

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: ROMANIA

1. The Committee considered the third and fourth periodic report of Romania (CRC/C/ROM/4), at its 1415th and 1416th meetings, held on 5 June 2009, and adopted at its 1425th meeting, held on 12 June 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic report, and written replies to its list of issues (CRC/C/ROM/Q/4/Add.1). The Committee also welcomes the open dialogue with the multi-sectoral delegation.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the adoption of many legislative and other measures taken with a view of implementing the Convention, including:

- a) the adoption of a legal package, effective from 1 January 2005, comprising of several laws aiming at consolidating the framework for the protection of the rights of the child;
- b) the modification in 2005 of the National Authority for Child Protection and Adoption into a National Authority for the Protection of the Rights of the Child (NAPCR), thereby extending its mandate to the protection and promotion of the rights of all children in Romania;
- c) and the adoption in 2005 of a National Action Plan for child protection;
- d) the entry into force of law no. 288/2007 modifying the Family Code, setting at 18 years the legal age of marriage for both boys and girls;
- e) the setting up of other relevant agencies among which the Romanian Office for Adoptions, the National Agency for the Protection of the Family, the National Agency for the Roma, the National Agency for the Prevention of Human Trafficking.

4. The Committee notes with appreciation that since consideration of its second report in 2003, the State party has ratified or acceded to, *inter alia*:

- a) the Council of Europe Convention on Action against Trafficking in Human Beings, on 19 July 2006;
- b) the Convention relating to the Status of Stateless Persons of 1954 in January 2006;
- c) and the Convention on the Reduction of Statelessness of 1961 in January 2006.

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Committee's previous recommendations

5. The Committee, while welcoming the State party's efforts to implement the concluding observations on the previous State party's report, notes with regret that some of the recommendations contained therein have not been fully implemented, in particular, those related to: discrimination against children belonging to the Roma minority, the creation of an independent body for the promotion and monitoring of the implementation of the Convention, the strengthening of the Child Monitoring and Tracking Information System (CMTIS), as well as ensuring sufficient resource allocation, especially for disadvantaged counties and communities, with regard to decentralization in the provision of social services.

6. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the previous report that have not yet - or not sufficiently - been implemented. In this context, the Committee draws the attention of the State party to general comment No.5 (2003) on general measures of implementation of the Convention on the Rights of the Child.

Legislation

7. The Committee appreciates the State party's efforts to harmonize its national legislation with the Convention, particularly with the adoption of the legal package in 2005 and Law N° 288 modifying and completing the Family Code in 2007. While the Committee welcomes the direct reference to the Convention in Law N° 272/2004, it notes that courts do not refer to the Convention when reviewing cases concerning children. However, the Committee remains concerned about the implementation of existing legislation, in particular with regard to discrepancies between the increased responsibilities of newly created state and public agencies in the context of decentralization and the resources made available for their exercise. The Committee takes note of the government's plans to adopt new legislation concerning day care services, family services, and children in education and detention centres.

8. The Committee reiterates its recommendation that the State party continue to strengthen mechanisms to implement all legislation relevant to the Convention, in line with previous recommendations, and with emphasis on the role of new agencies. The Committee in particular recommends that the State party provide training for judges on the use and application of the Convention in order to encourage the direct reference to the Convention in courts.

Coordination

9. The Committee, noting the creation of NAPCR in 2005, and the establishment within it in 2006 of the Department for Monitoring Children's Rights in Romania with the purpose of analyzing the observance of the rights of all children, is concerned that NAPCR's mandate places an emphasis on protection rather than on the rights of the child. The Committee is further concerned about the lower status of NAPCR vis-à-vis other state agencies and the insufficiency of financial and human resources available to it. The Committee takes note of the coordination role attributed to an inter-ministerial coordination council, which is composed by experts.

10. The Committee reiterates its recommendation that the State party ensures coordination of the implementation of the Convention throughout its territory. The Committee further urges the State party to consider strategies for improving the efficacy of national and local child protection institutions, especially by clarifying responsibilities and ensuring sufficient human and financial resources for their implementation.

National Plan of Action

11. The Committee notes the adoption of the National Action Plan on the implementation of the law in the domain of child protection in 2005 through Government Order no. 1058/2005. The Committee further notes Government Decision No. 860/2008 regarding the approval of the National Strategy for the protection and promotion of children's rights for 2008-2013, and the elaboration of an Operational Plan for its implementation, both of which were approved by 15 central institutions thereby also assuming responsibility for the proposed activities. The Committee notes that under this National Strategy the State party has undertaken to provide the necessary resources for its implementation. The Committee is, however, concerned that the National Action Plan and the National Strategy may insufficiently address the most vulnerable groups.

12. The Committee encourages the State party to intensify efforts to implement the new National Strategy and other relevant policy instruments while taking into account the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children" and its mid-term review of 2007. The Committee recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the National Strategy and to regularly assess progress achieved and identify possible deficiencies. This Strategy should, in particular, ensure that special attention is paid to children belonging to the most vulnerable groups (e.g. children living in poverty, Roma children, children with disabilities, children with HIV/AIDS, street children, children in need of alternative care).

Independent monitoring

13. The Committee notes that the Ombudsman can receive and consider complaints directly from children. The Committee further notes the creation of a Division on the protection of the rights of the child within the institution of the Ombudsman and the filling in, after some delay, of the position of a Deputy

Ombudsman in 2007 with responsibilities, *inter alia*, in the area of child protection. The Committee, however, remains concerned that the Ombudsman does not meet the criteria listed in the Paris Principles and notes that the existence of the Ombudsman is not well known. As a result, he receives few child-related complaints, while also these complaints are declining in relation to all complaints received. The Committee notes with concern the rejection by the Parliament of a draft normative act aiming at establishing the institution of a Child Ombudsman.

14. The Committee recommends, taking into account its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, as well as its previous recommendations, that the State party reviews the status and effectiveness of the Ombudsman Institution for promoting and protecting children's rights, taking into account also the criteria set out in the Paris Principles. This body should be equipped with the necessary human and financial resources in order to carry out its mandate in an effective and meaningful manner, especially with regard to its ability to receive and investigate complaints from or on behalf of children concerning violations of their rights. The Committee recommends that the State party, in line with previous recommendations, continue its efforts to establish an independent Ombudsman for children.

