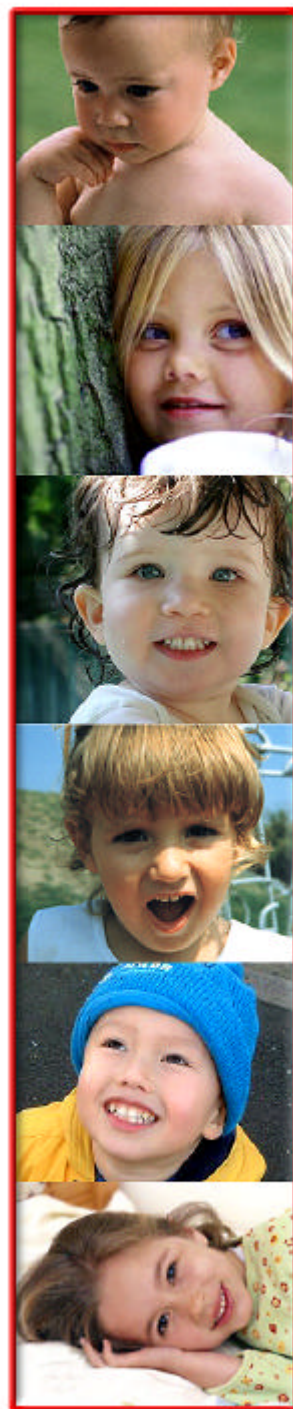


**REPORT BY**  
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to the UN Committee  
on the Rights of the Child – Geneva  
concerning the Second Periodical Report  
by the Romanian Government  
on the interval 1995 - 2002



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## **1. GENERAL MEASURES FOR IMPLEMENTATION – EVOLUTION OF THE REFORM IN THE FIELD OF PROTECTION OF THE CHILD IN DIFFICULT CIRCUMSTANCES**

Starting with 1997, a series of legislative and administrative changes have taken place in the field of child protection: the Emergency Ordinance no. 26/1997 on protection of the child in difficult circumstances; establishment of the Department for Child Protection; initiation of decentralization process by setting up County Commissions for Child Protection and Specialised Public Services for Child Protection at local level and establishment of the National Authority for Child Protection and Adoption as a national body in elaborating national policies in the field and monitoring their implementation.

Consultations at local level were organised in February 2001 in order to elaborate coherent and unitary proposals regarding the Governmental Strategy on the Protection of the Child in Difficult Circumstances. Representatives of central and local authorities participated in, as well as representatives of NGOs. On the occasion of these meetings, the national plans initiated by Salvati Copiii (Save the Children Romania) in favour of Roma children, children exposed to abuse, child labour exploitation and disabled children have been updated. As result of consultations, three major proposals stood out: elaboration of the strategy for the protection of the child in difficult circumstances, elaboration of Child's Law, establishment of Child Ombudsman institution.

In 2001, a new Governmental Strategy on the Protection of the Child in Difficult Circumstances (2001-2004) was elaborated, having as main directions:

- keeping the child in the family environment when this is in the best interests of the child and child abandonment prevention by supporting the families at risk;
- reduce the number of children in institutions (by approximately 25,000 children by the end of 2004) by developing and diversifying alternative services for an individual care adapted to child's needs;
- promote adoption as a special measure for child protection with a focus on encouraging national adoption. International adoption will be employed as an ultimate solution for protecting a child in a family;
- continue the decentralization process of child protection system, increase the efficiency in the management of financial, material and human resources;
- establish an accreditation and monitoring system for the non-governmental organisations that carry out activities in the field of child protection according to the compulsory minimum standards;
- establish and develop a national monitoring and evaluation system of the situation of the child in difficult circumstances, child protection services and institutions, as well as of the financial resources allocated from central/local level.

The new Governmental Strategy also identifies and defines the role of every institution involved in fulfilling the objectives.

In order to include all the rights stipulated in the United Nations Convention on the Rights of the Child in the Child's Law, which is currently a draft law, Salvati Copiii (Save the Children Romania) has organized 10 work meetings with the participation of 62 specialists in the field of child protection. The recommendations to the Child's Draft Law resulted from debates have been submitted to the National Authority on Child Protection and Adoption.

In October 2001, international adoptions have been suspended for a one-year period through the Emergency Ordinance no. 121 due to a high number of illegal adoptions and several deficiencies in the post-adoption monitoring system. The legal framework on the international adoptions is currently analysed with a view to harmonize national legislation with international regulations and practices in the field. The National Authority on Child Protection and Adoption and the Ministry of Justice are working on a draft law on adoption which is going to be completed by the end of the suspension period of the procedures referring to international adoption.

## **2. DEFINITION OF THE CHILD**

### **2.4 Duration of compulsory education**

Within the reform initiated in the education system, one of the measures adopted by the Ministry of Education and Research has been the 9 years compulsory education beginning with the school year 2002-2003. One of the reasons determining this modification is the increase in the school drop out that particularly emerges at the level of the secondary education (see Chapter 7).

### **2.7 Consent for sexual intercourse**

By 2001, legal provisions formally stipulated that sexual intercourse with girls aged under 14 is sanctioned, while there were no formal provisions referring to boys. That difference came out from the fact that sexual relations between persons of the same sex were banned. Through the Law no. 61/2001 for the approval of the Government Emergency Ordinance no. 89/2001 on the modification and completion of several provisions in the Criminal Code referring to offences on sexual life, the discrimination between boys and girls has been eliminated. Incriminations on rape, sexual perversion, sexual corruption, sexual harassment or sexual intercourse with an underage child currently refer to both boys and girls.

According to recent changes, sexual relations with underage children under the age of 15 are punished. At the same time, sexual intercourse of any nature, with a person of a different gender or of the same gender aged between 15-18, is sanctioned if perpetrated by a legal guardian or a trustee or by a supervisor, caregiver, physician, teacher or educator who makes use of his/her position.

## **2.22 Cases when puberty criterion is used in the enforcement of the Criminal Code; different enforcement for girls and boys**

Having in view the changes brought by Law no. 61/2001 on the approval of the Government Emergency Ordinance no. 89/2001 for the modification and completion of several provisions of the Criminal Code on offences regarding sexual life, it is not possible to speak anymore about differences in the enforcement of the criminal law based on puberty criterion.

## **3. GENERAL PRINCIPLES**

### **3.1 The principle of non-discrimination (article 2)**

#### **Other legal provisions**

In the field of social protection, through the Law on the minimum guaranteed income no. 416/2001, mothers have the right to an allowance for every of the first 4 children born alive in Romania regardless of citizenship.

The guaranteed minimum income based on the social solidarity principle is also granted, in accordance with Romanian applicable laws, to other nationals and stateless with the residence or, if the case, domicile in Romania.

Although non-discrimination principle is stipulated in the Constitution, there are certain categories of children who face direct or indirect discrimination: disabled children, HIV/AIDS children, Roma children, children in institutions, street children, children from poor families (see Chapters 5, 6, 7 and 8).

### **3.2 The principle of the primary consideration of the best interests of the child (article 3)**

#### **General aspects**

Referring to the attributions of the specialized public services for child protection, besides the ones included in the report it is proposed to add the following essential responsibilities in preventing child abandonment through family planning and protecting adopted children:

- Take action in order to prevent child abandonment through family planning and contraceptive education; in this respect, within the specialised public service for child protection, services for child abandonment prevention through family planning and contraceptive education are organised and run.
- Identify children who could be protected by adoption, in accordance with the applicable law, in the county or sector of Bucharest where it is running and present to the president of commission or one of the vice-presidents, within 5 days from identification, the identity data and other pertinent and reliable information referring to their situation in order to be conveyed to the Romanian Committee for Adoptions.

- Identify families or persons who are willing to adopt children from the territory of the county or the sector in Bucharest where it functions; assess their material conditions and moral guarantees and make proposals to the commission with a view to issue the certificate for family or person able to adopt children; submit applications for adoption of those families or persons to the Romanian Committee for Adoptions, appended with the certificate for family or person able to adopt children within 5 days from the issuance.
- Follow-up the evolution of the adopted children in the county or sector of Bucharest where it functions and relations between children and their adoptive parents for at least a two-year period since the adoption supported has been approved; report to the commission on these aspects on a quarterly basis or upon request; support adoptive parents in fulfilling their obligation to inform the child that he/she is adopted as soon as child's age and degree of maturity allows that.

### **3.3. The right to life, survival and development**

In 1999, 41.2% of Romania's population was living under the poverty line, which is defined as the level under which less than 60% of the basic needs of a household are met. As for 2000, statistics show an increase up to 43%. This negative indicator has direct repercussions upon children; 80% of the families with more than three children live under the poverty line, in these families living over 50% of Romanian children.

