Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Romania – 2nd Session – 2008
Date of consideration: Thursday 15th May 2008 - 9.00 a.m. - 12.00 p.m.

National Report

The National Authority for the Protection of the Rights of the Child, established in 2005, is the state authority responsible for monitoring the observance of the rights of the child.

The Constitution stipulates that treaties ratified by Parliament are part of the national law and Romania is party to the CRC and its two optional protocols.

Although not the result of any official policy, segregation in schools may happen, in various forms. The Ministry of Education, Research and Youth (MERY) formally prohibited the setting up of pre-school, primary and secondary classes comprising exclusively or mainly Roma students. In 2004, the Ministry issued an internal regulation outlining that schools and schools inspectors must take action to identify and eliminate any such practices. MERY adopted Order no. 1540/19.07.2007 formally banning segregation of Roma children in schools and, subsequently, approved the Methodology for preventing and eliminating school segregation of Roma children. In the same context, PHARE projects “Access to education for disadvantaged groups” (2001, 2003, 2004, 2005 and 2006) were designed, inter alia, to enable persons belonging to the Roma minority to fully participate in the social, economic and cultural life of Romania and have been implemented with good results.

A matter under the serious attention of the authorities in Romania is trafficking in human beings, as the country is considered a point of both origin and transit for trafficking in persons. The Government created in 2005 the National Agency against Trafficking in Persons (NAATP), as a specialised body of the central public administration under the coordination of the Ministry of Interior and Administrative Reform. The NAATP organises, on a regular basis, information and prevention campaigns in order to sensitize the general public and, in particularly, the risk groups (e.g. “Beware of “Perfect Opportunities” for Perfect Jobs”, targeting teenagers, but also adults who leave or want to leave the country to work abroad, July 2007-February 2008; “Campaign against Sexual Exploitation of Children” launched on February 12, 2008).

Freedom of religious education is guaranteed, as well as the right of the parents or legal tutors to ensure, in accordance with their own convictions, the education of their minor children. Participation of students to religious classes is optional. Religious education is organised in the public schools, but also in schools run directly by religious denominations (61 theological high schools, 22 faculties of theology, 34 confessional schools).

In the early ‘90s, as a result of the ill-conceived pro-natality politics implemented by the communist regime, Romania had to confront the enormous problem represented by the presence of an estimated number of 100,000 children placed in specially created institutions, run by the State, but underfunded and with few and untrained personnel. Ever since, the reform of child protection and the improvement of child care have been priorities for the Government. A new system was created in 1997 and responsibility for its functioning was transferred to the local level. The decentralised approach aimed at preventing institutionalisation by providing direct support to the families and closing down the large institutions while finding alternative solutions for protection. At the same time, the sheltering centres were placed under a single authority. In 2001, the Romanian Government adopted “The Government Strategy regarding the protection of children in difficulty 2001–2004”. The strategy proposed the adoption of a series of radical reforms with the purpose of bringing Romania in line with international standards of child welfare and protection. Priority number one was changing the “institutionalised” system into a “family” system. The reform meant closing large institutions and replacing them with alternative services, preventing child separation from the family by developing support services and adapting the Romanian child protection system to European standards.
The law no. 272/2004 concerning the protection and promotion of children’s rights represents the main element of the new legislative framework. Its very base consists in the fact that the parents are first to be held responsible for raising, educating and caring for a child, thus being entitled to receive all the help they need from the local authorities and the community, in order to fulfil their duties and responsibilities.

The National Authority for the Protection of Child’s Rights ensures all children’s rights on the Romanian territory are respected by intervening in the administrative and judicial procedures relating to the respect and promotion of children’s rights. Also, the National Authority for the Protection of Child’s Rights has initiated and is developing programs that address vulnerable categories of children: street children, children with disabilities or HIV/AIDS affected children, unaccompanied children on the territory of other states. The adoption of the new law was corroborated with significant awareness campaigns aimed at informing all those working within this field with and for the children, as well as those involved in the education of parents with respect to children’s rights. Public authorities, civil society and other partners started to share the responsibility for guaranteeing children’s rights as stipulated in the United Nations Convention on the Rights of the Child.