Allocation of resources

15. The Committee notes the reported budget increase in public spending on education, health and child protection. However, the Committee is concerned that the budget allocation process may be insufficiently demand-driven and therefore not ensure the most effective and efficient use of allocated resources, as exemplified by spending in the child care and protection system. In light of the serious circumstances, including the high rates of infant and under-5 mortality, affecting the right to life of children, the Committee notes with regret that there are no specific budget allocations to children, while also no information is collected on the overall state spending in fulfilling obligations under the Convention, making it difficult to evaluate the adequacy of provided resources. The Committee also takes note of the concern expressed by the UN Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78/Add.2) that corruption is a problem at all levels of administration and undermines the enforcement of the law, the delivery of social services and the overall capacity of the State to prevent and redress human rights violations.

16. The Committee strongly recommends that the State party, in accordance with article 4 of the Convention and taking into account the Committee's recommendations issued after the Day of General Discussion devoted to "Resources for the Rights of the Child - Responsibility of States" on 21 September 2007, increase the budget for the implementation of child rights and create a monitoring and oversight mechanism to ensure that allocation of resources and their expenditure are as effective as possible. In particular, the Committee recommends that the State party:

- a) **utilize a child right's approach in the elaboration of the State budget by implementing a tracking system for the allocation and the use of resources**

for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges that this tracking system is used for impact assessments on how investments in any sector may serve “the best interest of the child”, ensuring that the differential impact of such investment on girls and boys is measured.

- b) when possible, follow United Nations recommendation to start budgeting-by-results to monitor and assess the effectiveness of resource allocation;
- c) define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;
- d) in the context of the decentralization process currently carried out in the State party, ensure transparent and participatory budgeting through public dialogue and participation especially that of children and for proper accountability by local authorities;
- e) ensure the creation of a clear mechanism for budget allocation through the General Directorates of Social Assistance and Child Protection to the county and local level, especially with regard to existing disparities.

Data collection

17. The Committee notes that some data collection is carried out by the newly created Department of Monitoring Children’s Rights, however the system is not fully developed and information is collected only on severe violations and on the situation of vulnerable children. The Committee notes that, in spite of its previous recommendation, CMTIS is still experiencing difficulties. The Committee further notes that several state institutions collect information using the age group 15-19 as a demographic indicator and that there is no unified nation-wide system for collecting data for all persons under the age of 18 years, and for all areas covered by the Convention, in a manner that allows for disaggregated analysis.

18. **The Committee calls upon the State party to establish a comprehensive nationwide system, for example under the inter-ministerial coordination council, to collect and analyse data on all areas covered by the Convention, and for all persons below 18, with a specific emphasis on vulnerable groups of children, including Roma children, as a basis for assessing progress achieved in the realization of children’s rights and to help design policies to implement the Convention. The Committee further recommends that a uniform set of indicators, for all persons at the age of 18, are developed and applied across agencies to allow for the collection of comparable and complementary data.**

Dissemination of the Convention and training

19. The Committee welcomes the translation of the Implementation Handbook for the Convention into Romanian and acknowledges efforts in training professionals working with children, as well as local level decision makers. The Committee is, nevertheless, concerned that many children are still not aware of the Convention and the rights contained therein. The Committee commends the elaboration of a Children’s report on the observance of children’s rights in Romania developed by the SPUNE! Children’s Council with the assistance of, *inter alia*, NAPCR.

20. **The Committee recommends that the State party continue and further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, health personnel, social workers, personnel of childcare institutions, and the media. The Committee encourages the State party to support the wide dissemination across the country of the Children’s report, in particular in schools and among professionals working with children.**

Cooperation with civil society

21. The Committee, while welcoming some synergies between the State party and civil society including the hearing of NGOs in the deliberation of new legislation, is concerned that with the withdrawal of foreign donors NGOs are not able to secure the funds required for their operation, including loans to supplement operational funds as a pre-condition for receiving EU assistance. The Committee is, in particular, concerned that NGOs with proven track record now face competition for resources from the General Directorates of Social Assistance and Child Protection and that since the latter are responsible for both monitoring and allocating resources to such services, this has in some cases resulted in a decrease in the quality of the services provided.

22. **The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children in the promotion and implementation of children’s rights, including *inter alia*, their participation in the planning stage of policies and cooperation projects, as well as in the follow-up to the concluding observations of the Committee and the preparation of the next periodic report. The Committee further recommends that the State party provides equal opportunities to NGOs to apply for resources and provide services in a sector-neutral manner.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

23. The Committee notes the work of various institutions on non-discrimination, including the National Council for Combating Discrimination (CNCD), the National Agency for the Roma, the National Agency for Gender Equality, and the Ombudsman. However, the Committee is concerned that in practice certain groups of children, in particular Roma children, children with HIV/AIDS, children with disabilities, children victims of violence, children left behind by their parents, as well as children benefiting from social protection measures, including Roma children declared eligible for adoption, continue to experience discrimination and stigmatization.

24. **The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by:**

- a) **strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, taking affirmative actions for the benefit of certain vulnerable groups of children;**
- b) **taking all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively, including with administrative, disciplinary and penal sanctions.**

25. **The Committee would also like to draw the State party's attention to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome document adopted at the 2009 Durban Review Conference, and the Committee's general comment No.1 (2001) on the aims of education.**

26. The Committee is concerned that while, persons can be identified as belonging to a minority group only through self-reporting, abandoned or very young children who are not able to identify themselves are often identified as Roma by social workers and others, resulting in discriminatory practices, including segregation.

27. **The Committee further recommends that the State party respect the children's right to an identity and clarify the procedures for identification of children, including in cases where their identity is in doubt or cannot be completely or partially established, and prohibit discrimination and segregation based on declared and estimated ethnicity.**

Best interests of the child

28. The Committee notes with appreciation that the principle of the best interests of the child is incorporated in the State party's legislation, notably in article 2(1) of Law 272/2004 on the protection and promotion of children's rights, as well as in article 8 of Law 122/2006 on asylum. However the Committee regrets that the principle of the best interests of the child is still not reflected as a primary consideration in all legislative and policy matters affecting children, especially in the area of juvenile justice, and that it is not well understood by the judiciary.