Transformations induced by the transition period Romania is passing through have a direct impact upon child's development and even survival through the following:

- decrease in the incomes and increase in the gaps between social categories;
- poverty deepening particularly in case of families with many children;
- demographic involution: a decrease in the number of new-born babies, fertility rate, an alarming increase in the number of abortions and infant mortality rate;
- health care services for population have also a negative evolution;
- limited motivation for education: increase in school drop out rate, decrease in the enrolment rate in education;
- gaps between rural and urban areas as concerns access to education, social and health care services, living standards, etc.

Deficient infrastructure of school units, hospitals, childcare institutions endanger children's health and even their survival. This is due to limited local budgets, as well as to an inefficient resource management.

### **3.4. Respecting children's views**

Although during the recent period there have been initiated a series of programmes by non-governmental organisations encouraging children's participation in taking decisions affecting their private life and expression in freedom of their views, the knowledge on this right and its observance are still at a low level. As result of several studies conducted by Salvati Copiii (Save the Children Romania), it comes out that the current educational pattern both in family environment and education system is far away of being a participatory one. The groups at the highest risk as concerns violation of the right to

participation are children in institutions, children from rural areas, children from families with deficient socio-economic condition.

#### **4. CIVIL RIGHTS AND LIBERTIES**

##### **Access to appropriate information**

School is one of the most important information environments. According to a study conducted by Salvati Copiii ("Children and their rights. Child's right to participation" – Bucharest, 2000), 72% of the interviewed children received information on their rights during the Civic Education classes and the programmes carried out by NGOs in schools. Nevertheless, children's access to other types of information is more difficult when the number of available computers is extremely limited and the books in school libraries are old and reduced in number (see Chapter 7).

Another source of information is mass media. In the same study mentioned before, 52% of the children uphold they have received information on their rights through television. In general, children have expressed a high degree of satisfaction regarding the efforts made by mass media to offer information according to their expectations. Through the Audio-Video Law, mass media has the obligation to inform properly the public, any prejudice to youth interests being prohibited. Television channels and radio stations have to inform on their specific broadcasts underage children do not have access to or their access is restricted by parents permission.

One of the fields where children do not benefit from enough information is education for health. Both at school level and in the mass media information provided to young people in this respect is unsatisfactory. As result of the experience in carrying out education for health programmes, Salvati Copiii (Save the Children Romania) has concluded a collaboration protocol with the Ministry of Education and Research within the national programme "Education for health in Romanian schools". This programme aims at:

- elaborating school curricula to promote health and education, as optional subjects and/or as classes integrated in other subjects, as well as extracurricular activities
- training teachers in order to teach these classes in schools
- elaborating support materials (handbooks, guides for teachers and students, leaflets, booklets, etc.)
- promoting education for health campaigns in collaboration with governmental, non-governmental institutions, private companies.

#### **5. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

Since the coming into force of the Constitution in 1991, an important principle urged by the Convention on the Rights of the Child has been included among the constitutional

principles. In this respect, Article 45 of the Constitution stipulates: "Children and young people enjoy a special protection regime and assistance in the exercise of their rights".

Romania has signed and ratified international conventions in the field of child protection: The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, ratified through Law no. 84/1994, Recommendation of the Parliamentary Assembly of the Council of Europe no. 1286 (1996) on a European Strategy for Children; Resolution (77) 33 of the Council of Europe on Placement Children; Recommendation no. (94) 14 of the Council of Europe on Coherent and Integrated Family Policies.

To these international regulations it is to be added Romanian legislation regulating child rights: Family Code, the Emergency Ordinance no. 26/1997 on the protection of the child in difficult circumstances, Law no.119/1997 on the supplementary allowance for families with children, Law no.112/1997 on paid leave to care children up to the age of 2, Law no. 677/1995 on social benefit, Emergency Ordinance no. 47/1997 on Special Protection for Disabled Persons, Government Decision no. 218/1998 on emergency maternal assistance.

Although all these laws, decrees or governmental decisions have been initiated aiming at improving child protection system, no significant progress has been made. The factor blocking elaboration of a coherent governmental strategy has been spreading child issues, often on artificial criteria, between different governmental departments. Thus, the issues of the child in difficult circumstances have been and are administered by several ministries, commissions, local and central institutions, departments.

### **5.1. Parental guidance**

Political and socio-economic transformations occurred after 1989 in the Romanian society have and still put multiple pressures upon families making them subject to adaptation efforts to the complexity of new social situations determined by the market economy and the life style this society rolls onward.

Furthermore, the consequences of the high unemployment rate, jobs insecurity and, sometimes, professional overload lead to the degradation of family relations that has negative consequences upon childcare quality, in child-rearing and education quality, their integration in school environment and community.

All along these years it has been noticed that more and more parents are not able to provide proper childcare and education conditions for their own children, asking for support and intervention from local authorities and local communities.

The Governmental Strategy for 2001-2004 offers a new vision on child protection in family and society and it is focused on keeping children in the natural family and developing community services to support the family. However, the community services for child protection developed by the Departments for Child Protection are insufficient in number (counselling and support services for parents - 13 in 2000, namely 23 in 2001).

The State is little involved in counselling activities, information and education of parents on their rights and particularly on their obligations devolving from this status, this aspect being approached in a higher weight by NGOs.

The weight of the women using contraceptive methods has increased up to 48.2% in 1999 compared to 41% in 1993. This percentage is very low as Romania accounts for a very high abortion rate (44.3 at 1,000 women aged over 21 years, namely 24 at 1,000 women aged between 15 – 20 years in 2000). This is mainly due to the limited number of family planning centres, as well as to absence of sexual education in schools and high schools.

## **5.2 The importance of parental responsibility**

As concerns parental responsibility, Romanian legislation stipulates in the Constitution and the Family Code the obligation of parents to upbringing their child and whatever includes this obligation.

The support services for parents in order to provide the best conditions for child rearing and development, although they are mentioned to be component elements of the Departments for Child Protection, cover only a small part of the beneficiaries' needs, and other as day-care centres, counselling and support centres for parents, centres for preparing integration and reintegration of the child in family do not exist in fact.

The material assistance and support service for preventing the situations that jeopardize child safety and development that has a role in the emergency intervention doesn't provide permanent support because it depends on local budgets or the funding provided through governmental programmes.

There are day-care centres for children with special needs, but they are only local initiatives taken by NGOs.

The assistance and support centres for psychological readaptation of the child with psychosocial problems are running only as emergency reception centres and do not have specialists to provide assistance and specialised intervention.

There are to be mentioned initiatives of non-governmental organisations in developing programmes for parents' education on their role in child rearing and education, abandonment prevention and family reintegration. Thus, the programmes carried out by Salvati Copiii (Save the Children Romania) are to be mentioned – "Parents' University", and starting with 1999, through the seven Counselling Centres for Child and Family, information programmes for parents have been carried out in schools on abuse, neglect prevention and other risk situations for child development. In this respect, information materials on this theme have been elaborated: Family role in the development of the child aged between 3 – 7 years, Development of the child aged between 3 – 7 years, Stand by you child (advice for parents with children aged between 3 and 7 years), Guide of good practices for preventing child abuse.

## **5.3 Expenditures for child livelihood**



The real value of the financial support for families is low and it cannot cover at least their basic needs; 50% of the Romanian children live in families under the poverty line.

#### **5.4 Separation from parents**

In accordance with the Family Code, a child lives with his/her parents, a similar disposition being included in article 25 of the Law no. 105/1996. Romanian legislation stipulates certain exceptions when a child can be separated by his/her parents or by one of the parents: divorce, loss of parental authority, imprisonment on suspicion, imprisonment. As concerns parents' divorce, the court takes a decision on child's custody to one of the parents or to third parties. The child could express his/her opinion as concerns the parent he/she wants to live with beginning with the age of 10. The court of law could change the decision of child's custody in the situation when initial circumstances have changed, at request of anyone of the parents or at child's request provided that he/she is 14 years of age.

As concerns separation from parents, a child is declared abandoned, in accordance with the latest legislative changes from December 2001, 3 months after any personal relation with parents ceases, but in practice this measure is applied in a deficient way.

Another situation when a child could be separated from his/her parents is the one when the parent or the child have committed an offence and they are in detention or imprisoned. Through Law no. 140/1996 it is stipulated that an underage child who hasn't committed a felony could perform public work for the community, but this should be carefully and strictly followed-up such as not to come in contradiction with the rights of the child and child protection against any activity that is over his/her physical and psychic development.

#### **5.5 Adoption**

The deficient monitoring system of international adoptions has determined suspension for a one-year period beginning with October 2001. A draft law on adoption is currently prepared, one of the modifications to the previous law being a longer monitoring period for the adoptive families.

