

# **Coronavirus COVID-19 outbreak in the EU**

## **Fundamental Rights Implications**

**Country:** Romania

**Contractor's name:** Human European Consultancy

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# 1 Measures taken by government/public authorities

Romania's first official reaction to the Coronavirus Covid-19 outbreak came on 29 January 2020, following the World Health Organization's declaration of an international emergency. According to the national legislation on disaster prevention<sup>1</sup>, the National Committee for Special Emergency Situations (CNSSU – *Comitetul național pentru situații speciale de urgență*) was convened to oversee the situation. CNSSU is an inter-ministerial committee presided by the Minister of Interior, and it takes decisions enacted immediately. CNSSU is basing its decision on the advice of the Technical-Scientific Support Group (GSTS – *Grupul de Suport Tehnico-Științific*), an advisory body that includes specialists and high level public servants.

On 16 March 2020, the President of Romania declared the state of national emergency<sup>2</sup>, with a duration of 30 days, for the entire territory. The decree gives additional powers to the CNSSU. The decree is grounded in the Constitution as well as in the framework legislation on declaring state of siege and state of emergency. The Emergency Ordinance on the state of emergency dates from 1999 and does not include specific provisions on epidemic emergencies given that it was issued to respond to the crisis of miners threatening to occupy Bucharest.<sup>3</sup> While this normative act does not contain a specific provision related to situations of epidemiologic risk, such as the one presented by COVID-19 pademy, the related Emergency Government Ordinance no. 21/2004 regarding the organisation and the functioning of the National System of Management of the Emergency Situations provides for a definition of the "Types of risks", among which the risk of mass sickness which is included in the same type of risk as disasters which is a ground for declaring state emergency in accordance with Government Ordinance no. 1/1999.

Article 2 of the Decree declaring the state of emergency provides:

"In order to prevent the spread of COVID-19 and in order to manage the consequences, in relation with the evolution of the epidemiologic situation, for the duration of the state of emergency, the exercise of the following rights is restricted, proportionally with the degree in which the criteria mentioned in Article 4, paragraph 4, is accomplished:

- a) Freedom of movement;
- b) Right to intimate, family and private life;
- c) Inviolability of home;
- d) Right to education;
- e) Freedom of assembly;
- f) Right of private property;
- g) Right to strike;
- h) Economic freedom."<sup>4</sup>

Based on the Decree establishing the state of emergency, the Minister of Interior can adopt Military Ordinances, enacted immediately, and certain rights may be temporary restricted. Romania notified the Council of Europe on the activation of Article 15 of the European Convention on Human Rights on 17

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<sup>1</sup> Romania, Emergency Ordinance on the national system for the management of emergency situations (*Ordonanța de Urgență nr. 21 din 15 aprilie 2004 privind Sistemul Național de Management al Situațiilor de Urgență*), 15 April 2004.

<sup>2</sup> Romania, Decree on the establishment of the emergency situation on the territory of Romania (*Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României*), 16 March 2020. Official translation in English available at: <https://rm.coe.int/09000016809cee30>.

<sup>3</sup> Romania, Emergency Ordinance of Government no. 1/1999 on the regime of the state of siege and the regime of the state of emergency, approved with modifications and additions by Law no. 453/2004, with the subsequent modifications and additions (*Ordonanța de Urgență nr. 1 din 21 ianuarie 1999 privind regimul stării de asediu și regimul stării de urgență*), 21 January 1999.

<sup>4</sup> Romania, Decree on the establishment of the emergency situation on the territory of Romania (*Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României*), 16 March 2020.