29. **The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legal provisions and implemented in practice in judicial and administrative decisions and in programmes, projects, and services which have an impact on children.**

Right to life, survival and development

30. The Committee, while noting that some progress has been achieved, remains concerned that the State party continues to range among the countries with the highest child mortality in Europe, as both infant and under-5 mortality remain high, particularly in rural areas. The Committee is further concerned about the low birth weight as compared to other European countries, indicating malnutrition and anaemia among children. The Committee notes that infant and child mortality and morbidity have been traced to deficiencies in mother and child nutrition, early weaning, parental neglect and low quality of medical services.

31. **The Committee recommends that the State Party intensifies efforts to address the underlying causes of child and infant mortality and malnutrition, including those associated with poor access to health care services, poverty and lower levels of education among Roma families and families living in rural areas. The Committee, in particular, encourages the State party to place more emphasis on pre-natal and post-natal services, with special attention given to deprived communities, and to develop training programmes in parenting skills, stressing the positive effects of breastfeeding, nutritious diet for mother and child, as well as proper hygiene, on early childhood development and survival.**

Respect for the views of the child

32. The Committee notes that the principle of the respect for the views of the child is incorporated in the State party's legislation, notably in article 6(h) of Law 272/2004 on the protection and promotion of children's rights, and welcomes various initiatives, including the opportunity given to children's representatives to present problems and concrete solutions before the Parliament of Romania on the occasion of 1 June 2006, and various NGO activities, including Youth Parliaments, Local Councils, Pupils' Ombudsmen etc.

33. The Committee, however, is concerned that the views of the child are sometimes not solicited or taken into account in various settings, including in judiciary hearings of cases concerning children, in matters concerning school administration and classroom education, and in public debates. The Committee further notes that there are no specific provisions in criminal law and procedure for the hearing of child victims of crime, including sexual exploitation and sexual abuse.

34. **The Committee reiterates previous recommendations that, in accordance with article 12 of the Convention, the State party incorporate, facilitate and implement, in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child. Furthermore, the Committee draws the attention of the State Party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard, held on 15 September 2006.**

3. Civil Rights and Freedoms

(arts. 7, 8, 13-17 and 37(a) of the Convention)

Birth registration

35. The Committee is concerned about the extent of non-registration of births, which disproportionately affects the children of Roma origin, street children, new born children abandoned in hospitals, and children born in the home and other settings. The Committee, while noting significant efforts to address the non-registration of children, including those placed in special protection, through periodic inspection of facilities, notes the rise in recent years of undocumented children. The Committee is in particular concerned that despite legislation requiring the registration of children within 30 days from ascertaining their abandonment, a very high proportion of abandoned children are leaves maternity hospitals without a birth certificate. The

Committee is further concerned about the unduly long procedure of late registration of births, especially in cases concerning children born at home or of parents who themselves lack a birth certificate.

36. The Committee recommends that the State party raise awareness among hospital staff, administrators and other health professionals, about their responsibilities to register births and to facilitate the issuing of birth certificates.

Protection of privacy

37. The Committee is concerned that children from the age of 14 accused of committing a crime, and children victims of physical, psychological or sexual abuse, can participate in talk shows or audio-visual reportages, providing that certain conditions are met. In particular, the Committee is concerned about reports indicating that the media have, on numerous occasions, disclosed information that might lead to the identification of children victims of sexual abuse or sexually active children. The Committee is further concerned that despite legal provisions, there have been violations of the non-public character of judicial reviews of cases concerning children in conflict with the law, as well as breaches of confidentiality by teachers, school administrators and doctors working with children infected or affected by HIV/AIDS.

38. The Committee recommends that the State party take necessary measures to strengthen implementation of existing legislation, as well as awareness-raising and educational campaigns, to improve understanding of and respect for the child's right to privacy among professionals working for and with children. The Committee recommends that the State party intensify its efforts, in cooperation with the media, to respect the privacy of children in the media, particularly their participation in TV programmes and reality shows.

Access to appropriate information

39. The Committee welcomes the fact that art. 23(2) of Law 272 affirms the child's right to seek, receive and impart information in accordance with the Convention. The Committee further notes the progress achieved in addressing the shortage of appropriate information for children and the low access to information throughout the country. The Committee, however, is concerned that because of the socio-economic realities of the country, not all children have equal access to information and the media, particularly children living in poverty and marginalized children.

40. The Committee recommends that the State party strengthen its efforts to fully guarantee equitable access to appropriate information for all children, especially for those children who live in remote and rural areas, and in conformity with their age and maturity.

41. The Committee is deeply concerned that Internet service providers, radio and satellite television channels operate with minimum regulations to protect children against harmful information, materials, also it is concerned at harmful marketing practices, including the exposure of children in urban areas to digital pornography.

42. The Committee recommends that the State party consider adopting specific legislation and develop appropriate guidelines to protect children from

harmful information and marketing practices aimed at children as consumers, including of harmful products and , and using children as objects of publicity often without consideration of their age, health or other needs.

Torture or other cruel, inhuman or degrading treatment or punishment

43. The Committee reiterates that law enforcement officers continue to employ ill-treatment, including threats and physical abuse when coming in contact with children, particularly in the investigation stage of cases. The Committee notes that no mechanism is available to children deprived of liberty in all areas, including psychiatric institutions, with which they can file a complaint regarding their treatment, and which can also serve to inform authorities and gather data.