As concerns the peremptory and irrevocable adoptions, the number of international adoptions remained higher than national adoptions during the period 1998-2001, showing an increase trend (from 851 cases 1997, to 3,035 cases in 2000). The reduced number of international adoptions in 2001 (1,521 adoptions) is explained through the legislative measure to suspend them for a 12-month period (Government Emergency Ordinance no. 121 from 8 October 2001). As for national adoptions, their evolution was a variable one, from a number of 840 national adoptions in 1998 to 1,274 national adoptions by the end of 2001. The highest number of national adoptions was recorded in 1999, namely 1,710 national adoptions. Adopted children are monitored in accordance with the applicable law for a two-year period since the completion of adoption.

#### **5.6 Abuse and neglect**

Among the general directions of the reform process, the Governmental Strategy includes clarification of legal provisions in the field of child neglect, molestation and abuse within his/her own family. As result of the approaches made by the specialists in the field (started immediately after 1990), the training courses initiated by the non-governmental organisations mainly after 1996 and introducing prevention of child abuse and neglect in the Governmental Strategy on the protection of the child in difficult circumstances, the departments for child protection have started to organise special services for neglected children.

In June 2001, 9 intervention and prevention of child abuse and neglect centres have been established and run within child protection system. These services provide psychological, social and legal counselling in order to surpass the traumas suffered and rehabilitate the relation between the members of the family, change the mentalities of the members of community with a view to family and social reintegration.

There are also free help-line services in 17 counties, charged help-line services in 10 counties and 2 sectors in Bucharest.

However, the specialists working in these centres haven't any specific training in counselling and treatment of the abused/neglected child. Specialists in the field of child protection from non-governmental organisations provide these services in a higher weight. Thus, Salvati Copiii (Save the Children Romania) has opened the first Centre for Child and Family in 1998 and it is currently running 7 centres at national level where multidisciplinary teams provide specialised services for cases of child abuse and neglect, support and counselling for families. Other centres run by NGOs are: Counselling and Therapy Centre of the International Foundation for Child and Family, SCOP Timisoara, ARTEMIS Cluj, Bacau centre.

According to the data provided by the Institute for Research and Criminality Prevention, the number of child victims of sexual offences was of 582 in 2000, and increased up to 745 offences in the first 9 months of 2001.

It is to be mentioned that, out of the total of 18,773 victims of the offences perpetrated against persons, 437 were underage children up to 14 years of age, and 616 were aged between 14 and 18 years. Non-governmental organisations have initiated services for abused and neglected child, studies and research that highlighted the existence and the magnitude of child abuse, including sexual abuse, pilot programmes of intervention and rehabilitation of the victims of abuse, and have established and developed action networks in cases of abuse, initiated and carried out training programmes for different categories of professionals working with children. National Authority for Child Protection and Adoption has recently established a group of specialists to work on a permanent training curriculum on child abuse for those who interact with children.

## **5.7 Children in difficult circumstances**

The Governmental Strategy on Protection of the Child in Difficult Circumstances (2001-2004) and the Operational Plan for the Implementation of the Governmental Strategy have been approved through the Government Decision no. 539. This strategy establishes the main directions of the reform process of child protection system: restructuring the

existing residential care services; reorientation of the financial, material and human resources for organising and diversifying alternative care services to residential care; improvement, completion and harmonizing the legal framework to make it clear and to comply with the international standards in the field, continuation of the decentralisation process of the system.

One of the main general directions of the strategy refers to improvement, completion and harmonizing the legal framework. Thus, the Emergency Ordinance no. 26/1997 has passed through a series of changes since 1999, as follows: Government Decision no. 1205/27 November 2001 on the approval of the methodology of running of the Commission for Child Protection and the Emergency Ordinance no. 123/8 October 2001 on reorganisation of the Commission for Child Protection. In accordance with these changes, in article 7(1) it is stipulated, "the Commission could decide upon the fosterage or placement of a child to a person, family, specialised public service or an authorised private body..." Article 8(1): "... the Commission could remove the measure of placement with the one of fosterage, if parents endanger child safety, development or moral integrity through the abusive exercise of parental rights or serious neglect in fulfilling the obligations of a parent". Through this change, disabled persons are included in the sphere of protection, the Commission checking for "fulfillment of the conditions regarding child's framing in a category of disabled persons who require special protection...".

Programmes for abandonment prevention have been initiated and carried out by the specialised institutions in child protection, while by June 1997, those programmes were developed only by NGOs. Through all these programmes 16,346 children received support and counselling between 1997-1999, while in 2000 and 2001, the beneficiaries were 15,734 children, namely 15,274 children.

It still remains a big number of children in institutions for children without parental care. The statistical data provided by The National Authority for Child Protection shows that in Romania there are approximately 6.000.000 children with ages between 0 – 18 years, from which 2% are in the record of the Specialized Public Services for Child Protection. At the end of the year 2001, 49,965 children protected through temporary measures were in placement centres and 36,336 children in family type protection and 1,217 children were entrusted for adoption. In the first month of the year 2002 was registered the same trend of increasing the number of children protected by the Public Specialized Services for Child Protection in residential centres (49,750 children in February 2002), as well as in substitutive families (38,615 children in February 2002).

The difficulties faced by the families with children during the transition period, but also the reduced social protection practiced at the level of social policies to support children and families, have as consequence the constant increase of the number of institutionalized children. So, the 1995 – 2000 period is characterized by an increasing of the number of children protected in residential centres from 33,129 children in December 1995, to 33,600 children in March 2000. During the year 2000 there were some important legislative change in the field of child protection (The Governmental Decision Nr. 261/2000, Nr. 1137/2000 and The Governmental Ordinance Nr. 206/2000). Those

legislative changes impose the taken over by the Specialized Public Services for Child Protection of a 40,700 children, which were until that moment under the protection of the Ministry of National Education (35,000 children), the State Secretary for Persons with Disabilities (3,500 children) and the Ministry of Health (2,200 children).

After this moment, at the end of the 2000 year, under the protection of the Public Specialized Services for Child Protection were 57,181 children in placement centres and 30,572 children protected in a family system.

**Number of children in childcare institutions or substitute families (National Authority for Child Protection and Adoption – December 2001):**

<b>The reference moment</b>	<b>Number of children in childcare institutions</b>	<b>Number of children in substitute families</b>	<b>Total number of children protected in childcare institution and in substitute families</b>
June 997	39,569	11,899	51,468
December 1998	38,597	17,044	55,641
December 1999	33,356	23,731	57,087
March 2000	33,600	25,433	59,033
<b>There are taken place several legislative changes that have as a result the taking over by the Specialized Public Services for Child Protection of 40,700 children from The Minisrty of National Education, The State Secretary for Person with Disabilities and The Ministry of Health</b>			
December 2000	57,597	30,572	88,169
December 2001	49,965	37,553	87,518
February 2002	49,750	38,615	88,365

Between the years 1997 – 2002, the protection of the child without parental care in systems alternative to the institutionalized care didn't reach the diversification and the development requested by the children rights to a family. In present, the family type system for child protection, alternative to the residential care, are represented by the placement of the child either at the collaterals up to the 4<sup>th</sup> line, including professional caregivers or other families.

The number of the children protected in such a family system care increased from 11,899 children in June 1997, to 38,615 children in February 2002. In the same time is raising the number of the children that live in placement centres.

Beginning with 2001, an intensive programme of disinstitutionalization of the children in childcare institutions has started, such a 13,366 children have been disinstitutionalized in 2001 compared to 7,861 children in 2000. Out of them, 6,961 children have been reintegrated in their natural family, 514 have been adopted, 2,904 have been disinstitutionalized as result of being of 18/26 years of age, and 2,987 for other reasons. Children reintegrated in the natural families are monitored in accordance with the

applicable law for a 3-month period after their reintegration, a very short period of time that doesn't allow a good re-evaluation of family environment.

Disinstitutionalization has been done without performing a complete assessment of children (physical and psychic development level, adaptation and relationship capacity), or of the possibilities of readaptation in the family environment and the financial and psychological possibilities of the families to reintegrate their children. It is estimated that in many situations children will be subject to improper conditions for a harmonious development, unsuitable treatment and will be exposed to less or more serious types of abuse and neglect. These families and children are not included in assistance and counselling programmes in order to cope with the situation and to prevent abuse or neglect or other situations when the child could be exposed to circumstances that could jeopardize his/her physical and psychic development or even life. The specialists dealing with counselling and rehabilitation of children exposed to abuse and neglect estimate they will be confronted with many cases of child abuse.

Another group in difficult circumstances that requires special measures and programmes is the one of young offenders. The weight of children convicted in the total number of convict has increased from 9.3% in 1997 up to 12.2% in 2001. Most of the convict children were sentenced by imprisonment during the above period. For instance, 46% of the sentences concerning children in 1998 were by imprisonment. In order to solve this issue, social reintegration and probation services have been established under the coordination of the Ministry of Justice based on the Government Decision 92/2000 and approved through Law no. 129/2002. 28 social reintegration and probation services have been established on 1 September 2001 within 28 courts of law, with a personnel consisting of 102 social reintegration and probation counsellors. By March 2002, there were recorded 1,902 clients, most of them children (487) and young people aged between 18 and 25 years (635).

