2010;
- *International humanitarian law* Curriculum, secondary level, approved by OMECTS 4202/2011.

The school curriculum can be accessed on the website of the Institute for Education Sciences (<http://programe.ise.ro/>).

B. The non-formal learning/education is delivered through extracurricular educational activities as an alternative to the formal learning system, conducted by various educational institutions, independently or in partnership with other organizations at local, regional, national and international level, governmental or non-governmental organizations.

Partnership activities take place within the different projects or programs that are either, specifically dedicated to human rights and children education or who indirectly aim at this type of education. Nevertheless, these activities are based on the values and principles highlighted in the international/ regional and national documents representative for this particular field.

Human Rights in projects developed by the Institute for Education Sciences

In 2013 (July-November), the Institute of Education Sciences conducted a pilot project on *Supporting Teachers in Preparing students for active citizenship*, funded by the Council of Europe and by the European Union and implemented in partnership with similar institutions from Croatia, Montenegro, Hungary.

Based on *The Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education*, the project included the following activities: a) the exchange of information, experiences and practices in the field of education for democratic citizenship and human rights; b) the development of a brochure outlining the current situation of the education for citizenship and human rights in partner countries, highlighting relevant practices; c) a training course for 20 teachers from secondary education; d) a movie to promote the education for democratic citizenship and human rights.

The project created the opportunity to translate and print some Council of Europe publications, which can support the development of education for democratic citizenship and



human rights at school level. The texts can be downloaded from the website of the Institute for Education Sciences (www.ise.ro).

3.8 Private education and religious and moral education

The Law of National Education, no. 1/2011 foresees the possibility of founding private or confessional educational institutions with resources from and at the initiative of a foundation or association, of a religious cult officially recognized or of any other legal body of private right. These institutions **have to undertake the same stages of authorization and accreditation as other educational institutions. According to the current primary and secondary legislation they are periodically evaluated based on the evaluation methodology for institutional authorization and accreditation** (Articles 227 and 228). The evaluation of universities is done according to the same methodology, no matter their form of property or confessional orientation. At present, two confessional universities and over 70 private universities are functioning in Romania, which are legally accredited and enjoy full rights.

The regulation framework applicable for creating or maintaining private education, alternative or confessional, is ensured by **The Law of National Education no. 1/2011**, which foresees:

- the possibility to organize *private and confessional education* according to the non-profit principle in pre-university educational units, at all levels and forms. The criteria, standards and performance indicators these units have to fulfil are identical with those that the state educational units have to comply with. Pre-university private and confessional education units are authorized and accredited according to the current legislation, and those accredited are supported by the state (Article 60 (1, 2, 4, 5, 6));
- support and coordination from the state of the private and confessional education, under the law provisions and with the full respect of their rights. Private education units are free and autonomous from organisational, economic and financial points of view. They are based on private property, guaranteed by the Romanian Constitution. (Article 60 (3));
- appointment of principals for private education units by the founding legal body of the respective unit and notification of the school inspectorate regarding the subsequent naming act (Article 60 (7));
- specifications on how to initiate and organize *educational alternatives*, with MECTS' approval, within Romanian pre-university educational system (Article 59, al. 1). The units of alternative education have organizational and functional autonomy, according to the educational alternative's specific. Their accreditation/ periodic evaluation is done according to the law. The groups / classes / units of alternative education are open to all citizens from the country and can be organized in Romanian, in languages of national minorities or in languages of international communication (Article 59 (2 – 5));



- ensuring the rights of persons pertaining to national minorities to study in their mother tongue, at all levels, types and forms of pre-university education, under the provisions of the law (Article 45 (1));
- parents' right to request the organization of groups, classes or units of pre-university education with the teaching language of that of a national minority (Article 45 (2)).

The rights of the parents/legal guardians for providing religious and moral education for their children

In Romania, the religious education is taught in such a way that the obligations deriving from various agreements under the international law and duties, comprised in the national law, in relation to the freedom of Religion are respected.

The national legal framework on which the teaching of religion in public schools is based upon is as follows:

- *Constitution of Romania* – states that "parents or caregivers have the right to ensure, according to their own convictions, the education of the minor children whose responsibility devolves on them" (art. 29, para. 6);
- *National Education Law No. 1/2011*, with amendments – states that the school subject Religion is included in the framework plan of primary, secondary and vocational education as part of the compulsory curriculum. Also, references are made to the possibility of dispensation: the option for religious education is done by the 18+ student or the parent of the minor student, upon enrolment request in these courses. For those pupils that opt not to attend the subject Religion, the school situation ends without this subject (art. 18);
- *Law No. 489/2006 on religious freedom and the general regime of cults* – contains references to the right to be involved in developing the curriculum for religious education.