44. **The Committee, reiterating its previous recommendations, urges the State party to:**

- a) **Investigate all allegations of torture and other cruel, inhuman or degrading treatment or punishment of children and make all efforts to fully cooperate with the United Nations Special Rapporteur on the question of torture;**
- b) **Ensure the inadmissibility of evidence obtained through the use of torture;**
- c) **Set up a mechanism to which children deprived of liberty in all areas, including psychiatric institutions, can address complaints of torture or other cruel, inhuman or degrading treatment or punishment;**
- d) **Undertake measures to follow-up on the recommendations made by the Human Rights Committee (CCPR/C/79/Add.111, para. 12);**
- e) **Take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts;**
- f) **Enhance the implementation of legislation prohibiting all forms of torture and other cruel, inhuman or degrading treatment or punishment and provide care, recovery, reintegration and compensation for victims.**

Follow-up to the United Nations Study on Violence Against Children

45. **With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends that the State party:**

- (i) **Prohibit all violence against children;**
 - (ii) **Strengthen national and local commitment and action;**
 - (iii) **Prioritize prevention;**
 - (iv) **Promote non-violent values and awareness-raising;**
 - (v) **Provide recovery and social reintegration services;**
 - (vi) **Ensure accountability and end impunity.**
- b) **Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and**
 - c) **Co-operate with and support the Special Representative of the United Nations Secretary-General on violence against children.**

4. Family environment and alternative care

(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

46. The Committee notes the enactment of new legislation whereby the public services of social assistance, organised at local level, are the main suppliers of social services with primary and preventive character, while the local councils are now responsible for both preventing child separation and for organizing day care services. The Committee notes the difficulties local authorities and the NAPCR are facing due to the lack of proper information, data, planning and follow-up mechanisms in prevention, decision-making, implementation, and supervision.

47. The Committee recommends that the State party extend its support to families by fully implementing existing laws, in particular by continuing to reinforce the capacity of the public services for social assistance at all levels, improve the availability of day care services, improve access to financial and professional support for all families in preparation for parenthood. The Committee further recommends that the State party identifies and elaborates strategies for supporting families at risk of separation, preventing abandonment of children, providing parent education, strengthening parenting capacities, and the overall climate of child rearing.

48. The Committee recommends that a national assessment and documentation and evaluation system is organized, enabling the local authorities to follow the professional guidelines, gathering data and information, making care plans and monitoring and evaluating their activities in a coordinated, inter-sectoral manner.

Families affected by migration

49. The Committee, while noting that some programmes have been undertaken and a draft law aiming to improve the identification and monitoring of children left behind by parents migrating for work abroad, is concerned about the high number of such children remaining in a vulnerable situation. The Committee also notes the increased incidence in recent years of unaccompanied or separated Romanian children coming to the attention of foreign authorities abroad and the special needs of such children, some having endured abuse and neglect, including at the hands of parents or relatives. In this regard, the Committee takes note of bilateral agreements between Romania and destination countries regarding the return of unaccompanied Romanian children abroad. It remains concerned that the return and re-integration of such children may in some cases lead to re-victimization.

50. The Committee recommends that the State party organizes nation-wide campaigns to inform potential migrants of the child protection measures available and improve measures for the identification and support of children left behind by migrating parents. The Committee recommends that the State party ensure, including through the signing of bilateral agreements containing appropriate safeguards, that decisions for return and re-integration of

unaccompanied Romanian minors are carried out with the primary consideration of the best interests of the child and taking into account the Committee's views contained in its General Comment No. 6 on treatment of unaccompanied and separated children outside their country of origin.

Children deprived of a family environment

51. The Committee welcomes the decision taken to close down institutions and replace them with family type homes, and that between 2000 and 2007 the number of children in child protection institutions has more than halved, while foster carers have been selected and trained, and the number of children in foster care has almost tripled. The Committee is, however, concerned that:

- a) there is no harmonized set of standards to guide the decision on placing a child in out-of-family care, as well as its follow up and review;
- b) there is no unified protocol to guide the planning and monitoring of the intervention, including the assessment of the child's individual needs;
- c) there is no monitoring and evaluation of the quality and care provided, nor a mechanism through which children and their families can submit complaints;
- d) Law No. 272/2004, while forbidding the placement of children under the age of 2 in residential care, allows for such placement exceptionally in the case of children with severe disabilities, thereby discriminating against children with disabilities and opening the way for discriminatory practices against children who are otherwise placed in residential care;
- e) due to the closing of the former institutions and the lack of a sufficient number of foster carers, abandoned newborns often spend many months in hospital wards;
- f) the over-representation of Roma children in the care system is not accompanied with special culturally sensitive programmes for children, family support, and reintegration efforts.

52. **The Committee recommends that the State party, continue to promote foster care as a form of alternative care and, taking into account the Committee's recommendations issued at the day of general discussion on Children without parental care, held on 16 September 2005, take steps to ensure the protection of children's rights in alternative care, *inter alia*, by:**

- a.) **taking into account in all measures the views of the children, and providing them with child accessible complaint mechanisms in all parts of the country;**
- b.) **monitoring the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, *inter alia* by regular visitations, with the help of a national integrated assessment and documentation system;**
- c.) **developing care plans for each child in care which will be reviewed on a regular basis;**
- d.) **strengthen the system for supervision and training of foster care professionals with the help of residential staff, municipality**

- workers, and social workers specifically responsible for the protection of the rights of the children in care;**
- e.) revise the financial and in kind provisions for foster parents in order to encourage the intake of infants and small children into foster care.**

Adoption

53. The Committee notes the entry into force of Law N°273/2004 on the legal regime of adoptions as well as N° 274/2004 on the establishment, organization and operation of the Romanian Adoption Office. However, the Committee notes with concern that under the current law the procedure required for declaring the child adoptable may be excessively lengthy contrary to the child's best interests in cases where family reunification is not an option. In addition social workers and authorities responsible for adoption are often overburdened with cases. The Committee notes that inter-country adoptions have been limited to cases where a family relationship exists between the child and prospective parents.

54. The Committee recommends that the State party evaluate the implementation of adoption laws from the viewpoint of the best interests of the child, and continue allocating sufficient resources, both human and financial, in order to ensure a more adequate duration for all stages of the adoption process, at the national level. The Committee further recommends that the State party create positive public awareness in the area of adoption and encourages potential adoptive parents, emphasizing the needs and rights of children to a family.

55. The Committee recommends that the State party, taking into account the new adoption laws and guarantees of legal procedures for inter-country adoption in conformity with the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption, withdraw the existing moratorium as a barrier to the full implementation of Art. 21 of the Convention.