March but the decision was not discussed publicly or communicated by the authorities, being reported by France Press on 19 March.<sup>5</sup>

The initial measures<sup>6</sup> taken by CNSSU were aimed strictly at strengthening the capacity of the public health system and the national emergency response system. As the number of cases outside China increased, new measures to limit travel to and from most affected countries (China, Iran and Italy) were adopted, and stricter frontier checks imposed. At the beginning of March, CNSSE decreed that persons returning from „red zones” will be placed in self-isolation for 14 days. Starting with 9 March 2020, stricter measures were adopted, including:

- Schools were closed on 11 March 2020, initially until 22 March, and then extended until 22 April (to include the Easter Holidays);
- Persons returning from „red zones” were placed in quarantine and tested;
- Self-isolation was extended to contacts of the infected persons;
- Work-from-home was recommended for all employers, and applied in public institutions when possible;
- Social isolation measures were recommended to the general population, and enforced in supermarkets and pharmacies;
- Gatherings of more than 100 persons were prohibited and the number was later reduced to 50 persons;
- Export of medical supplies is restricted.

Immediately after the declaration of national emergency, on 16 March, the first Military Ordinance<sup>7</sup> extended the social isolation measures. Public serving in restaurants, bars and coffee-shops was suspended (home delivery is still permitted), as well as all cultural, artistic, religious, and other type of gatherings. The limitation of non-essential movement is recommended but not yet enforced.

On 21 March, the Government issued the second Military Ordinance<sup>8</sup>, which is introducing movement restrictions during the night (hours 22-6) and recommends them during the day. Only essential movement is allowed/recommended: to/from work, when work-for-home is not possible; emergency health situations; to buy food and medicines from the closest shop; to help close relatives in case of need; and to walk the pets nearby the house. Movement outside the houses is allowed only in groups not bigger than three persons who do not belong to the same family. Commercial activities in areas with multiple shops and stores, such as malls, are suspended with the exception of shops selling food, veterinary products, pharmacies and those selling cleaning products.

The Military Ordinance 2 from 21 March includes also limitations on the religious services, which can be carried out by priests in churches, but without public and the service can be broadcast through the media or online. Private religious activities such as a baptism or a funeral may have an attendance of up to eight people.<sup>9</sup>

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<sup>5</sup> [Note verbal from the Permanent Representation of Romania to the Council of Europe, dated 17 March 2020, registered at the Secretariat General on 17 March 2020](#). See also, Hotnews.ro (2020), ‘[România a activat derogarea privind aplicarea Convenției Europene a Drepturilor Omului, în urma declarării stării de urgență](#)’, 19 March 2020.

<sup>6</sup> The full list of CNSSU decisions is available on the [special section of the Government of Romania website](#).

<sup>7</sup> Romania, Military Ordinance no. 1 regarding some measures of first emergency regarding people gatherings and trans frontier circulation of goods ([Ordonanța Militară nr. 1 din 17 martie 2020 privind unele măsuri de primă urgență care privesc aglomerările de persoane și circulația transfrontalieră a unor bunuri](#)), 17 March 2020.

<sup>8</sup> Romania, [Military Ordinance no. 2 regarding some measures of first emergency regarding people gatherings and trans frontier circulation of goods \(Ordonanța Militară nr. 2 din 21 martie 2020 privind măsuri de prevenire a răspândirii COVID-19\)](#), 21 March 2020.

<sup>9</sup> Romania, [Military Ordinance no. 2 regarding some measures of first emergency regarding people gatherings and trans frontier circulation of goods \(Ordonanța Militară nr. 2 din 21 martie 2020 privind măsuri de prevenire a răspândirii COVID-19\)](#), 21 March 2020.

Public transportation is not restricted by 24 March though the municipality of Bucharest announced reducing the number of buses on the streets.

Persons placed in self-isolation, and who fail to observe the prohibitions are forcefully moved in quarantine centres, in addition to being prosecuted according to the Criminal Code.

According to Article 6 of the Military Ordinance no. 2, the state borders were closed for foreign citizens, with the exception of: family members of Romanian citizens or family members of citizens of EU or EEA member states or of Switzerland who reside in Romania; persons with valid business or work-related visa, who have long-stay visas; persons seeking international protection or travel for humanitarian reasons, are in the diplomatic services, military or international organizations personnel or those who travel for urgent reasons (family of health related). Transit may be permitted on designated routes agreed with other states.

The Emergency Ordinance on the national system for the management of emergency situations<sup>10</sup> stipulates fines from RON 100 to 5,000 (approx. €20 to 1,030) for not observing the provisions of the Military Ordinances, in addition to any sanctions stipulated by the Criminal Code.