Romanian law focuses on the best interest of the child and articulates the principle according to which the parents have the main responsibility for raising and ensuring the development of their child. The subsidiary responsibility falls on the shoulders of the extended family and the local community to which the child belongs, the intervention of the state being complementary. However, the state retains the obligation to ensure the protection of the child and to guarantee the observance of all the rights of the child. The state can intervene in cases of abuse or severe deprivation. The law aims to change the idea that the state could replace parental care. The analysis of statistical data in the area of child protection shows that, between 2000 and 2007, the number of protected children in placement institutions decreased by more than a half (from 53,335 to 20,990) and the number of children protected by maternal assistants almost tripled (increasing from 5,157 to 18,116). This progress became possible through the allocation of financial resources from local authorities’, NGOs’ and the state budgets, through programs of national interest. One of the most important sources was the externally financed programmes.

The Romanian Children’s High Level Group (HLG) was established in 2000, as an independent forum co-chaired by the Romanian Prime-Minister and Baroness Emma Nicholson, member of the European Parliament. The Group includes representatives of the European Parliament, the Romanian Orthodox Church, the European Commission, UNICEF, the World Bank, the International Health Organisation and other international organisations, heads of diplomatic missions in Romania which implement programs in this field and representatives of the civil society. Having a consultative status, the HLG’s aim is to assist the Government in improving the health, development, education, protection and social involvement of all children and young people in Romania, according to international standards. The HLG has launched proposals for a national evaluation of all institutions of the child’s protection system.

After Romania’s accession to the European Union, the protection system had to respond to the challenge represented by the large number of children left at home, in the care of relatives, extended family or state institutions, by their parents who wish to seize the job opportunities offered abroad. Initially overlooked, this phenomenon has become a real cause for concern for the authorities, when it became evident that parents’ absence may have a serious negative impact on the development of the children left at home. Thus, a number of actions have been initiated, together with the application of new instruments for monitoring of this phenomenon by competent local and central authorities, in order to provide adequate strategies adapted to the real needs of these beneficiaries.

At present, the National Strategy for the protection of the child for 2008-2013 is about to be approved. The strategy strives to comprise the whole set of problems concerning the rights of the child in all sectors. At the same time, it aims to strengthen the mechanisms of implementation of the relevant legislation by taking into consideration the training needs, the creation of new services, especially day care services, based on a set of national minimum compulsory standards, monitoring mechanisms and the allocation of necessary resources, fields which were insufficiently covered so far.

The Law on education has undertaken certain changes until 2007. Nevertheless, it retains a special chapter XII on the education of persons belonging to national minorities. Article 118 stipulates that persons belonging to national minorities have the right to study in their mother tongue at all levels and forms of education, as well as the right to types of education for which there is a sufficient request, in accordance with the law. The languages studied in Romania by students belonging to national minorities are: German, Hungarian, Serbian, Slovak, Czech, Ukrainian in educational units with full instruction in the mother tongue; Turkish and Croatian in educational units with partial instruction in the mother tongue; Armenian, Bulgarian, Greek, Italian, Polish, Romani, Russian in educational units with instruction in Romanian but which ensure the study of the mother tongue.

According to article 32 of the Constitution, the right to education is provided by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as other forms of instruction and postgraduate improvement. Education at all levels take place in state, private or confessional institutions, according to the law. The autonomy of the Universities is guaranteed. State education is free, according to the law. The State grants social scholarships to children or young people coming from disadvantaged families and to those institutionalised, as stipulated by the law. Education at all levels shall be carried out in Romanian. The right of persons belonging to national minorities to learn their mother tongue and their right to be educated in this language are guaranteed. The Education Law no. 84/1995, as subsequently amended, establishes that education is a national priority and that the Romanian education system is organised on the basis of the principles of respect for human rights and equal access to education, without any discrimination, based on social or ethnic origin, gender, social or religious affiliation.