Abuse and neglect

56. The Committee welcomes the efforts undertaken by the State party to address the problem of abuse and neglect of children. However, the Committee remains alarmed at the still high prevalence of abuse and neglect of children, including in the home, and at the lack of a comprehensive nationwide strategy in this regard. The Committee regrets that there is still no comprehensive system of recording and analysing crimes committed against children and that mechanisms of physical and psychological recovery and social reintegration for victims are not sufficiently provided for in all parts of the State party.

57. The Committee recommends that the State party:

- a.) adopt a comprehensive strategy to prevent child abuse and neglect;**
- b.) establish mechanisms for monitoring the number of cases and the extent of sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care;**
- c.) ensure that professionals working with children (including teachers, social workers, medical professionals, members of the police and the judiciary) receive training on and are held accountable with regard to**

their obligation to report and take appropriate action in suspected cases of domestic violence affecting children;

d.) strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings;

e.) provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country.

Corporal punishment

58. The Committee notes with appreciation that following the adoption of Law No. 272/2004, the State party has now explicitly prohibited all forms of corporal punishment. The Committee is, however, concerned that given the prevalence of corporal punishment in the home prior to the prohibition, as well as the persistence of attitudes and low level of involvement in known cases by the general population, the practice of corporal punishment persists in the home, The Committee notes that corporal punishment persists also at schools and institutional settings despite the fact that they have been prohibited under law for several decades.

59. **The Committee recommends that the State party, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, intensify its awareness-raising and public education campaigns, in order to promote the use of alternative non-violent forms of child-rearing in accordance with the Convention and the Council of Europe's 2009-2011 strategy on Building a Europe for and with children.**

5. Basic health and welfare

(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

60. The Committee welcomes the creation of the National Authority for Disabled Persons (NACP) in 2003, coordinating the activities of special protection and promotion of disabled people's rights at central level as well as the adoption of Law N° 448/2006 on the promotion and protection of disabled people. While noting the decrease in the number of children with disabilities in institutions, the Committee is concerned that:

- a) many children living with disabilities are only identified, certified and guided to competent services upon enrolment in school, or around the age of 7;
- b) in order to be certified as having a disability, a child has to appear before many agencies, which can be a challenge for children and their families living in rural areas;
- c) many children are identified as mentally disabled and referred to schools for children with special needs, while they are often delayed developmentally or because of their social, emotional, or cognitive deprivation and are not disabled;
- d) children with disabilities are increasingly at risk of being abandoned and placed in residential care;

- e) institutions are understaffed and, in general, personnel lack special training;
- f) social stigmatization of children with disabilities persists and as a result some children are kept “hidden” in the home by their parents, which prevents them from receiving necessary services, including mainstream education, and from participating in social life;
- g) many children with disabilities, especially those who are most vulnerable to neglect and abandonment due to their reduced social visibility are not certified as disabled by the local authorities;
- h) there are reports alleging violations against children with mental disabilities in institutions, including unsatisfactory conditions, the abusive application of methods limiting personal freedoms, and the lack of preparation for re-integration into the society;
- i) two national agencies share responsibility for monitoring information on children with disabilities, while operating with different definitions of disability.

61. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee’s general comment No. 9 (2006) on the rights of children with disabilities, and with particular reference to art. 23 of the Convention, the Committee recommends that the State party:

- a.) develop a comprehensive and specific national policy on disability, which promotes the full enjoyment of all human rights and fundamental freedoms by all children with disabilities and their full participation in society;**
- b.) take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;**
- c.) develop early identification and intervention programmes;**
- d.) provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**
- e.) undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;**
- f.) ensure the careful and professional assessment of children with mental disabilities in order to avoid false categorization;**
- g.) continue and complete its plans for ratifying the International Convention on the Rights of Persons with Disabilities, and examine the possibility of ratifying its Optional Protocol;**
- h.) harmonize the definition of disability and consider unifying information gathering and monitoring responsibilities under one agency.**

Health and health services

62. The Committee, while welcoming the fact that Law 272/2004 guarantees the access to medical and recovery services and medication free of charge for all children, the costs of which are born by the National Health Insurance Fund, is concerned that medication granted with the assistance of this fund to children with chronic diseases is sometimes discontinued. Furthermore, despite the State party’s efforts to tackle inequalities in access to health services, this remains a problem, especially in rural

areas, as well as for the Roma, as has been noted by the UN Special Rapporteur on the right to health (E/CN.4/2005/51/Add.4). The Committee is concerned that the low number of family doctors in the State party may lead to the neglect of certain regions and segments of the population.

63. The Committee notes that despite the adoption, in 2001, of the National Programme for Women's and Children's Health and other efforts, high rates of infant and under-5 mortality persist. With respect to infant health and early childhood development, the Committee is concerned that infant formula is intensively advertised, while there is a very low rate of exclusive breastfeeding continuing up to the first 6 months from birth. The Committee is concerned about the inadequate conditions in different health facilities in rural areas, especially in deprived sub-regions.

64. **The Committee recommends that inequalities in access to health services are addressed through a coordinated approach across all government departments and greater coordination between health policies and those aimed at reducing income inequality and poverty. The Committee, in particular recommends that the State party improve sanitation and quality of care in health facilities (out patient clinics, hospitals) in deprived areas.**

65. **The Committee further recommends that the State party increase efforts to improve the health of infants and young children, particularly through giving more attention to pre-natal and postnatal care, increasing the number of baby-friendly hospitals and specially trained social workers in hospitals, setting up of a home visitation service aiming to prevent abandonment, neglect and abuse, as well as the promotion and awareness raising on the benefits of breastfeeding and the adoption of the International Code for Marketing of Breast-milk Substitutes.**

Mental Health

66. The Committee is concerned that, despite various initiatives taken in this respect, care and living conditions of mentally ill in institutions, including children, has not improved. The Committee is in particular concerned that there are no psychiatric departments for children with mental disabilities and that such children are placed in adult institutions where they are not supervised, they are sedated and at risk of being aggressed and intimidated by adult patients. The Committee is further concerned about suicides and violent behaviour among children and adolescents and the lack of prevention programmes in this respect.

