



VALIDITY



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Mr. Ludovic Orban, Prime Minister
Government of Romania, Palatul Victoria
Piata Victoriei nr. 1, Sector 1, București, cod postal 011791
drp@gov.ro

Mr. Nelu Tătaru, Minister of Health
Ministry of Health
Strada Cristian Popișteanu, nr. 1-3, sector 1, cod 010024, București
relatii publice@ms.ro

Ms. Victoria Violeta Alexandru, Minister of Labour and Social Protection
Ministry of Labour and Social Protection
Str. Dem. I. Dobrescu nr. 2-4, sectorul 1, București
relatiicupublicul@mmuncii.gov.ro

Brussels, 29 April 2020

Subject: Urgent appeal to ensure equal access to COVID-19 medical treatment for residents of Sasca Mică Centre and other institutions for persons with disabilities and older persons in Romania

Your excellencies,

We the signatories below, a group of organizations of persons with disabilities and other organizations advocating for the rights of persons with disabilities, are writing to you to express our deepest concern about the withholding of urgent medical care to persons with disabilities living in residential institutions in Romania, who tested positive for COVID-19. Instead, these individuals are subject to a strict quarantine regime in the country's residential facilities, with very limited support and without access to health care. We believe that such measures are obvious discrimination and will result in spiralling death rates and people being subjected to conditions that are akin to inhuman and degrading treatment.

On 21 April 2020, Romania reported a major COVID-19 outbreak at a large residential facility for people with disabilities in the village of Sasca Mică in the northeast of the country. It was communicated that 242 of the 369 residents and 59 of the 86 members of staff at the Neuropsychiatric Recovery and Rehabilitation Centre tested positive. On 24 April, the authorities informed the public about the first fatality - an 80-year-old resident - who was exposed at the origin of the outbreak. Mădălina Turza, the head of the Government department in charge of persons with disabilities, declared that there are likely to be multiple deaths in Sasca Mică.

The authorities adopted urgent measures that involved separating infected residents from staff. While those residents that tested positive for COVID-19 were quarantined in a separate building within the Sasca Mică complex, the staff were admitted to nearby hospitals. No explanation has been offered for this difference in treatment, which also departed from existing rules and practices in Romania that require the hospitalisation of all symptomatic carriers of the COVID-19 virus.

A Ministry of Health official declared that the remaining staff in Sasca Mică would receive personal protective equipment (PPE) and training on how to use it, that record-keeping would be tightened, and that the staff would also be supplied with protocols on symptomatology, regular medical care and intensive care. At the same time, a call for volunteer psychologists was issued, to provide staff with remote counselling. Local officials made it clear that the Sasca Mică Centre lacked any medical equipment and was not able to provide any type of medical care to COVID-19 patients.

Sasca Mică is one of the largest residential facilities in Romania, which has recently received significant European Union funding for renovation work. Nonetheless, according to recent information, living conditions in the Centre remain sub-standard. In particular, the 250-bed-building where the infected residents are quarantined has large dormitories, bunk beds, and its upper stories are inaccessible for those who use a wheelchair. Access to the facility for external monitors has become virtually impossible.

Additional COVID-19 outbreaks in residential facilities for older persons and persons with disabilities across Romania have also recently been reported. In a parallel development, a hospital in Deva, in central Romania, forcibly discharged ten COVID-19 patients with psychosocial disabilities under the pretext that they were difficult to manage. As a result, they too were returned to the institution where they lived and placed in a separate building under quarantine.

As party to the UN Convention on the Rights of Persons with Disabilities, the European Convention on Human Rights and the Revised Social Charter, Romania is required to ensure access to health and protect life, without discrimination. We wish to bring to your attention the [Statement of interpretation on the right to protection of health in times of pandemic](#), issued by the European Committee of Social Rights, which states that “the right to protection of health includes the right of access to healthcare, and that access to healthcare must be ensured to everyone without discrimination. This implies that [...] groups at particularly high risk, such as [...] persons living in institutions [...] must be adequately protected by healthcare measures put in place.”

Given the urgency in view of the fact that a large number of persons with disabilities in institutions are likely to die due to denial of life-saving medical treatment, we call on Romanian authorities to take the following immediate steps, in line with the country’s international and national human rights obligations:

- Adopt more effective testing routines for residents and staff from residential institutions across the country, without any direct or indirect discrimination, aimed at the early identification of COVID-19 cases;
- Provide universal access to health care for all persons with disabilities living in institutions that do not discriminate based on disability and/or age, enforced

by strict penalties for those officials who take discriminatory decisions or actions;

- Provide PPE to the staff of institutions and residents, where needed, to prevent COVID-19 outbreaks, in line with the [World Health Organisation's \(WHO\) recommendations on COVID-19](#);
- Facilitate independent monitoring of all institutions, to promptly identify any cases where residents are being denied medical treatment, as well as other additional human rights violations that may arise during the emergency;
- Collect and make public information about the number of infections in institutions, number of people who recovered, number of people who received hospital treatment and number of deaths;
- As soon as possible, launch a time-bound detailed deinstitutionalization plan, replacing institutions with community-based services that support the right of persons with disabilities to live independently and to be included in the community, in line with Article 19 of the UN Convention on the Rights of Persons with Disabilities and its General Comment No. 5.

We thank you for taking this letter into consideration and look forward to receiving information about the steps taken to address the situation.

Your sincerely,

Nadia Hadad, Co-Chair
European Network on Independent Living

Yannis Vardakastanis, President
European Disability Forum

Sorin Țața
Romanian National Disability Council

Steven Allen, Co-Executive Director
Validity Foundation

Eric Rosenthal, Director
Disability Rights International

Vladimir Cuk, Executive Director
International Disability Alliance

Dom Haslam, Chair
International Disability and Development Consortium

Innocentia Mgijima, Programme Manager
Centre for Human Rights, University of Pretoria

Copy to: Ms. Maria Mădălina Turza, Head of the National Authority for the Rights of Persons with Disabilities, Children and Adoptions
contact@andpdca.gov.ro

Ms. Renate Weber, Ombudsperson
petitii@avp.ro

Mr. Gheorge Flutur, President of the Suceava County Council
contact@cjsuceava.ro

Ms. Catalina Devandas Aguillar, UN Special Rapporteur on the Rights
of Persons with Disabilities
cdevandas@sr-disability.org

Mr. Dainius Puras, UN Special Rapporteur on the Right to Health
urgent-action@ohchr.org; srhealth@ohchr.org

Ms. Dunja Mijatović, Council of Europe Commissioner for Human
Rights
commissioner@coe.int

Ms. Helena Dalli, Commissioner for Equality, European Commission
cab-dalli-contact@ec.europa.eu