Another category that requires special measures is homeless children. They come from dysfunctional families with a low socio-economic and education level or from childcare institutions. Although day-centres have been established and family reintegration programmes are carried out by governmental institutions and NGOs, they do not have visible effects.

Children from single-parent families are also in difficult circumstances. There is a higher risk of child abandonment, school drop out or exposure to abuse and neglect situations within this type of family. In a certain weight, this is due to the difficult socio-economic situation (only one income), but also to the lack of a family environment that by presence of both parents could provide the stability and safety necessary for child development. The programmes carried out by the Departments for Child Protection for this category of children provide support according to the budget of that service and assistance according to the available human resources. Special protection measures for this category of children should be included in the legal framework.

## **6. CHILD HEALTH AND WELFARE**

### **6.1 The right to survival and development**

Child welfare is in a tight connection with health condition, offering the child the right to survival and to a normal development, thus contributing to an improvement in the health condition of the whole population. Romania is situated on one of the first places in Europe as concerns infant morbidity and mortality. During the period 1995-2000, this was of 1.2/1000, what together with other factors (as migration) determined a decrease in the number of Romania's inhabitants by 2 million. But there is also a positive phenomenon, the decrease in the rate of infant mortality (new-born babies) from 27/1000 in 1990 to 19/1000 in 1999<sup>1</sup>, partly due to a decrease in the number of births (1998 accounts for 36% less new-born babies compared to 1990).

From studies on infant mortality (0-1 years of age) and mortality at children under 4 years of age, it came out a significant correlation between death cases at children and socio-economic level of their mothers. It has been also noticed that 40% of the dead children showed nutrition deficiencies. A study conducted within the National Programme of Observation by the "Alfred Rusescu" Mother and Child Protection Institute in collaboration with UNICEF Representation in Romania during the period 1993-2000 revealed that nutrition problems at children are correlated both with mothers' education level and the low socio-economic level of the family, the most affected being children beginning with the 4<sup>th</sup> rank and upper.

The right of the child to survival is affected by many factors that put pressure on the health care system in Romania: the decrease in the public expenditures, including the ones for health care that are under the European standards, has a negative influence upon the quality of the access to services, particularly for the poorest and vulnerable segments of the society - those with many children.

The health care system is currently undergoing a reform process from a centralized system to the health insurance system. This situation determined, particularly in the transition period, disorganisation and a limited access to health care services especially for children from economically less favoured families: poor families, Roma families, etc. who cannot pay their health insurance.

In spite of the positive aspects of the reform, there are many obstacles regarding the access to health care services, as follows: lack of division on territorial units that leads to deficiencies in solving public health problems; the possibility of the family physician to choose his/her patients, what has determined some family physicians' refusal to register patients from less favoured categories. At the same time, the limited number of hospitals, low endowment with medical equipment, insufficient medical personnel are causes of the low quality and effectiveness particularly in rural areas where mothers-to-be and children suffer the most. A permanent deficit in the number of physicians is accounted for

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<sup>1</sup> Human Development Report – Romania 2000, elaborated by UNDP, 2001

villages. Therefore, one physician had in care 1,426 persons in 1995, 1,462 persons in 1996, 1,475 persons in 1997, and 1,525 persons in 1998.

Health Insurance Law adopted in August 1997 and amended many times should relieve the state by a series of expenditures for the health care system, but it hasn't solved the problems, and the poor categories that are not able to pay their insurance have a limited access to health care services. Although the law stipulates free health care services for children, this is not fully respected because several family physicians refuse to register on their patient lists the children belonging to Roma minority whose parents haven't a job (for instance, 50 Roma children included in a family project in Cluj), making impossible their treatment with subsidized and free medicines.

Due to budgetary restrictions, the national health care programmes have been under funded; that is why, beginning with 2002, the National House for Health Insurances will also fund part of the programmes. There are also programmes and activities mainly focused on health care needs and child welfare funded by foreign donors (UNICEF, UNDP, USAID, etc.) and by NGOs, the latter having resources and the competence to address to target groups who need information and specialised counselling.

Limitation of the access to medical services hasn't legislative causes; it resides mainly in poverty, lack of information in preventing sickness, lack of statistic data, poor resources, deficiencies in communication and collaboration at governmental and non-governmental level, institutional and individual level.

It is expected that the Ministry of Health and Family will apply a measure taken to re-establish the community health care assistance in order to ensure territorial integration of the health care and social problems.

## **6.2 Children with special needs**

Legislation in the field of disabled children protection hasn't been definitely clarified. The adopted legal documents have been subject to serious criticism by NGOs that have made the proposal to adopt a unique law on equal opportunities for disabled persons. The governmental institutions with responsibilities in the field haven't agreed with this draft law. The strategy of the Secretariat of State for Disabled Persons (SSPH) hasn't succeeded to fulfil its objectives: it hasn't been established yet a network of rehabilitation centres where all disabled children to have access to. Most of the centres belong to NGOs. Situation is the same as concerns the day centres for disabled children who are not institutionalized. According to the data from SSPH, it came out that by the end of 1998, there were 59,386 disabled children, 0.3% of the total number of children in the country, but limited testing for children aged under 7 years should also be had in view. Out of total number of disabled children, 55,867 were living in their natural families, and 3,519 in health care institutions – hospital-homes. Beginning with 2001, most of the residential institutions for disabled children have passed under the County Councils and the County Departments for Child Protection and transformed into placement and rehabilitation

centres. According to the same source, 59,746 disabled children were registered by the end of 2001, out of which 58,688 in families and 1,058 in SSPH institutions. The 3,000 children in placement centres under the Departments for Child Protection have to be added to the above figure. It could be noticed a slight increase in the number of disabled children

The public space is still inaccessible to disabled persons both in public institutions and means of transportation which are not adapted for the persons with physical disabilities.

Children, disabled persons in general, are still rejected by the community which is not educated in accepting diversity, although NGOs have started such an education through their programmes. These programmes cannot cover the needs at national level.

### **6.3 General aspects of health care assistance for children in Romania**

The Public Health Law from 1998 sets the ground for funding national health care programmes. The necessary material basis for the implementation of these programmes is missing particularly in poor rural areas, where the local health care units are not functioning anymore after the establishment of individual consulting rooms of the family physicians. A Frame Contract for basic health care assistance has been drafted with a view to provide health care assistance for the segments of population less favoured from socio-economic point of view not registered with the family physicians. These changes specify that besides solving the public health issues for the patients on the lists, the family physicians have the obligation to solve public health issues on a certain territory (including prevention and healing services for children and mothers-to-be) without ethnic or other type of discrimination. The Directorate for Social Assistance and Family with the Ministry of Health and Family is in charge with implementation of a National Programme for Family Planning and protection of mother and child health condition, issue also approached by the other three national programmes in health field.

There is still a need of specialists in child health care – paediatricians (Faculty of Paediatrics was closed, and the general practitioners have to cover this lack) and nurses trained in providing assistance for children.

### **6.4 Health care in schools**

Health care in schools is not at an appropriate level due to the lack of medical personnel and training and to the lack of interest on behalf of teachers who should be involved more in children's education for health. Education for illness prevention should be generalized since the first years of school and beginning with the last years of lower secondary to start sexual and antidrug education.

### **6.7 Mental health, suicide, drug addicted**

The data supplied by different institutions in the past three years pointed out that the number of drug addicted persons, drug dealing networks recorded an alarming increase



and the age when youth started drug abuse decreased very much – 9 years of age (data supplied by the "Grigore Alexandrescu" Clinic Hospital for Children).

While in 1997, 4.5% of the students in the high schools in Bucharest abused of drugs on an occasional or permanent basis (Source: ISPSMPB), in 2001, 10.68% declared to have abused of drugs. It is to be added 9.9%, representing potential drug abusers, the ones who declared that would abuse of drugs when having a chance (Source: "High school students' knowledge, attitudes and trends as concerns the drug abuse" - Department for Public Health Bucharest, Salvati Copiii (Save the Children Romania).

ESPAD National Programme implemented in 1999 among 15 years of age students revealed an abuse of illicit drugs at 10% of them.

In 2001, the number of persons that addressed to health care services specialised in treatment of drug addicted was of 2,000 persons (Source: Ministry of Education and Health).