67. **The Committee recommends that the State party develop a comprehensive mental health policy, including, mental health promotion, prevention of suicidal and violent behavior, outpatient day care and inpatient services for adolescents with mental health problems, as well as programmes to support families with children at risk. The Committee further recommends that additional resources and improved capacities are employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children belonging to minority groups, children deprived of parental care, those living in poverty and those in conflict with the law.**

Adolescent health

68. While noting the efforts undertaken by the State party, the Committee remains concerned about media reports of several cases of suicide, particularly among children left behind by migrating parents, although statistics on such cases are not systematically collected. Furthermore, despite the robust framework to tackle drug use, the Committee is concerned about the use by adolescents of harmful substances, especially tobacco but also the increase in drug abuse in general and among younger children in particular. The Committee also notes the high number of reported teenage pregnancies and teenage abortions in Romania. The Committee is deeply concerned that a high number of adolescents engage in risk behaviour, particularly those aged 13-17, and the number of children who go missing.

69. **The Committee recommends that the State party, taking into account the general comment No. 4 on adolescent health and development (CRC/GC/2003/4) of 2003:**

- a) **undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including on psychological development disaggregated by sex and age;**
- b) **ensure that information is available to all adolescents on healthy and low-risk sex behaviour, in particular by making available sex and health education in schools;**
- c) **strengthen training of general practitioners, nurses, social workers and other primary-care specialists in the field of mental health and emotional well-being of adolescents;**
- d) **fully respect the rights of children and adolescents to privacy and non-discrimination in offering HIV-related information, voluntary counselling and testing, confidential sex and reproductive health services, and free or low-cost contraceptive methods and services, in a gender sensitive way;**
- e) **identify and pay particular attention to groups at risk, *inter alia*, school dropouts, separated children, children from low-income families, children in the child protection system, children using harmful substances, street children and children victims or perpetrators of crimes.**

Drug, tobacco, alcohol and other substance use

70. The Committee is concerned at the high incidence of drug, tobacco, alcohol, and other toxic substances use among children, as well as parents who in this way endanger the wellbeing of their children.

71. **The Committee recommends that the State party take all necessary measures to address the incidence of drug, alcohol, tobacco, and other substance use among children, parents and the public by, *inter alia*, providing children with accurate and objective information about toxic substance use, including tobacco use. The Committee further recommends that children be provided with adequate treatment and services.**

HIV/AIDS

72. While noting a decrease in the recorded number of adolescents diagnosed with sexually transmitted infections (STIs), including HIV/AIDS, the Committee is concerned that the proportion of young people, including adolescents of 15-18, among

those recently diagnosed with HIV/AIDS is high. While the Committee appreciates the State party's commitment to providing universal treatment to those infected with HIV/AIDS, it continues to be concerned that in practice the provision of such treatment may not be readily available and may vary across counties. The Committee is further concerned that children affected by HIV/AIDS often experience barriers in accessing health services.

73. The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, strengthen its preventive efforts by conducting campaigns and educational programmes, particularly within schools, in order to raise awareness on STDs, including syphilis and HIV/AIDS, as well as on prevention methods.

Standard of living

74. The Committee welcomes the State party's "Programme for the Implementation of the Anti-poverty National Plan and for the Promotion of Social Inclusion (PNAinc) 2006-2008. It also notes that, under article 44 of Law 272/2004, children are entitled to a decent standard of living as provided for in article 47 (1) of the State party's Constitution. However, it is concerned that, according to statistics, children are particularly vulnerable to poverty. The Committee is also concerned that, while poverty among the Roma population dropped between 2003 and 2006, the poverty risk among the Roma population is still 4 times higher than for the majority population.

75. The Committee would like to highlight that an adequate standard of living is essential for the child's physical, mental, spiritual, moral and social development. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- a) **intensify support programmes for children in need, particularly with regard to nutrition, clothing, schooling, and housing;**
- b) **develop comprehensive policy frameworks for the delivery of sustainable social services to address the complex situation of Roma children and their families.**

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

76. The Committee notes with appreciation the numerous efforts of the State party in the sphere of education, aiming to guarantee the objectives set out in the Convention, including the programmes to tackle dropping out of school and to reduce the disadvantages in education affecting children living in rural areas. The Committee also welcomes that, with Law 268/2003 changing and completing Education Law n° 84/1995, the duration of compulsory education has been extended to 10 years and plans for a significant increase of budgetary spending to reach 6% of GNP, including

the allotted 434 million lei in building schools, kindergartens, and school campuses during 2008. However, the Committee is concerned that:

- a) enrolment in primary school has decreased, the number of school drop-outs has increased significantly in recent years, affecting children from urban areas and disproportionately children of Roma origin;
- b) while education is compulsory and free, there are hidden costs related to education, including school supplies, clothes, food, transportation, but also payments for security agents, recreational activities, chalk or markers, sponges, teaching materials and classroom renovation;
- c) despite measures taken, including the training and recruitment of school mediators, Roma children continue to have a significantly lower pre-school and primary school enrolment rate, many experience some form of school segregation, have lower school attendance rates, and may be wrongly enrolled in special schools as families cannot afford education-related costs;
- d) despite some efforts, children with disabilities continue to experience discrimination in accessing mainstream education and the majority do not attend any form of education, while of those who do, the majority attend special schools;
- e) nearly a third of children with mental disabilities do not have access to any form of education because most special schools do not accept children with severe mental disabilities;
- f) fewer children with HIV/AIDS have access to any type of education, many experience problems, including segregation, breach of confidentiality and hostile environment;
- g) the quality of education varies across communities with marked rural-urban disparities and in general is undermined by, *inter alia*, overloaded and inefficient curricula, school shifts and inadequate school infrastructure, including poor sanitation, condition of the buildings, and equipment, especially in segregated schools;
- h) while kindergarten infrastructure is insufficient in responding to the needs of the overall population, pre-schools available to the Roma are mainly organised by NGOs;
- i) the insufficient provision of vocational education and training, especially as regards children leaving the child protection system;
- j) many children with disabilities in institutions are not offered solutions for re-integration into the community which may lead to their automatic transfer to residential care institutions for adults.