Religious education is based on a national curriculum, developed and approved by the Ministry of Education and the subordinated institutions with competences in the field, according to the same criteria used for other school curriculum. The curriculum for religious education has a predominant monoconfessional approach, with openings in interconfessionality and nonconfessionality.

3.9 Rights of national minorities

The rights given to national minorities to carry out their own educational activities

The right of national minorities to develop educational activities is protected by the Romanian Constitution (the right of persons pertaining to national minorities to learn their mother tongue- Article 32 (3) and by The Law of National Education (Articles 45 and 46 – the children pertaining to national minorities have the right to study in their mother tongue, at all levels, types and forms of pre-university education, according to the law; the children and



the youngsters pertaining to national minorities benefit of elements of positive discrimination meant to increase the chances of school success, for example the increased quota for calculating the standard cost per pupil/ pre-schooler, which takes into account the teaching in the national minority language or the teaching of the national minority language).

Between the academic years 2013-2015, Romania ensured:

- education with teaching in the mother tongue for the Hungarian, German, Ukrainian, Slovak, Roma, Serbian, Croatian, Bulgarian and Czech minorities;
- study of the mother tongue for Hungarian, German, Ukrainian, Slovak, Roma, Serbian, Croatian and Czech, Turkish, Russian, Polish, Bulgarian, Greek and Italian minority.

The educational standards in educational institutions run by minorities are similar to the rest of the educational institutions in the country.

The Department for Interethnic Relations (DRI) is a component of The Romanian Government and supports intercultural programmes, organizes events in the multi-ethnic areas of Romania like: educational programmes, contests for pupils, seminars, conferences, training sessions for pupils, teachers and journalists, documentary films about Roma issues, book fairs, inter-ministries work reunions, cultural and academic manifestations etc.

The objectives of these programmes were the following:

- promoting education as an essential element for supporting diversity and intercultural dialogue under all its aspects;
- the central role of media in promoting the principle of equality and mutual understanding;
- development of attitudes of respect for ethnic, cultural and religious diversity;
- training and practice of the abilities of intercultural communication and connection, in order to prepare the participants to actively take part in the social life, as well as their professional training;
- understanding the importance of accepting linguistic diversity and that of opinions;
- acquisition of new knowledge and practice of critical thinking.



III. Methods used to draw the attention of the various authorities in the country to the instruments and to remove the obstacles encountered

1. Challenges and obstacles

Challenges and difficulties encountered in the process of implementing the key provisions of the Convention

During the past years, significant progress towards combating discrimination in education and ensuring equal chances for all has been made. However, the national educational system needs to address the following issues:

- periodical evaluation studies and impact reports to indicate the efficacy and the efficiency of the current measures aimed at supporting the various vulnerable categories of pupils;
- better cooperation and coordination of institutions with responsibilities in the area of combating discrimination and ensuring equal chances;
- better collection and update of statistical data regarding characteristics of various categories of children and youngsters at risk of exclusion and/or in need of assistance;
- allocation of sufficient human and financial resources to support and coordinate the implementation of legal provisions concerning vulnerable groups;
- the need for more and targeted information and awareness raising campaigns.

Possible areas of intervention:

The intervention areas are related to the challenges identified above:

- carrying out research studies and surveys and the use of the subsequent results for adjusting and coordinating the relevant policies, for improving the implementation mechanisms and for promoting non-discrimination and equal access messages;
- improving the mechanisms to implement and coordinate the implementation of the legal provisions;
- capacity building measures for institutions and staff;
- use of previous successful programmes and interventions and their multiplication at a larger level.

2. Awareness-raising

Awareness-raising activities are carried out through diverse projects and actions implemented by the Ministry of National Education and Scientific Research (curriculum development, training of teachers, contests and celebration activities for pupils and students, thematic summer camps etc.) and the related units (Institute for Education Sciences: pilot projects on



reducing and combating school violence, education for migrant children, research reports etc.; Agency for Quality Assurance of Pre-university Education: school evaluations which take into account their actions towards supporting inclusive education, equal opportunities and the rights of child etc.).

An important role in the process of awareness raising is played by the National Commission for UNESCO which carries out different activities: contests, campaigns, festivals etc., such as: the *Day of Non-violence in School* (various activities are planned and implemented in many schools), the *Mother Tongue Day*, *Children's Day*.