In accordance with the Law, education has as main objective the development of human personality through, inter alia, “education in the spirit of respect for human rights and fundamental freedoms, dignity, tolerance and free exchange of views; sensitivity towards human problems, moral and civic values (…)”. The general principles of respect for tolerance, democracy and human rights, as well as elements of education against racism, anti-Semitism and other forms of discrimination can be found, implicitly or explicitly, in the common core
conjunction with the other concerned States. CRC in 2003 and CEDAW in 2006 however remained concerned that the State continues to

highlighted that trafficking was one of the major concerns following his visit in 2004. A joint communication was sent in 2006 by the

monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders.

In 2003, CRC was concerned at the increase in violence against women, and that domestic violence against women may lead to child

In 2003, CRC noted with concern the high number of allegations of children being ill-treated and tortured by law enforcement officials

and regretted that the majority of these allegations have not been responded to. It was also concerned that they may not have been

effectively investigated by an independent authority. It recommended the State, inter alia, to take immediate measures to challenge the

prevailing culture of impunity for police violence against children.

In 2003, CRC was concerned at the increase in violence against women, and that domestic violence against women may lead to child

in the area of socio – humane sciences. Ordinance 137/2000 sanctions denying the access of a person or of a group of

erate is 97 per cent. The Ministry of Education adopted several regulations, within the framework of the education reform, to improve the participation of all children and young people to education and to reduce dropping-out and non-schooling. The focus was placed on disadvantaged categories such as children in rural or socio-economic disadvantaged areas, Roma ethnicity, and children with special educational needs and other vulnerable groups (institutionalised children, migrants, homeless children, HIV-positive children etc), persons above the upper age limit for enrolment in day education, drop-outs. In respect of children with disabilities, HIV-positive children or children suffering from AIDS, the relevant policies promote the principle of inclusive education. Although the education system has undergone substantial structural changes, low funding and an insufficient number of qualified teachers throughout the country continue to remain a problem. The State is making efforts to address this situation, notably by increasing budgetary spending on education to 6 per cent of the GNP, as compared to 3.4 per cent in 2004.

In the field of education, the Government has several important objectives such as ensuring universal access to the first 8 years of

education (including the total elimination of cases of non-enrolment in education), the gradual generalisation of the participation to vocational and high-school education, the eradication of the “homeless children” phenomenon, inclusive education for disabled persons, providing equal educational opportunities (an increase in educational opportunities for children from poor families, from rural areas, from Roma families).

In 2003, CRC was concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the

Convention. The Special Rapporteur on sale of children noted in 2005 that social indicators show the systemic exclusion suffered by Roma

communities, where they are overrepresented in statistics on poverty, unemployment and child mortality. Roma children accumulate a

series of exclusions and discrimination that result in their overrepresentation among street children, victims of trafficking and children

living in institutions. CEDAW noted with concern that Roma women and girls remain in a vulnerable and marginalised situation, in particular with regard to access to education, health, housing, employment, official identity documents and participation in political and public life. UNICEF similarly informed that there are various forms of discrimination against Roma children and that Roma remain the most rejected minority in Romania. While CRC in 2003 welcomed the implementation of strategies aimed at improving Roma children’s rights to health-care services and inclusion in education, it remained concerned at the negative attitudes and prejudices of the general public, in political discourse and media representations as well as of incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

In 1999, the HR Committee recommended that Romania pursue further measures, both legislatively and in practice, to ensure the rights of the Roma, in the public and private sector, particularly with respect to access to education and support for the Roma language. In 2003, CRC also recommended that the State develop and implement a comprehensive strategy in this regard.


UNICEF informed of the 2004 adoption of the “Law on the Protection and Promotion of the Rights of the Child”.

UNICEF informed that County Child Rights Observatories (CCRO) were established in 5 counties. CRC also noted the establishment of the Ombudsman in 1997 dealing with cases of violations of children’s rights.

Despite the adoption of various national plans and strategies concerning children’s rights, CRC was concerned in 2003 that the implementation of the Convention has been ineffective and recommended, inter alia, that Romania elaborate a comprehensive human rights-based national plan of action and strengthen the Child Monitoring and Tracking Information System.

The Special Rapporteur on sale of children noted in 2005 that social indicators show the systemic exclusion suffered by Roma

persons to any level or type of education on discriminatory grounds (as a contravention).