77. The Committee recommends that the State party:

- a) **ensure that primary education is free and compulsory for all, particularly by eliminating “hidden costs”;**
- b) **invest considerable additional resources in order to ensure the right of all children to a truly inclusive education;**
- c) **include the teaching of human rights and the principles of the Convention, in school curricula;**
- d) **involve Roma parents and communities in the development of educational curricula appropriate for and sensitive to the Roma culture and customs, provide material assistance adjusted to children’s**

- conditions of living and respect the children's language and culture in the interactive learning processes and social life in school;
- e) introduce intercultural education and education for tolerance at all levels of the education system;
 - f) improve the quality of education available to all children particularly with regard to the development of life skills, and while paying particular attention to children in institutions;
 - g) enhance and improve the accessibility of kindergarten and pre-school education for Roma and deprived children, in order to prepare them for school and provide opportunities to engage in play and sports;
 - h) raise awareness among school directors about the legal provisions banning school segregation adopted in July 2007;
 - i) develop a formal system for providing alternative, community based pre-school opportunities for rural children.

Right to leisure and play

78. The Committee welcomes the numerous efforts taken by the State party to ensure the right to rest, leisure, recreation and participation in cultural activities of children, but is concerned about the lack of adequate playgrounds available to children, and that sports are insufficiently promoted in school and the society at large.

79. **The Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. The State party should pay particular attention to provide children, including those with disabilities, with adequate playground spaces to exercise their play and leisure activities.**

7. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Asylum-seeking and refugee children

80. The Committee notes that the new Law on Asylum adopted in 2006 (Law N° 122/2006) encompasses explicitly the principle of best interests of the child in all decisions regarding the refugee determination status affecting children as well as the principles and procedural guarantees of family unity, non-refoulement, non-discrimination, confidentiality and the benefit of the doubt. However, the Committee is concerned that the Law on Asylum does not extend some special measures to cover separated children, in addition to unaccompanied ones, and that persons with responsibilities for unaccompanied children, including those processing asylum applications, have not been equally exposed to the same training. While welcoming the excellent cooperation among the relevant stakeholders, the Committee notes with concern that the authority responsible for age assessment of unaccompanied children operates without consideration to possible margins of error.

81. **The Committee recommends that, while taking into account its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, the State party:**

- a) **extend in law and continue to provide in practice specific guarantees for unaccompanied children and separated children;**
- b) **expand the training throughout the country on child-friendly interview techniques to all decision makers involved in the refugees status determination (RSD) as well as to those acting as legal guardians;**
- c) **apply the benefit of the doubt concerning age assessment;**
- d) **ensure that when return of children occurs, this happens with adequate safeguards, including an independent assessment of the conditions upon return, including the family environment.**

Economic exploitation, including child labour

82. The Committee welcomes the fact that the new Penal Code criminalizes inducing or forcing children to beg by adults, as well as the setting up of a National Director Committee for prevention and combating of child labour, which is to establish specialized child labour units in relevant institutions and take over from ILO-IPEC the elaboration and monitoring of programmes and activities. Nevertheless, the Committee is concerned about the high incidence of child begging. While the Committee notes that the NAPCR can sanction employers found to use child labour and that inspections are being carried out and fines collected from persons found to illegally employ minors between the age of 15 – 18, not all local inter-sectoral teams created to combat child labour are functional.

83. **The Committee recommends that the State party:**

- a) **intensify efforts to implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging;**
- b) **monitor the situation of children involved in all forms of economic exploitation, including child labour, with a view to eliminate such practices, ensure children attend school as appropriate, and protect their health and wellbeing;**
- c) **collect data on child victims of economic exploitation, including child labour, allowing for disaggregated analysis by activity and follow-up measure taken.**

Street children

84. The Committee notes the adoption of an Action Plan, by Order N° 100/2006, for the social reintegration of street children. The Committee, while noting the reported decrease in the number of children living in the streets, is concerned that many street children have to work for their sustenance, the majority do not go to school, and lack birth certificates. The Committee is concerned that forced evictions of Roma families with children have been carried out without the provision of alternative lodging or adequate compensation. The Committee notes further that a high number of children go missing, particularly from child protection institutions.

85. **The Committee recommends that the State party:**

- a) **Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;**
- b) **Develop and implement with the active involvement of street children themselves a comprehensive strategy which should address the root causes, as well as define preventive and protective measures; establishing**

- annual targets for the reduction of their numbers and allocation of appropriate resources; develop appropriate guidelines for implementation of such strategy by public services and NGOs;**
- c) With the active involvement of children themselves, support family reunification programmes or other alternative care, provided they are in the best interests of the child;**
 - d) Ensure that street children attend school and provide adequate health-care services, shelter and food, bearing in mind the different needs of boys and girls.**

86. The Committee recommends that the State party ensure that adequate compensation or alternative housing is provided whenever forced evictions take place, with special attention to young children and their families. The Committee further recommends that the State party strengthen efforts to prevent child separation from their family and improve conditions and attitudes among staff in special protection institutions.

Sexual exploitation and abuse

87. The Committee notes that the Criminal Code has been amended to ensure compliance with the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee further acknowledges the numerous efforts in the area of trafficking, among which the setting up of the National Agency against Traffic of Human Beings in 2006, the adoption of the National Action Plan for the prevention and fight against child trafficking, and of the National Action Plan for the prevention and fighting of sexual abuse and sexual exploitation of children for commercial purposes. However, the Committee is concerned that:

- a) the number of sexually exploited children is high, including foreign children trafficked within Romania, and the number of children trafficked from Romania to other European States has increased;
- b) internationally and domestically trafficked girls victims of sexual exploitation are treated differently as they are sometimes seen as criminals;
- c) there are no specific provisions in criminal law and procedure for the hearing of child victims of crime, including sexual exploitation and sexual abuse;
- d) children who spend time in child protection institutions are particularly vulnerable to trafficking for sexual exploitation;
- e) according to the UN Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78/Add.2), data on trafficking are not consistent as different institutions provide different data depending on the target group they focus on.