Local public authorities may extend the movement ban. Media reported<sup>11</sup> that the Maramures County (North-West Romania) was the first, on 23 March, to impose a complete movement ban during day hours, in similar conditions as the national ban.

The measures are communicated<sup>12</sup> in daily press conferences of the Minister of Interior or other top officials from CNSSU. Starting with 16 March, an interpreter for sign languages participates to the press conferences. The national public television, national public radio, and many other media channels are broadcasting the conferences live, and they are repeating the information many times during the day. The Prime-Minister and the President are sending additional messages every few days. The information can be retrieved from the special section on the Government's website<sup>13</sup>, which is not optimized for people visually impaired. The right of the visual impaired persons is partially observed, many of the messages of the President, of the Prime-Minister and of the members of the National Committee for Special Emergency Situations being provided also in sign language. All public institutions are actively re-distributing the information on their websites and in social media. A dedicated free phone line ('telerverde') was introduced from the beginning of the crisis, for information and support purposes. All information, through all channels, are distributed generally in Romanian only.

From the range of measures taken so far, the school closure is the most problematic from the rights perspective. It was a sudden measure, with virtually no preparation. The Ministry of Education is encouraging<sup>14</sup> teachers to continue the education process online but it didn't offer any nation-wide support in this respect. There are some schools and teachers that are using a variety of ad-hoc tools but there is no centralized overview of the situation.<sup>15</sup> Students from vulnerable groups are obviously disproportionately affected. For example, the Timis County School Inspectorate estimates that 4.600

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<sup>10</sup> Romania, Emergency Ordinance on the national system for the management of emergency situations (*Ordonanța de Urgență nr. 21 din 15 aprilie 2004 privind Sistemul Național de Management al Situațiilor de Urgență*), 15 April 2004.

<sup>11</sup> Hotnews.ro (2020), '[Coronavirus: Maramures, primul judet care interzice circulatia persoanelor in afara locuintelor / Care sunt exceptiile](#)', 23 March 2020.

<sup>12</sup> The information in this paragraph is based on the direct observations of the researcher, unless otherwise stated.

<sup>13</sup> The measures are available on the [special section of the Government of Romania website](#).

<sup>14</sup> Romania, Minister of Education and Research (*Ministerul Educației și Cercetării*) (2020), '[Măsuri luate de Ministerul Educației și Cercetării ca urmare a Hotărârii nr. 6 a Comitetului Național pentru Situații Speciale de Urgență](#)', press release, 10 March 2020.

<sup>15</sup> The lack of a centralized overview was confirmed by a Ministry official in a phone conversation with the researcher, on 16 March 2020. The lack of resources is the reason behind it.

students don't have Internet access, and 4.300 don't have a device suitable for online learning<sup>16</sup>. They represent 10% of the total number of students in one of the most developed counties in Romania, and they are among the most vulnerable students because of their socio-economic status.

The issue of supervision of children during school closure was partially addressed by the Parliament. A new law<sup>17</sup>, adopted in emergency procedure, stipulates that one parent is entitled to paid leave of absence if schools are closed because of the emergency situation. There are no provisions related to parents that are self-employed, daily workers or that have temporary jobs.

The Human Catalyst Association, in a policy brief<sup>18</sup> published on 19 March, estimates that 31% of the total number of students, or 440.000 students, coming from the most vulnerable communities, will be disproportionately affected by the school closures, and that so far there are no measures to prevent this discrimination.

The Decree declaring the state of emergency included provisions on the functioning of the courts as well, limiting the work of the judiciary during this period both in relation to civil and criminal cases.<sup>19</sup>

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<sup>16</sup> Edupedu.ro (2020), '[Apel public al inspectorului școlar din Timiș, către companii: Peste 4.600 de elevi din județ, unul dintre cele mai dezvoltate din țară, nu au acces la internet, iar 4.300 – niciun device, nici măcar telefon](#)', 18 March 2020.