Legislation in the field adopted beginning with 2000 is a response to the alarming extension of these phenomena. The following laws and regulations have been issued:

- Law no. 143/2000 on combating drug dealing and abuse of illicit drugs;
- Guidelines for the endorsement of the provisions of Law no. 143/2000 on combating drug dealing and abuse of illicit drugs;
- Order no. 36219/2001 on organising prevention of illicit drugs abuse. Through this Order it is established an Interministerial Commission consisting of representatives of the Ministry of Interior, Ministry of Education and Research, Ministry of Health and Family Ministry of Public Administration, and Ministry of Youth and Sports. There are also established Antidrug Prevention and Counselling Centres in every county and sector of Bucharest;
- Order no. 3032/2002 on collaboration in the field of education and anticriminal training of the students. This Order is concluded between the Ministry of Education and Research and Ministry of Interior;
- "Education for Health" National Programme initiated and implemented by the Ministry of Education and research in partnership with non-governmental organisations. The aim of the programme is to introduce "Education for Health" as a subject from the school year 2003-2004 in all the education units. This subject aiming at equipping students with responsible attitudes both as concerns their own health and the health of those around them is optional and/or integrated in other subjects.
- Order no. 187/2002 for defining the types of health care units authorised to provide assistance to drug addicted, as well as the NGOs that could be authorised to carry out prevention activities on transmission of the pathogen microorganisms through blood among those abusing of injectable drugs.

Combating drug abuse and detoxication of the addicted persons face a series of constraints among which it is to be mentioned:

- Limited number of specialists in the field of combating illicit drug dealing, prevention, physical and psychological treatment for the persons affected by drug abuse;

- Limited number of specialised services (detoxication sections, post-treatment centres, ambulatory centres);
- Absence of services dealing with professional reintegration of the former drug addicts;
- Deficient monitoring as concerns the number of those abusing of illicit drugs, of drug abuse trends among young people;
- Incoherent antidrug prevention programmes.

## **6.8 HIV contamination**

Problems that haven't been settled in this field:

- The specific treatment is not continuously provided; there are important delays in organising the bids for the medicines specific for HIV contamination by the Ministry of Health and Family;
- Adjuvant treatments consisting in hepato-protecting vitamins, antibiotics, etc. although are free for children, they are released by family physicians for a limited number of children because the funds received from the National House for Health Insurance are limited;
- Respect of confidentiality by persons who by the nature of their job find about HIV+ persons is violated.
- Accompany salaries for HIV/AIDS persons are paid with important delays and sometimes with least than half of the amount stipulated (1,700,000 lei/month).

## **6.9 Family planning**

After abortion liberalization in 1989, total fertility rate rapidly decreased under the replacement level at 1.6 births/woman between 1990-1993, while the rate of abortion upon request doubled to 3.4 abortions/woman. The number of abortions has currently decreased as result of information and education campaigns and a wider access to contraception methods. The latest study on Reproduction Health in 1996-1999 still show a very low fertility rate of 1.3 births/woman and a rate of abortion upon request of 2.2 abortions/woman. Counselling for young people and families is still needed on family planning and using other contraception methods in order to avoid abortion.

# **7. EDUCATION, LEISURE, CULTURE (articles 28, 29, 30)**

## **7.1. General aspects regarding education system**

The initiative of Ministry of Education and Research to perform a structural reform of the education system in Romania is a positive aspect. But during the implementation process the reform meets many difficulties mainly due to insufficient resources allocated for education, but also to deficiencies in connection with education management and reluctance against change specific for this field.

Romania's Report show several of the difficulties the education system in Romania is facing and implicitly the direct beneficiaries of the system, the students, mentioning a series of measures the Ministry of Education and Research intends to apply for the future without setting precise deadlines and ways of measuring progresses.

One of the factors that have negatively affected the education process is poverty. On the background of a higher poverty degree (80% of the families with over 3 children are living under the poverty line, and over 50% of Romanian children live in these families) school drop out has increased and school enrolment has decreased.

Year	1995	1996	1997	1998	1999	2000
Poverty rate %	25.27	19.85	30.81	33.82	41.2	43

School drop out rate has recorded an increase in 1998 compared to 1994, from 2.0% to 2.2% (Statistic Yearbook of Romania – 2002). The percentage of students who have dropped out compulsory education shows an increasing trend from 0.6% in 1993 to 0.8% in 1998.

The highest school drop out rates are accounted for vocational schools, apprenticeship schools and foremen post-high school units:

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School drop out %	1993/1994	1995/1996	1997/1998
Vocational school	4.2	4.6	5.6
Apprenticeship school	6.8	6.9	7.4
Foremen post-high school	3.9	5.3	7.6

The projects initiated by NGOs for children and young people from less favoured communities could be an action model in order to reduce school drop out and/or give new opportunities for schooling and socio-professional integration. Thus, the "Second Chance" project initiated by the Centre Education 2002 + in partnership with the Ministry of Education and Research and the Norwegian Ministry of Foreign Affairs aims at enrolling during the period 1999-2002, 350 children and young people aged between 14-25 years who have dropped school for social reasons.

Among the educational aims, Ministry of Education and Research has in view "to train young people for a profession in order to carry out useful activities, producing material and spiritual assets". Analysing the evolution of unemployment rate in Romania, it is observed a constant high percentage among young graduates of vocational schools or high schools. Unemployment rate for young people is still at high levels: 20.8% in 1998 compared to 19.4% in 1996. The number of the unemployed aged under 25 was of 44.6% of the total unemployed in 1998.

Young people's professional training should be performed according to the evolution trends on the labour market. Partnerships should be established between the Ministry of Education and Research and the Ministry of Labour and Social Solidarity in order to find common directions concerning young people's professional training on the basis of the data supplied by specialised institutions in analyses and forecasts.

Another alarming aspect is the decrease by 21.6% in the number of children enrolled in primary education in the school year 2000/2001 compared to the school year 1995/1996 as result of the lower birth rate. Thus, for the school year 1999–2000, 17,200 children were enrolled in the 1<sup>st</sup> grade, while for the school year 2000–2001 only 16,000 children were enrolled (Caritas Association Bucharest). This aspect together with population changes in setting in rural/urban areas brings about a situation when schools in urban areas are still using a three-shifts programme (improper to children's needs of rest and the day periods of best performance, a stimulant for children's aggressivity due to the crowded schools that do not allow the existence of a necessary individual space, but also an evolution in declining children's responsibility towards the environment where they spend their time). On the other hand, there could be found situations when schools in rural areas are running with less than 10 students (1,000 in 11,800 school units), while 25% of the schools in rural areas are running with less than 25 students. This excessive fragmentation of the school units in rural areas is not only a waste of resources (human and financial), but also a small contribution of small communities to making education efficient.

As concerns the counselling and professional guidance office in schools, they are very limited in number. According to the General School Inspectorate in Bucharest, there were 53 positions of counsellors for the school year 1999/2000 for a number of 109,840 students in the lower secondary education and 84,672 students in high school education. This is mainly due to the limited budget allocated for education. The number of offices for school counselling has increased for the next years, reaching up to 78 school offices in the school year 2001/2002, in Bucharest. Establishment of these offices in schools depends on a minimum number of 800 students in a school. Nevertheless, school counselling and professional guidance is still a deficient field of the reform in education in Romania. Deficiencies appear on many plans:

- Confusion between tuition classes and counselling (teachers are not trained to solve counselling issues, and the lack of information generates their restrains in accepting the existence of these jobs);
- Limited number of school counselling offices at national level;
- Limited number of classes available for the school counsellors related to the number of students and the problems they face;
- Lack of necessary spaces in schools for the counselling offices and the poor endowment of the existing ones.

An aspect that is considered as not being accomplished is the absence of a national curricular standard on the rights of the child to make possible initial and permanent training of teachers on this issue. Although the national curriculum has been launched, teachers' training on this issue hasn't been anticipated, this resulting in a restrain of the teachers to make proposals for optional classes on the rights of the child. Time allocation during the civic education classes is not enough for the themes on human rights and child rights in relation with the volume of information and importance.

In this respect, the initiatives come from NGOs that carry out programmes in schools to inform children on their rights. Salvati Copiii (Save the Children Romania) in partnership

with the Ministry of Education and Research and the territorial School Inspectorates carries out information programmes in schools and high schools on the rights of the child ("We also have rights"), education for health programmes (sexual education, prevention of drug abuse, information on HIV/AIDS and sexually transmitted diseases). Young volunteers, high school and university students, are involved in these programmes and they discuss with students during the tuition and civic education classes about these themes.

The difficulty degree of the subjects included in the school curriculum has to be adapted to the intellectual development specific to children's age. At present, school curriculum is overloaded and the number of classes and the time dedicated for doing homework make that leisure and rest time of the child to be extremely limited compared to the necessities of a harmonious psychological and physical development. School curriculum has a limited degree of adaptability and usefulness related to the society needs, children being not sufficiently prepared for the challenges of the adult life.

Another issue that is not mentioned in Romania's Report is children's weak participation in the decision-making process in schools. In a study conducted by Salvati Copiii (Save the Children Romania) and UNICEF ("Children and their rights. The right to participation.", 2000), 62% of the children stated they were seldom or never consulted when decisions were taken in school environment.

