



Activity of the AHNR in order to introduce the UN Convention provisions in the Romanian law

Background

The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol was adopted on 13th of December 2006 at the United Nations headquarters in New York, and was opened for signature on 30th of March 2007.

Romania signed the UN Convention on 26th of September 2007 and published its ratification in the Romania's Official Journal - *Monitorul Oficial*, no 792, on 26th of November 2010.

Art. 4 of the *UN Convention* stipulates that all the States Parties adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present *Convention*.

How AHNR acts and lobbies

Thus, in the context of harmonizing the Romanian legislation with the *UN Convention*, the Association of Persons with Neuromotor Disabilities from Romania (AHNR), represented by its president Mr. Adrian Mihalcea, has begun its collaboration within the working group that analyzes the Romanian *Law 448/2006 regarding the protection and promotion of the rights of persons with disabilities*.

In the period 8th - 10th of June 2011, in the Arges county, it took place a seminar under the title "Modification of Law 448/2006 and its harmonization with the UN Convention regarding the persons with disabilities". The seminar was attended by the representatives of the Ministry of Labour, Family and Social Protection (MMFPS), local authorities in charge with social protection and certain non-governmental organizations, the AHNR being one of them.



The seminar was the first in a series of such meetings and consultations. There were proposed and adopted, in the letter or spirit of the law, either the full or partial provisions of the *UN Convention*, which are to be introduced into the revised form of the *Law 448/2006 regarding the protection and promotion of the rights of persons with disabilities*.

So, the *UN Convention* provisions were compared paragraph by paragraph with those with a similar topic from the *Law 448/2006* in order to establish, in principle, the necessary adaptations.

Further on, based on the proposals agreed on a common agreement with the Ministry (MMFPS), the working group continues to support their views which are to be reflected into the written text of the amended Romanian regulations in conformity with the *UN Convention*.

For exemple, the Article 19 of the *UN Convention* refers to *"the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that they have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement, they have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community and that community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs"*.

We suggested that when modifying the *Law 448/2006*, in the chapter regarding the rights of the persons with disabilities, and, respectively, the working place, home and leisure, inclusion in the community, etc. the provisions under article 19 of the *UN Convention* should be written *ad literam*. In the Romanian legislation in force, respectively, in the *Law 448/2006 regarding the protection and promotion of the rights of persons with disabilities*, it is mentioned the provision "adapting society to the handicapped person", which is a general principle, but it has to become applicable for all those stipulated in art. 19.

Some of the provisions of the art. 19 are already in force in Romania. We can mention, and they can be taken as good practice, the construction rules for the new buildings, which have to have accessibility elements, such as access ramps, proper



Member of FIMITIC (International Federation of Persons with Physical Disability)
ALS/MND (International Alliance of ALS/MND Associations)
Founding Member of CNDR (Romanian Disability Council)

elevators, or the public transport, which has to have ramp units to get in/off vehicles, such as buses, metro in Bucharest, or the legislation regarding the personal assistants of the persons with disabilities paid by the State.

How we follow our goals to become reality

On one hand, we watch carefully the modification of the legal acts, so that no won rights of the persons with disabilities should be affected, and, on the other hand, to widen these rights or their adherent services.

So, the AHNR, independently or together with the other CNDR member associations, has been intensively lobbying the Labour and Social Protection Ministry, initiator of the legal project regarding social assistance, and the Romanian Parliament, where the legal act is discussed and voted. The legal act refers to the social assistance which is approached both at a general level and on specific matters, such as third age, unshelterd persons, persons with AIDS, persons with disabilities, etc.

After the public consultation period ended, the Government sent its version to the Parliament, but it did not take properly into account our suggestions. That is why, once the law is on the agenda of the Parliament, we do our best to contribute to a legal text that should reflect as much clear as possible the legitimate interests of the persons with disabilities from Romania in conformity with the UN Convention.

Ion Adrian Mihalcea
President of AHNR