<sup>17</sup> Romania, Law regarding awarding leave of absence to parents, for the supervision of children, in the situation of temporary closure of educational institutions ([Lege nr. 19 din 14 martie 2020 privind acordarea unor zile libere părinților pentru supravegherea copiilor, în situația închiderii temporare a unităților de învățământ](#)), 14 martie 2020.

<sup>18</sup> Human Catalyst (2020), [USER sau LOSER în vremea pandemiei POLICY BRIEF](#), 19 April 2020.

<sup>19</sup> Article 42 (1) During the state of emergency, the trial procedures continue for cases of extreme emergency. The list of such cases is determined by the Leadership Collective of the High Court of Cassation and Justice, for cases falling under its competence, and by the Leadership Collectives of the appeal courts for cases falling under their competence and for cases under the competence of courts within their territorial jurisdiction, with the possibility of updates according to developments. The Superior Council of Magistracy gives guidance, for the purpose of ensuring a unitary practice, to the Leadership Collectives of the above-mentioned courts regarding the modality of determining the cases which are to be tried during the state of emergency. (2) During the state of emergency, for trials mentioned in paragraph 1, the courts can set shorter deadlines, according to the situation, including from one day to another or even the same day. (3) For trials mentioned in paragraph 1, when possible, the courts can decide on the conduct of the courthouse hearing through videoconference and communicate the procedural documents through telefax, electronic mail or other means which ensure sending the text of the act and the confirmation of its receipt. (4) Delaying the trials for cases mentioned in paragraph 1 can be ordered upon request when the interested party is in home-isolation, in quarantine or in hospital in the context of the COVID-19 pandemics. When the court rejects the request to delay trial taking into consideration the necessity to solve the case in the context of the current state of emergency, it shall delay issuing its decision, upon the request of a party or ex officio, in order to allow the submission of written conclusions. (5) The enforcement of judgements continues only in cases where it is possible to respect the rules of sanitary discipline set out in the decisions of the National Committee for Special Emergency Situations, with the purpose of protecting the right to life and physical integrity of the participants to the enforcement procedure. (6) Based on the current Decree, trying civil cases other than those mentioned in paragraph 1 is automatically suspended during the state of emergency established by this Decree, without carrying out any other procedural act to this end. (7) The time limits for lodging appeals in the cases mentioned in paragraph 6, under trial procedure at the date of establishing the present state of emergency, are interrupted, as new time limits of similar duration will run from the date of terminating the state of emergency. In the cases mentioned in paragraph 6, where appeals have been lodged before the date of issuing the present Decree, the files are to be submitted to the competent court after the termination of the state of emergency. (8) After the termination of the state of emergency, the trial of cases mentioned in paragraph 6 shall be resumed ex officio. Within ten days of the termination of the state of emergency, the court shall take measures to set time limits for the judicial procedure and to summon parties. Article 43 The criminal prosecution and the activity of judges on rights and liberties is conducted only with regard to: a) cases where preventive or protective measures for victims and witnesses have been taken or proposed, those regarding the provisional application of safety measures having a medical nature, those involving minors as victims; b) acts and measures of criminal prosecution whose delay would endanger the

On 13 March, the Judges Section of the High Council of Magistrates decided<sup>20</sup> that only emergency cases will be judged until 4 April. Several lawyers, and in particular two lawyers specialized in Human Rights<sup>21</sup>, have expressed concerns that the access to justice will be severely limited in this period. Most Courts have also restricted their program with the public, indicating that petitions should be submitted by regular post and email. But the servers and email addresses of the Courts have quickly become unavailable, due to limited capacity, the same lawyers are saying.

The Decree declaring the state of emergency also totally suspended for convicted persons the exercise of the right to receive visits, the exercise of the right to receive conjugal visits, the exercise of the right to receive goods during visits, as well as the rewards representing permits to leave the penitentiary.<sup>22</sup> However, the Decree included some alternatives to compensate for this restriction in Article 47 (2):

“Art. 47(2) In order to maintain the connection with the support environment, the length and the number of conversations for convicted persons being placed within a maximum security prison shall be increased to a maximum of 45 minutes per day and for the persons placed within closed, semi-open, open prison, under interim detention regime or for which a detention regime has not yet been established, to a maximum of 75 minutes per day. The right of detainees to on-line conversations, irrespective of their disciplinary situation or of frequency of their connection with family is supplemented corresponding to the number of visits to which they are entitled to according to the regime of execution of sentences.”