## **7.2. Revival of rural education**

According to a report elaborated by the World Bank and the National Commission for Statistics in 1999 entitled "From poverty to rural development", out of the 7.5 million persons living under the poverty line in 1998, 4.2 million, namely 54.5% of the total, were living in rural areas. Poverty rate is higher by approximately 50% in rural areas compared to urban areas. The consequences of this depreciation in the living standards are also found in education, in the limited school enrolment and school drop out, infrastructure of school units in rural areas, quality of teachers.

The Institute of Educational Sciences with the Ministry of Education and Research has conducted the study "Rural education in Romania" where 95% of the school units in the education network have been involved (there have been taken into consideration data for 1995/1996, 1996/1997 and 1997/1998 school years). About one third of the school units in rural areas mention the existence of a limited enrolment in the area they recruit their students. The causes of the limited enrolment rate the most often mentioned are: poverty of children's families (42.5%) and keeping children home for household activities (28.8%).

It comes out that school drop out in rural areas accounts now for the following figures: primary education – 17.20%, and lower secondary – 40%.

Infrastructure is old especially in rural areas. In 1996, over 11,800 schools hadn't proper utilities (water supply, sewage, toilets, etc.), while 1,135 buildings were in a dangerous state of decay; 40% of the schools were built before the Second World War, and 21%

before the First World War. 1,133 school units were made of adobe (unburnt clay bricks); 353 schools were not supplied with electricity.<sup>2</sup>

Ministry of Education and Research has launched beginning with 1998 a programme for revival of rural education based on a loan from the World Bank. However, there haven't been taken yet concrete measures in order to improve the situation of education in rural areas.

### **7.3. The budget for education**

Education Law stipulates that the compulsory budget for education should be minimum 4% of GDP (Gross Domestic Product). Nevertheless, the situation was different for the period 1994 – 1998:

1994	1995	1996	1997	1998
3.1%	3.4%	3.6%	3.3%	3.6%

In other countries whose budget allocated for education is higher than Romania's budget (5% in Bulgaria, 6% in Hungary, 9% in Norway) personnel expenditures did not exceed 60%, while in Romania, in 1996-1997, they accounted for 80% of the budget allocated for education. The reduced budgetary effort in the field of education is reflected in the following negative aspects: depreciation of infrastructure and weak endowment of school units, low motivation of teachers (the salary of a teacher in the beginning of his/her career being under the average income in economy), limited number of qualified teachers in rural areas.

For the school year 2001/2002, 4% of GDP has been allocated for education as result of the teachers' and students' strikes. This budget is insignificant compared to the existing needs in education. Taking into account that GDP is decreasing, law should regulate allocation of a higher percentage of GDP for education, at the level of the European standards (7 - 8%).

### **7.4. Equal opportunities for education**

There are several categories of children whose right to non-discrimination and education is violated. Thus, children from less favoured families, disabled children, HIV/AIDS children, street children and Roma children do not benefit from equal opportunities as concerns the access to education. As results from an opinion poll conducted by Salvati Copiii ("Children's right to non-discrimination", 2001) the most rejected groups by children and adults in the school environment were: HIV/AIDS children – 52%, Roma children – 50%, street children – 48% and disabled children – 43%.

As it was presented before, family poverty is an important cause of school drop out phenomenon and of the limited enrolment. Therefore, in 1998, children from households under the poverty line were at a 2.5 times higher risk not to be enrolled compared to the

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<sup>2</sup> Andrei Marga – "Three years of changes in education", Bucharest, 2000

ones from households over the poverty line (Ministry of Education and Research, Institute for Educational Sciences, 2002).

One group at a high risk of non-attendance is that of disabled children. In 1998, about 40% of the children aged between 7 – 14 years from this category were not enrolled in education. In case of disabled children enrolled in special education system the right to equal opportunities to education is not respected. The number of students is constant from year to year (36,000 – 37,000), in spite of the demographic involution of population. This is due to the inclusion in special education, besides the disabled students, of children with chronic diseases, deviant behaviour and children from poor families. Integration of children with moderate and light disabilities in the mainstream education has started beginning with the school year 2000/2001. Practice highlighted the following drawbacks in the implementation of this project: integration was not preceded by a previous adaptation of the school programme and curriculum for the integrated students, information campaigns and training of the social actors involved in this change (parents, children, teachers); the teachers in the mainstream education haven't been trained to work with students with special needs and to facilitate their relation with students in the mass education in cultivating a tolerance relation; ambiguous status of the support and itinerant teacher.

A special category to be had in view is street children. This phenomenon spreads more and more not only in Bucharest, but also at national level, being associated with juvenile delinquency, child sexual exploitation and particularly with school drop out. From the quantitative and qualitative studies conducted by NGOs it comes out that there are 600 children living in the street in Bucharest, and 2,500 at national level. Most of the children living in the street dropped out school or have never been enrolled. Most of them do not have identity documents, what makes more difficult their enrolment in a type of education.

HIV/AIDS children meet difficulties in their integration in schools (particularly those in childcare institutions) due to the discriminatory attitude of teachers, students, and most of the other children's parents. By the end of 2000, 6,720 AIDS cases were registered in Romania, out of which 5,629 cases are children. In accordance with the age when HIV contamination was diagnosed, the highest number of AIDS cases is at children aged between 5- 9 years, namely 2,361 cases (1,383 boys and 978 girls) and at children aged between 1-4 years, namely 2,177 cases (1,292 boys and 885 girls) (Romania's Statistic Yearbook, 2001). At present, children diagnosed at the ages between 5-9 years are at school age, what makes that problems they face concerning integration to be much more difficult, specific problems to teenagers being added to the above.

Compared to other ethnic groups, the risk of school non-attendance at Roma children is about 6-7 times higher, 80% of the children who are not enrolled being Roma, and 23% of the Roma children cannot read at all (Ministry of Education and Research, National Institute for Statistics, 2002). A research conducted by Copiii (Save the Children Romania) - "Roma children in Romania" has drawn the following conclusions: school non-attendance reaches about 25% of Roma school aged population; most of Roma

children do not succeed to graduate primary education; illiteracy accounts for over 50% of total Roma population.

In order to implement the Governmental Strategy for the integration of the children in difficult circumstances, training and information have been left to NGOs. The initiatives for the integration of these children have come from NGOs because they carry out information programmes, programmes for changing the rejection attitudes, family support. Such programmes are: "Information and Coordination Centre for Homeless Children Protection" (school integration of street children), "Day Centre Petrila (Hunedoara)" – for less favoured children, financial support to prevent school drop out at Roma children, pre-school education for Roma children, support for social and school reintegration of disabled children from families and placement centres carried out by Salvati Copiii; "Gavroche House" (school integration of abandoned children) carried out by Salvati Copiii (Save the Children Romania) in partnership with Equilibre Association and Ministry of Labour and Social Solidarity; "Equal opportunities for Roma children" carried out in schools with a majority of Roma children beginning with September 2001 by Education 2000+ Organisation; "Pilot project of information, sensitising and school and community training with a view to integrate children and young people in difficult circumstances/ with special needs" carried out by CRIPS in partnership with RENINCO and Federation of Free Trade Unions in Education.

### 7.5. Recreational and leisure activities

The measures taken to ensure child's right to rest and leisure are insufficient. On one hand, the overloaded school curriculum, school programme and doing homework do not leave the necessary time for rest and leisure. **" On my opinion, our school programme is loaded too much, there are too many classes, and our spare time is too short" – Andreea M., 7<sup>th</sup> grade**. On the other hand, it is observed a lack of flexibility of school programme, low endowment of schools with sporting equipment and the absence of a sports hall in several school units. There is an incompatibility between the education system and the evolution of the mass communication means that produces a gap between what students are taught and the challenges of the society.

Education system is a conservatory and rigid one, children's skills being not detected and developed by specialists and missing a system for children's orientation to activity fields that fits him/her.

Although the number of the camps organised by the Ministry of Education and Research increased in the past two years, their cost is high related to the average income of the population. Therefore, children from families in straitened circumstances do not have equal access to such leisure time opportunities.

Access to culture could be provided through school libraries. Unfortunately, the books are old and do not correspond with children's interests and needs. In the end of 2001, Salvati Copiii (Save the Children Romania) organised the Festival of Christmas Trees, an event that aimed at raising funds for buying books for school libraries. As result of this



event, 29,149 books were distributed, out of which 5,758 from the Ministry of Education and Research, to 56 schools (3-4 schools in every county where Salvati Copiii has local branches and 8 schools in Bucharest). 44,237 children benefit from these books.

There are certain categories of children who are not provided with equal access to culture, leisure and recreational activities due to socio-economic factors: disabled children, children in hospitals, children from families with difficult socio-economic conditions, children in reformatory centres, working children, street children.