88. The Committee recommends that the State party:

- a) intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, essential to prepare adequate responses and combat these phenomena;**
- b) consider all children victims of these criminal practices, including child prostitution, exclusively as victims in need of recovery and reintegration and not as offenders;**

- c) **set up specific provisions in criminal law and procedure for the hearing of child victims of crime, including sexual exploitation and sexual abuse;**
- d) **ensure that children are provided with special protective measures to prevent victimisation and re-victimisation;**
- e) **submit its initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.**

Helplines

89. The Committee notes that since 2006 the helpline in Romania has been operating as a non-profit organisation and that since 2008 it has been using a six-digit number, as well as the European six-digit number. The Committee further notes that several helplines are operated in Romania by different stakeholders.

90. **The Committee recommends that the existing child helpline be expanded to all regions and be three-digit, toll free for both the helpline and the caller, and available 24 hours. The Committee further recommends that the State party raise awareness among children, including by providing information about the helpline in child-related programmes and schools.**

Administration of juvenile justice

91. The Committee welcomes the fact that present legislation sets the minimum age of criminal responsibility higher than the internationally acceptable minimum. The Committee further welcomes the creation by the Superior Council of Magistracy of a Committee monitoring the fulfilment of obligations of the Council and the courts for the accomplishment of the National Plan of Action in the sphere of child protection. The Committee is, however, concerned that the new law on judicial organization within the reform strategy of the judicial system 2005-2007 replaces the obligation to establish specialized juvenile courts with the ‘possibility’ to do so. It is further concerned that:

- a) there is a lack of a uniform national policy on prevention;
- b) procedural rights of children are violated during the investigation stage, including access to a lawyer, coercion to extract statement or confession;
- c) while some judges have been trained particularly to deal with children, this is not always taken into account in the assigning of cases between the judiciary;
- d) children are often deprived of liberty in adult detention facilities and while they are kept separately from adults, they do not benefit from special programmes;
- e) there are very few rehabilitation centres and penitentiaries for children in conflict with the law, and there are no measures for or institutions charged with assisting such children with re-integration in the society;
- f) children deprived of liberty have seldom access to appropriate education services, while there are no provisions for education of children in pre-trial detention;
- g) the legislation regulating the activity of re-education centres (Decree No, 545 of 1972) has been considered by the Ombudsman to be obsolete and no longer adequate to ensure the child’s best interests, and the child’s physical, psychological, medical, and educational development.

92. **The Committee recommends that the State party continue its efforts to improve the system of juvenile justice in line with the Convention, in particular articles 37, 39, and 40, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System. It also recommends that:**

- a) **preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading children to enter in contact with the criminal justice system, and take all possible measures to avoid stigmatisation;**
- b) **the right to a fair trial is respected at all stages of the proceedings, including at the investigative stage;**
- c) **children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts;**
- d) **the institution of specialized judges for children is introduced in all the regions and that such specialized judges receive appropriate education and training and stability;**
- e) **detention is applied as a measure of last resort and for the shortest possible period of time and be reviewed on a regular basis with a view of withdrawing it;**
- f) **until such time that the establishment of juvenile courts becomes possible, all measures are taken to ensure that the review of criminal cases concerning children is conducted with respect to the child's right to privacy and by judges, legal and psychological councils trained accordingly;**
- g) **children deprived of liberty have access to education, including in pre-trial detention**
- h) **review of legislation on regulating the activity of re-education centres (Decree No 545).**

Protection of witnesses and victims of crimes

93. The Committee notes that there are no specific provisions in the criminal law and procedure for the hearing of child victims of crime, including sexual exploitation and sexual abuse. The Committee is further concerned that children victims and witnesses of crimes may, under certain restrictions provided by the law, participate in TV and radio talk shows.

94. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes, are provided with protection required by the Convention and that it take fully into account United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

Children belonging to minority groups

95. The Committee notes that article 118 of the Law on Education recognizes the right of persons belonging to national minorities to receive education in their mother tongue, and that the State party has ensured in practice that education conducted completely or partially in their mother tongue, or the study of their mother tongue, is available to children belonging to a number of minorities, including the Roma. However, the Committee notes that despite efforts to improve the situation, there may be too few opportunities to use their mother tongue and culture for all minorities with special attention to the Roma. The Committee further notes with satisfaction that opportunities have been created for the persons belonging to minorities in law and in practice to interact with courts and local public administration in their mother tongue, as well as to broadcast their own TV and radio programmes, as well as to receive state funding for various projects, *inter alia*, in the area of education, culture, and youth programmes.

96. **The Committee recommends that the State Party ensures that its policies, measures and instruments apply without discrimination and aim to protect the rights of children belonging to all minorities, including Roma, and their rights under the Convention.**

Roma children

97. As regards children of Roma minority, the Committee notes that schools and other institutions do not take into account the cultural and other needs of Roma children. The Committee notes that despite efforts, the Roma have limited opportunities to raise awareness of issues affecting them through the media, and that certain local authorities have resisted the use of minority languages in interactions with local administration.

98. **The Committee in particular recommends that the State party:**

- a) **develop comprehensive policy frameworks for the delivery of sustainable services to address the complex situation of Roma children and Roma families, including language, education and culture;**
- b) **enhance models for intra-community interventions and campaigns to address the issues of early marriage and early pregnancy;**
- c) **strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the Roma community itself - policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education;**
- d) **initiate campaigns, including throughout the media at all levels and regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and other professionals.**

8. Ratification of international human rights instruments

99. **The Committee encourages that the State party ratify: the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Convention on the Rights of Persons with**

Disabilities and its Optional Protocol; the International Convention for the Protection of all Persons from Enforced Disappearance; and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

9. Follow-up and dissemination

Follow-up

100. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to both the Senate and the Chamber of Deputies, relevant ministries and administrative divisions, including those carrying responsibilities at county and commune, for appropriate consideration and further action.

Dissemination

101. The Committee further recommends that the third and fourth periodic reports and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

9. Next report

102. The Committee invites the State party to submit its fifth periodic report, in accordance with article 44 CRC, by October 2012. This report should not exceed 120 pages (see CRC/C/118).

103. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).