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collection of evidence or the apprehending of the suspect or of the defendant, as well as those regarding the early hearing; c) cases whose emergency is justified by the purpose of establishing the national state of emergency, other urgent cases determined by the prosecutor supervising or carrying out the criminal prosecution; (2) The criminal trials pending before the courts, including those in preliminary hearing, are automatically suspended during the state of emergency, with the exception of those mentioned in paragraph 1 (c) determined as such by the judge or the court, as well as the following cases: those for flagrant offences, those involving preventive measures, those regarding appeals to precautionary measures, those regarding international judicial cooperation in criminal matters, those involving measures of protection for victims and witnesses, those regarding the provisional application of safety measures of medical nature, those regarding national security crimes, terrorism crimes and money laundering crimes; (3) In 10 days after the termination of the state of emergency, the judge or the court will take measures to set time limits for the judicial procedure and to carry out the procedural acts. (4) For criminal cases, the agreement to circulate procedural documents through electronic mail is presumed and the judicial bodies shall request via phone, as needed, on an emergency basis, the electronic addresses to communicate those respective documents; (5) The time limits to communicate decisions and to submit and solved complaints other than those mentioned in paragraph 1 are interrupted, whereas new time limits of similar duration will run following the termination of the state of emergency. The terms for lodging appeals in criminal cases, with the exception of those tried under the present Decree, are interrupted, whereas a new time limit of similar duration will run from the date of terminating the state of emergency. The cases tried based on the present Decree are an exception. (6) The right to be heard of persons deprived of their liberty shall be ensured via videoconference at the detention place or in spaces which are appropriate from the health point of view, without being necessary to obtain the agreement of person deprived of liberty. (7) The organization of public auction for the realization of assets preserved during criminal proceedings is suspended by law. (8) During the state of emergency, in cases where no criminal investigations are performed or the criminal procedure is being suspended in accordance with the current Decree, the prescription of criminal liability is suspended.”

<sup>20</sup> Romania, Decision no. 12 from 12 March 2020 of the High Council of Magistrates, Judges Section ([Hotărârea nr. 12 din 12 martie 2020 a Consiliului Superior al Magistraturii, Secția pentru Judecători](#)), 12 March 2020.

<sup>21</sup> Phone conversations with the researcher on 16-18 March, 2020.

<sup>22</sup> Article 47 of Romania, Decree on the establishment of the emergency situation on the territory of Romania ([Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României](#)), 16 March 2020.

On 19 March, the Government adopted a series of economic stimulus measures<sup>23</sup>, to help the business and workers most affected by the outbreak. Among other measures<sup>24</sup>, the state will support 75% of the wages of employees forced to undertake technical unemployment because of measures aiming at limiting the spread of the disease. There are no provisions for self-employed, daily workers and temporary workers.

There are no grave incidents reported with access to health. Moreover, the Decree provides that Coronavirus-related treatment is free for all persons present on the territory of Romania. An Order signed<sup>25</sup> by the Minister of Interior on 23 March stipulates that, starting with 24 March and for two weeks, the treatment of non-emergency medical cases will be suspended, in both public and private hospitals. Access to health may suffer during this interval.

On March 19, the Government announced amendments to the Criminal Code by means of emergency ordinance.<sup>26</sup> The text introduces tougher penalties for persons that do not observe the measures of quarantine or self-isolation, or lie about their recent travel history. In some cases, when medical staff gets infected, the penalty can be up to 15 years of jail time. While these measures seem to be supported by the public, it is too early to evaluate their potential impact. Still, it is worrying that the tougher

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<sup>23</sup> Romania, Ministry of Public Finances (*Ministerul Finanțelor Publice*) (2020), '[Măsuri fiscal-bugetare pentru sprijinirea economiei și companiilor afectate de răspândirea virusului COVID-19, aprobate în ședința de Guvern de miercuri, 18 martie 2020](#)', press release, 19 March 2020.