## **8. SPECIAL PROTECTION MEASURES FOR CHILDREN**

### **8.1. Refugee children**

Salvati Copiii (Save the Children Romania) provided assistance for 797 asylum seeking, refugee and unaccompanied children and 294 parents during the period 1999-2001. A special category is unaccompanied children whose number is increasing. The National Office for Refugees registered 55 unaccompanied children in 2000, while the number increased up to 121 in 2001.

From legal point of view, two legal documents elaborated with a view to comply with the international standards requested by the European Union are to be mentioned: Law no. 323/2001 for the approval of the Government ordinance no. 102/2000 on the statute and regime of the refugees in Romania and Government Decision no. 1191/2001 entitled "Special Programme for socio-professional integration of the foreign persons who have received the refugee statute in Romania".

Government Ordinance no. 102/2000 regulates for the first time in the Romanian legislation the term of "unaccompanied child" – a refugee child who is not accompanied by a legal guardian – and it is assimilated to the Romanian child in difficult circumstances.

Government Decision no. 1191/2001 is a major progress for Romania owing to the fact that it is the first legal document including measures for the integration of the refugees in Romania, and the National Office for Refugees – Ministry of Interior assumes this responsibility. Before the issuance of this document, integration of the refugees in Romanian society was done by NGOs with funding from UNHCR-United Nations High Commissioner for Refugees. Another progress is the regulation of the special classes for teaching Romanian language to be established by the Ministry of Education and Research in collaboration with the National Office for Refugees. Up to present, the courses of the special class for teaching Romanian language has been organised by Salvati Copiii (Save the Children Romania) with funding from UNHCR and ran at School no. 165. But as concerns the access of the refugee children to the Romanian education system there are still several deficiencies due to the fact that access to the Romanian education system is free only for primary and lower secondary education, and for other forms of education they have to pay fees in the same conditions as the foreign citizens, as it is set forth in Law no. 323/2001.

From the point of view of assistance for unaccompanied children in Romania is important to mention there is a close co-operation between the National Office for Refugees – Ministry of Interior, the United Nations High Commissioner for Refugees and Salvati Copiii (Save the Children Romania). Thus, to every unaccompanied children coming to Romania is appointed a curator by the Guardianship Authority, curators who are trained and recommended by Salvati Copiii (Save the Children Romania) and assist children all along the procedure to get the refugee statute. Up to present, Salvati Copiii (Save the Children Romania) has assisted 123 unaccompanied children.

Another progress is the establishment by the National Office for Refugees of two accommodation centres for asylum seekers and recognised refugees whose capacity is of about 750 places. In the two centres there are children's room, playing spaces where education and recreational activities are organised by Salvati Copiii's personnel. Children's rooms are the places where the asylum-seeking children adapt to a new culture, learn their first words in Romanian language, and refugee children are helped to do their homework.

## **8.2. Children in conflict with the law**

### **Administration of justice for underage children (article 40)**

As concerns the establishment of the courts of law for underage children, this would be possible for the next period by adopting the corresponding legislation to have in view the results of the project "Court of law for underage children - Iasi" coordinated and carried out by Social Alternatives and Magistrates Association Iasi. This experiment aims at providing and respecting the international standards imposed by the domestic and international law as concerns the criminal trials of young offenders and victims. The objectives are the following:

1. Provide the best environment for hearings for the determination of cases where underage children are involved;
2. Establish a team of specialists in instrumenting and judging the cases where underage children are involved;
3. Limit the consequences suffered by underage victims and their families.

Policemen, prosecutors and judges instrumenting the cases with underage child offender and victims were involved in the project. Both Police and Prosecutor's Office have assumed the obligations to closely supervise criminal cases where underage children are involved as offenders and victims, determine the matter without delay, activities for preventing juvenile delinquency and for social reintegration. In the court room where cases with underage children are judged, at the Justice Palace in Iasi, proceedings take place every Monday, alternating one week Court of Law Iasi and the other the Tribunal and Appeal Court Iasi. Gradually, the cases involving underage children have been directed to these specialised panels of judges and currently all the cases are determined in a special room. There are provided the conditions set forth in the Criminal Procedure Code on determining the cases of young offenders (article 485).

As an alternative justice model, this year is initiated an experimental project of restorative justice in two cities (Bucharest and Craiova). Restorative justice consists of a mediation process between victim and offender done by a neutral facilitator. Through this type of justice it is in view to limit the overcrowded activity of the courts of law.

The re-education centres (where the educational measure of accommodation is applied) are three (Gaesti, Tichilesti and Tg. Ocna). They will be multiplied in most of the counties in the country. However, they will be reduced in size, having in view not to accommodate over 200 children.

#### Modification of the Criminal Procedure Code

Modification of the Criminal Procedure Code is expected and community punishments will prevail in determining the cases where children under full legal age are involved.

### **8.3. Children in exploitation circumstances**

#### **Child's economic exploitation – article 32 (child labour)**

Romania ratified international legal instruments as ILO Minimum Age Convention no. 138 (1973) and ILO Convention on the Worst Forms of Child Labour no. 182 (1999), ratified in 1975 and 2000 respectively.

#### **Domestic law**

Romania does not have a Child's Code and the implementation of child protective policies, including those on child labour, is the responsibility of several agencies. Thus, the supervision of the observance of the norms regarding child protection falls under the responsibility of the following institutions: the Ministry of Labour and Social Solidarity, the Ministry of Health and Family, the Ministry of Education and Research and the National Authority for Child Protection and Adoption.

The main legal provisions on child labour are found in the Romanian Constitution, the Labour Code, the Family Code and in the ILO Conventions and recommendations.

Romanian Constitution, as the supreme law, institutes the following principles:

1. Forced labour is prohibited (article 39, par. 1).
2. Exploitation of children, their employment in activities that are likely to harm their health or morals, or that endanger their lives or normal development are prohibited (article 45, par. 3).
3. Children under the age of 15 may not be employed for any paid labour (article 45, par. 4).

The Labour Code, adopted by Law no. 10/1972 stipulates in article 7 that any individual aged 16 who does not attend any type of education has a moral duty to perform work that is useful to society, and that children aged 15 may be engaged in temporary work, whereas industrial work can only be performed starting at the age of 16.

Teenagers between 15 and 16 years of age can only be employed with the consent of their parents or legal guardians and only in work that is adequate for their physical development, their skills and their knowledge. The consent must be given by both parents, who have to sign the employment contract along with the child. The parents may reconsider their consent if the child's physical and psychic development is hampered in any way, in which case the employment contract is cancelled. Another necessary condition is the medical certificate (Family Code). This condition is meant to protect the child in situations in which the child's employment is abusively decided by parents in complicity with the employer.

The compulsory legal working hours of teenagers between 15 and 16 are 6 hours a day, without any cut in the remuneration, and minimum annual paid leave for teenagers up to 18 years is 24 working days.

Underlining the obligation of children between 14 and 16 years to graduate from compulsory education, Labour Code stipulates that the employer has the obligation to support child's attendance in school by completion of compulsory education.

### **The protection of teenage employees**

Teenage employees are protected in different forms from hard and hazardous works that may endanger their physical and psychological development.

Article 161, paragraph 2 of the Labour Code stipulates that working teenagers below the age of 18 cannot be engaged in hard, harmful and hazardous working conditions, and they cannot be used for night labour, nor in extension of the legal working hours. It also prohibits the use of teenagers in operations of handling dangerous materials or products (highly toxic, explosive, etc.), in dyeing operations that involve the use of toxic chemicals with a high lead concentration. Other high-risk activities that are banned from the work of teenagers under 18 are working at great heights, forestry, mining, petroleum and metal exploitation, automobile, naval or aircraft transportation, the exploitation and maintenance of roads and bridges, etc. (General Norms for Labour Protection).

With regard to manual work of loading, unloading and transportation, the engagement of children under 16 is prohibited. For those aged between 16 and 18, the maximum legal weights for transportation, handling and lifting are established according the child's age and sex (General Norms for Labour Protection).

### **The sanctioning system**

As regards sanctioning system for not respecting the free work and special provisions stipulated by law concerning child labour, Article 191 of the Criminal Code sanctions the act of forcing an individual to perform a work against his/her will with imprisonment from six months to three years.

Failure to observe the legal provisions on labour protection by the person in charge to take these measures at a workplace is sanctioned with imprisonment from three months to two years or money penalties, if this leads to an imminent danger of work-related accident or sickness. Money penalties are given for non-observance by the employers of

legal provisions regarding the conclusion and registration of employment contracts or collaboration conventions.

## Conclusions

The Romanian legislation on child labour prohibits any form of employment of children under 15. The legislation does not make a direct reference to the occasional work that a child may perform within the family to help the parents, nor does it refer to artistic or sporting activities. The interdiction of using children in hard work can be interpreted to infer that the children's engagement in the household activities or other activities is considered legal provided when it does not endanger their health and education.

The age segment 15-18 is treated differently by the law, the age of 16 being considered an age of transition from light work to industrial work. The fact that parents' consent is not compulsory in signing an employment contract for children aged between 16 and 18 places an extra amount of responsibility on this age category. This is not applicable with children under 16, for the employment of whom the law also requires a medical certificate.

**Table 1: Comparative table on age categories**

14 years	15 years	16-18 years
Compulsory education	No compulsory education Secondary education continued in vocational schools	No compulsory education Secondary education continued in vocational schools
	Written consent of parents for employment	No parental consent
	Medical certificate	
Household, artistic and sporting activities only	Light work	Industrial work
		Banning of hard or hazardous work

## The types and incidence of child labour

In 2001, a rapid assessment of the situation of working street children was conducted in Bucharest. The study indicated the following distribution of the worst forms of child labour for a sample of 150 children:

- Begging: 75 cases;
- Car washing/parking: 29 cases (17%);
- Selling goods: 25 cases (15%);
- Loading/unloading goods: 16 cases (9%);

- Household work: 14 cases (8%).

The rest of the interviewed street children were classified by the type of performed activity as follows:

- Collecting waste products: 9 cases;
- Stealing: 3 cases;
- Engagement in prostitution: one case.

### **Factors that contribute to the expansion of child labour**

- Poverty of all the origin families of the working street children;
- Family disorganisation (single parent families, alcoholic or imprisoned parents);
- A low level of education among the children's parents or legal guardians, which contributes to mentalities and cultural patterns that favour child labour;
- The urban environment in which children and sometimes their families live, an environment characterized by a lower degree of control and support than that of their original rural environment;
- Lack of legislation and poor enforcement of existing legislation to eliminate child labour.

### **Sexual exploitation/Sexual abuse (article 34)**

Special protection is provided by criminal law for the child below 14 who is victim of violence and sexual abuse. Law no. 140/1996 for modifying and completing the Criminal Code has increased the limits for the legal sanctions for raping perpetrated against an individual below 15 from three to ten years up to ten to twenty years. Criminal action is taken ex officio when victims are under legal majority age.

Article 200 incriminating sexual relations between persons of the same sex was repealed. The paragraph referring to the sexual relations between an adult and an underage child has been included in article 198 (sexual intercourse with an underage child): "The sexual intercourse, irrespective of its nature, with a person of different sex or the same sex aged below 15 is sanctioned with imprisonment from two to seven years and interdiction of certain rights. The same sanction is applied for sexual intercourse, irrespective of its nature, with a person of a different sex or the same sex aged between 15 and 18, if this is perpetrated by a legal guardian or curator, by a supervisor, caregiver, physician, teacher or educator who makes use of his/her quality."

Sexual perversion acts with a person below 15 is sanctioned with more severe punishment (imprisonment from two to seven years). The same sanction is applied for sexual perversion acts with a person aged between 15 and 18 if this is perpetrated by a

legal guardian or curator, by a supervisor, caregiver, physician, teacher or educator who makes use of his/her quality. Sexual perversion acts with a person in impossibility to defend himself/herself or to express his/her will by coercion are sanctioned with imprisonment from three to ten years and restriction of certain rights.

### **Illegal travelling of children (selling, trade, kidnapping)**

Criminal Code incriminates kidnapping within the offence of illegal confinement, as an aggravating form. Thus, illegal confinement of an individual is sanctioned with imprisonment from three to ten years. When confinement is performed by kidnapping and the victim is underage or is subjected to pain or his/her health or life is endangered, it is sanctioned with imprisonment from seven to fifteen years. Confinement of an individual with a view to practice prostitution is sanctioned with imprisonment from seven to fifteen years.

If an individual who is part of an organised group commits these criminal offences, they are sanctioned with imprisonment from five to fifteen years for the simple offence, and with imprisonment from seven to 18 years when confinement is performed by kidnapping and when the victim is underage.

Through non-governmental initiatives (Salvati Copiii in co-operation with the International Social Service), research has been conducted and programmes have been implemented in order to determine the extent and the problems in connection with this phenomenon of illegal travelling of children and assist children in such situations. Within these programmes 998 international cases were solved during the period 1991-2001, out of which 515 cases of unaccompanied children.

From the point of view of case type, the international cases mainly refer to unaccompanied children abroad, new-born babies abandoned in maternities abroad, separated families (children separated from their parents) asking for family reintegration, failed adoptions, medical treatment, sexual commercial exploitation, child labour exploitation, etc.

Due to the fact that the number of Romanian unaccompanied children in Europe, particularly in Italy, is increasing, Italian authorities have decided to provide assistance to Romanian Government in order to limit this phenomenon.

A collaboration agreement was concluded in August 2001 between the National Authority for Child Protection and Adoption and Salvati Copiii (Save the Children Romania) for an assistance programme for the unaccompanied children/teenagers on the Italian territory. As a consequence, beginning with July 2001, Salvati Copiii (Save the Children Romania) has received assistance requests from the Italian Branch of the International Social Service for 36 Romanian underage children between 4 and 17, out of which 26 boys and 10 girls. By the end of October, 88 cases were recorded, out of which 75 in Italy. As concerns cases of trafficked children, 4 cases were noticed in 2000 and 5 cases in 2001.

### **8.4. Children belonging to a national minority**

## **Considerations on the situation of children belonging to Roma minority and initiatives concerning Roma minority**

Roma population is very young; in 1998, one third were children aged between 0 and 14, the weight of old people was of approximately 5% and the average age of about 24 years of age. Childhood is shorter at Roma, especially for girls; over 50% of the girls get married before the age of 18, respecting Roma traditions. Due to the trends of decrease in fertility recorded at Roma population, the number of children is in a relative decrease, but Roma children's rights are not completely respected as result of the difficult economic situation.

The right to identity is not respected because more and more children do not have identity documents, a phenomenon generated by the "marriage without documents" practiced by the Roma traditional groups (about 83% of the couples aged between 15-19 are not legally married). Due to the absence of identity documents, Roma children meet difficulties in benefiting from certain rights (child allowance, education).

The involvement of local authorities – Town Halls, Police, and Departments for Child Protection – has started to be felt, but formalities are complicated and time-consuming. Simple procedures would be necessary and, in cases that seem to have no solution, a testimony of witnesses should be accepted to prove the identity.

The right to health is violated mainly due to a poor nutrition of children both quantitative and qualitative that results in avitaminoses, malnutrition, anaemia, dystrophy, rickets, enterocolites and food poisoning. The main cause is extreme poverty Roma families live in and the difficult access to health care (lack of health care units in the areas with a compact Roma population, medical personnel; they are not registered with a family physician, because they haven't been accepted, are not capable to pay health insurance or because of the lack of interest that accounts for their life style).

Immunization campaigns that included Roma children were performed with support from Roma NGOs and Roma ethnic health facilitators trained by Roma NGOs. A sustained education for health has started in schools with the support of NGOs' volunteers, including Salvati Copiii (Save the Children Romania).

Ministry of Health and Family and Local Councils should develop programmes for preventing sickness, education for health by involving health facilitators, who are accepted as profession and paid for their work.

Although the right to education is regulated in the Constitution and other laws and regulations, it is not observed for all Roma children. In pre-school education that is extremely important to prepare Roma children for school by acquiring the necessary skills, the number of Roma children is four times lower than for other children. As concerns primary education, the number of Roma children is lower by 15-25%, and by 30% for the lower secondary education. 90% of the children who are not enrolled in school coming from poor families are Roma. There still is a lack of confidence of the parents in school, in its usefulness as education in the schools in Roma communities has a lower level. Payment of child allowance based on school attendance resulted in an increased enrolment of Roma children in primary education. Discriminatory practices in schools still exist from teachers and the majority students and they lead to a lack of



interest of Roma children in going to school. There are to be added the lack of school supplies, food, clothes, using children in household activities or even sending them to work; all these contribute to depriving children of the right to education.

Ministry of Education and Research took a series of measures aiming at a positive discrimination in 1996-1998 (Romani language classes, special places in high schools and universities, appointment of Roma school inspectors at all the School Inspectorates). However, illiteracy is still high, as well as school drop out among Roma students.

Salvati Copiii (Save the Children Romania) has carried out a series of training courses in order to change mentalities of the teachers as concerns Roma children's rights, provided pre-school education models and a minimum support for Roma children (a meal, school supplies); these activities resulted in an increased school attendance and good school performances in those schools.

Social protection measures for poor families are needed first of all together with a better collaboration between all the responsible factors in child protection, development and education.

Government Decision no. 430 on the approval of the Governmental Strategy for the Improvement of Roma situation was approved in April 2001. This is a document that stipulates a series of concrete actions, including children, part of them supported and promoted by Salvati Copiii (Save the Children Romania). Unfortunately, there is no provision on financial support for the implementation of this strategy.

(Source for the statistic data – Indicators regarding Roma communities in Romania – elaborated by the Research Institute for the Quality of Life, Bucharest, 2002, funded by the European Union through PHARE).