<sup>24</sup> Other measures for companies include measures for the businesses and for public authorities. Measures in relation to businesses include:

- The government will grant guarantees covering up to RON 10 million for beneficiary, in the proportion of 80-90%, and will subsidize the interest for a period of up to two years in the case of companies that have suffered economic losses as a result of the epidemic. The maximum value of the working capital lines granted to a beneficiary is RON 5 million, while for the investment credits the maximum value of the financing is RON 10 million. For micro or small companies, the guarantee goes up to 90% of the financing, and a credit line can reach a maximum of RON 500,000 in the case of micro companies, respectively RON 1 million in the case of small ones. The maximum value of the credit lines is set at the average of the expenses for the working capital of the last two fiscal years.

- companies that have obtained from the Ministry of Economy a certificate showing that they have suffered economic losses due to the coronavirus epidemic are eligible for this program. At the same time, the companies must not have been in difficulty and had no outstanding loans or debts to the state until the end of 2019. This will very likely include companies from transportation, tourism, catering etc.

- companies that have been certified as emergency by the Ministry of Economy will be able to submit fiscal statements of April 25 (the previous deadline was March 25), without being sanctioned. At the same time, for these companies the measures of forced execution are suspended or not started, except those established by criminal court decisions.

- credit lines and loans for investments will be guaranteed up to a maximum of 80%, compared to 50% previously.

- The Government will also extend the terms of the Tax Amnesty Ordinance (6/2019) for the procedure for restructuring the debts of companies with difficulties (over 2,000 in number) from March 31 to July 31, for filing the restructuring intention and from July 31 to October 30 for submission of the restructuring request.

Measures taken in relation to public authorities include:

- the Government will delay the repayment period of the loans granted to local authorities - some loans are due - not to lock their accounts.

- The payment period for the building tax, the land tax and the means of transport tax from March 31, will be extended to June 30.

- The executive will also introduce a derogation from the Law on fiscal-budgetary responsibility in order to be able to make a budget rectification in the first semester, but also so that the main authorizing officers can make transfers of unused budgetary and commitment credits.

<sup>25</sup> Europa Libera (2020), '[Pacienții care nu sunt cazuri de urgență vor fi externați în termen de 48 de ore](#)', 23 March 2020.

<sup>26</sup> Romania, Ministry of Justice (*Ministerul Justiției*) (2020), Emergency Ordinance for amending the Criminal Code ([Ordonanță de urgență pentru modificarea și completarea Legii nr. 286/2009 privind Codul Penal](#)), 19 March 2020.

punishments are adopted by the Government by means of an emergency decree instead of an emergency voting procedure in the Parliament given that in May 2019 the population voted during a consultative referendum against the use of emergency ordinances to regulate crimes, punishments and the judicial organization.

Imposed self-isolation and movement restrictions may create additional problems to vulnerable persons, which are not entirely addressed by the current measures. The Military Ordinance no. 2<sup>27</sup> stipulates that local public authorities must identify persons over 65 years old, that have no support, and help them with the social isolation efforts. Media is reporting<sup>28</sup> that some local public authorities have pro-actively introduced support measures for elderly, persons with disabilities, and persons in self-isolation. It usually includes a phone line available to request support with shopping for food and medicine or to report any emergency. But in other cases, media is showing<sup>29</sup> that people do not receive such support from the local councils.

There are no centralized measures targeting homeless persons. The Bucharest General Council is considering an action plan to support them<sup>30</sup>, and there might be similar initiatives in other localities, which were not reported in the national media. Meanwhile, the only support services are provided by NGOs like Carusel in Bucharest.

The General Inspectorate for Immigration introduced social distance measures<sup>31</sup> in the centres for refugees and other beneficiaries of international protection, including restriction of visits. The movement outside the centres is not yet restricted during the day hours. No incident was reported.

No specific measures regarding nursing homes for older people have been adopted yet, but an impressive number of local civic groups organized to ensure safe delivery of needed goods at the door of persons at risk in order to make sure that they do not have to go out and be exposed.<sup>32</sup>

## 2 Impact of the outbreak on certain national or ethnic communities

Harassment of certain national or ethnic communities is marginal, at most isolated incidents. The representative of the Equality Body informed<sup>33</sup> that no such situation was brought into attention. There is only one Coronavirus-related case, of alleged discriminatory statements against Romanian citizens returning from abroad. The Anti-discrimination Coalition (an informal coalition of NGOs working with different vulnerable groups) has no knowledge of such cases, except the few ones reported by mass-media.

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<sup>27</sup> Romania, [Military Ordinance no. 2 regarding some measures of first emergency regarding people gatherings and trans frontier circulation of goods \(Ordonanța Militară nr. 2 din 21 martie 2020 privind măsuri de prevenire a răspândirii COVID-19\)](#), 21 March 2020.

<sup>28</sup> Stirileprotv.ro (2020), [‘Ce fac primăriile de sector din București ca să ajute populația afectată de coronavirus’](#), 17 March 2020.

<sup>29</sup> Libertatea (2020), [‘Familia autoizolată a unei asistente de la Universitar așteaptă de 3 zile cumpărături de la autorități: “Dăm banii, nu putem ieși din casă”](#)’, 23 March 2020.

<sup>30</sup> Ziare.com (2020), [‘Primăria Capitalei vrea să le dea zilnic masa caldă bucureștenilor din grupuri vulnerabile, în timpul epidemiei. Ce probleme pot să apară’](#), 22 March 2020.

<sup>31</sup> Romania, General Inspectorate for Immigration (*Inspectoratul General pentru Imigrări*) (2020), [‘Noi modificări privind programul de lucru cu publicul pentru cetățeni străini’](#), press release, 20 March 2020.

<sup>32</sup> G4Media(2020), [‘Cumpărături la ușa ta](#), 24 March 2020.

<sup>33</sup> Phone conversation with the researcher on 18 March 2020.

On 26 February, a group of football fans forced a young man of Asian origin to step down the subway, on the ground of being infected with SARS-Cov-2.<sup>34</sup> This is the only reported incident of such nature.

On 18 March, mass-media reported<sup>35</sup> about an incident in Bujoreni, Vâlcea County, between the members of the local Roma community and the majority. Apparently, the Roma were returning from abroad, and failed to respect the self-isolation measures. The incident is showing that the new crisis has the potential to fuel the already existing prejudices against Roma.

### 3 Impact on privacy and spread of disinformation

The Data Protection Authority hasn't recorded any incidents of infringement of privacy or data protection rights related to the outbreak.<sup>36</sup> We couldn't identify any media reports on employers collecting health data in the Covid-19 context.

The anonymized medical data of the people treated for Covid-19 is collected and used for medical research purposes, under the general regulations of the sector. Data may be shared with international organizations and academic institutions.

There are no legal provisions allowing the use of medical data for surveillance purposes. The personal data of the persons placed in self-isolation (name, address) is shared with the local public authorities, in order to implement monitoring programs. This already led to a significant breach as the mayor of a village in Vaslui county posted on his Facebook page the list with the names of the persons in isolation.<sup>37</sup>

Until the week of 16 March, because of the low number of cases, media reported infections case by case. In some cases, the media reports on infected persons makes it possible to identify the persons involved, although the cases are not named. One particular case was „Patient 17”, who lied about his recent travel history, and infected over 50 other persons, including medical staff. While media is still referring him with the number of the case, many details of his personal life were made public in the last two weeks.

The Decree declaring the state of emergency did not mention in Article 2 freedom of expression and of information as one of the rights which might be limited, but in Article 54 provides for limitations on freedom of expression which are concerning given that the legislation does not include a definition of fake-news and the minimal guarantees are not embedded.<sup>38</sup> The Minister of Interior can suspend the

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<sup>34</sup> Digi24.ro (2020), '[Revoltător. Un tânăr asiatic a fost bătut și dat afară din metrou de suporterii rapidiști, isterizați de teama coronavirusului](#)', 26 February 2020.

<sup>35</sup> Adevărul (2020), '[Butoiul cu pulbere dintr-o comunitate de romi întorși din străinătate: „Să ne dea primarul mălai, săpun, făină...”](#)', 19 March 2020.

<sup>36</sup> Oral response to the researcher on 13 March 2020.

<sup>37</sup> G4Media (2020), '[Primarul unei comune din Vaslui a publicat pe Facebook lista cu persoanele aflate în izolare](#)', 24 March 2020.

<sup>38</sup> Romania, Decree on the establishment of the emergency situation on the territory of Romania ([Decret nr. 195 din 16 martie 2020 privind instituirea stării de urgență pe teritoriul României](#)), 16 March 2020."Article 54 (2) In case of dissemination of fake-news in mass-media and on-line in relation to COVID-19 and to the protection and preventive measures, public institutions and authorities undertake the necessary measures in order to correctly and objectively inform the population in this context.

(3) Hosting and content service providers have the obligation, upon the motivated decision of National Authority for Management and Regulation in Communication, to immediately interrupt the transmission through an electronic communication network or the storage of the content, by removal the content at source in the eventuality that the content promotes fakenews as to the evolution of COVID-19 and to the protection and preventive measures.

access to online media, or the license of traditional media, if the outlets are found to be spreading disinformation on the outbreak. The new powers have already been used on March 18 against one website.<sup>39</sup> On 18 March, media was reporting<sup>40</sup> that there are 41 on-going penal investigations for spreading false information about the disease. There are no information about the content of these investigations.

From the beginning of the outbreak, disinformation was one of the major concerns of the government. The state is continuously running information campaigns on television and social media, initiated by the Ministry of Health and Ministry of Interior.<sup>41</sup> The two institutions are continuously creating new content, which is often broadcasted by mass-media. There are surveys on this aspect.<sup>42</sup>

The same Decree introduced limitations to the right to information, by extending to the double the term in which public institutions must answer to access to information requests. Watchdog organizations<sup>43</sup> are warn that these provisions are used by public institutions to suspend the access to information entirely, including for requests from journalists regarding data on the pandemia.

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(4) When the removal of the content mentioned at paragraph 3 at source is not possible, the providers of the publicly available electronic communication networks have the obligation, upon the motivated decision of National Authority for Management and Regulation in Communication, to immediately block the access to that content and to inform the users.

(5) Upon the motivated decision of National Authority for Management and Regulation in Communication, the providers of the publicly available electronic communication networks have the obligation to immediately block the access of users in Romania at the content promoting fake-news as to the evolution of COVID-19 and to the protection and preventive measures and is being transmitted through an electronic communication network by the persons mentioned at paragraph 3 which do not fall under the jurisdiction of the national legislation.”

<sup>39</sup> G4Media (2020), ‘[Primul site închis din cauza știrilor false, pe baza decretului de instaurare a stării de urgență](#)’, 18 March 2020.

<sup>40</sup> Stirile TVR (2020), ‘[41 de dosare penale sub aspectul săvârșirii infracțiunii de zădărnicierea combaterii bolilor. Colete cu materiale sanitare către Italia, oprite pe aeroport în Cluj](#)’, 18 March 2020.

<sup>41</sup> Direct observations of the researcher, during 15 February – 19 March 2020.

<sup>42</sup> <http://www.ires.com.ro/articol/381/percep-iile-romanilor-cu-privire-la-epidemia-de-coronavirus-covid-%E2%80%93-19>; <https://www.inscop.ro/wp-content/uploads/2020/03/20.03.20-Raport-INSCOP-epidemia-COVID-19-1.pdf>; <https://www.inscop.ro/20-martie-2020-perceptia-populatiei-cu-privire-la-epidemia-de-coronavirus/>

<sup>43</sup> Center for Independent Journalism (2020), ‘[Accesul la informațiile publice nu trebuie să devină o victimă a pandemiei de COVID-19](#)’, press release, 19 March 2020.