Education is compulsory for the first 10 years of schooling, beginning the age of six. According to the last statistics (2007), the average dropout rate following compulsory years is about 1.7 per cent (primary school) and 2.3 per cent (secondary school). The rate may be higher in poorer areas and among the Roma population. Overall literacy rate is 97 per cent. The Ministry of Education adopted several regulations, within the framework of the education reform, to improve the participation of all children and young people to education and to reduce dropping-out and non-schooling. The focus was placed on disadvantaged categories such as children in rural or socio-economic disadvantaged areas, Roma ethnicity, and children with special educational needs and other vulnerable groups (institutionalised children, migrants, homeless children, HIV-positive children etc), persons above the upper age limit for enrolment in day education, drop-outs. In respect of children with disabilities, HIV-positive children or children suffering from AIDS, the relevant policies promote the principle of inclusive education. Although the education system has undergone substantial structural changes, low funding and an insufficient number of qualified teachers throughout the country continue to remain a problem. The State is making efforts to address this situation, notably by increasing budgetary spending on education to 6 per cent of the GNP, as compared to 3.4 per cent in 2004.

In the field of education, the Government has several important objectives such as ensuring universal access to the first 8 years of

education (including the total elimination of cases of non-enrolment in education), the gradual generalisation of the participation to vocational and high-school education, the eradication of the “homeless children” phenomenon, inclusive education for disabled persons, providing equal educational opportunities (an increase in educational opportunities for children from poor families, from rural areas, from Roma families).

Compilation of UN Information


UNICEF informed of the 2004 adoption of the “Law on the Protection and Promotion of the Rights of the Child”.

UNICEF informed that County Child Rights Observatories (CCRO) were established in 5 counties. CRC also noted the establishment of the Ombudsman in 1997 dealing with cases of violations of children’s rights.

Despite the adoption of various national plans and strategies concerning children’s rights, CRC was concerned in 2003 that the implementation of the Convention has been ineffective and recommended, inter alia, that Romania elaborate a comprehensive human rights-based national plan of action and strengthen the Child Monitoring and Tracking Information System.

The Special Rapporteur on sale of children noted in 2005 that social indicators show the systemic exclusion suffered by Roma

communities, where they are overrepresented in statistics on poverty, unemployment and child mortality. Roma children accumulate a series of exclusions and discrimination that result in their overrepresentation among street children, victims of trafficking and children living in institutions. CEDAW noted with concern that Roma women and girls remain in a vulnerable and marginalised situation, in particular with regard to access to education, health, housing, employment, official identity documents and participation in political and public life. UNICEF similarly informed that there are various forms of discrimination against Roma children and that Roma remain the most rejected minority in Romania. While CRC in 2003 welcomed the implementation of strategies aimed at improving Roma children’s rights to health-care services and inclusion in education, it remained concerned at the negative attitudes and prejudices of the general public, in political discourse and media representations as well as of incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

In 1999, the HR Committee recommended that Romania pursue further measures, both legislatively and in practice, to ensure the rights of the Roma, in the public and private sector, particularly with respect to access to education and support for the Roma language. In 2003, CRC also recommended that the State develop and implement a comprehensive strategy in this regard.

In 2003, CRC was concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the Convention.

In 2003, CRC noted with concern the high number of allegations of children being ill-treated and tortured by law enforcement officials and regretted that the majority of these allegations have not been responded to. It was also concerned that they may not have been effectively investigated by an independent authority. It recommended the State, inter alia, to take immediate measures to challenge the prevailing culture of impunity for police violence against children.

In 2003, CRC was concerned at the increase in violence against women, and that domestic violence against women may lead to child abuse in the family. CRC recommended, inter alia, the State, to expressly prohibit corporal punishment in the home, school and institutions; to promote alternative methods of discipline; and to establish effective procedures and mechanisms for receiving, monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders.

While the Special Rapporteur on the sale of children noted that Romania has one of the most comprehensive anti-trafficking laws, he highlighted that trafficking was one of the major concerns following his visit in 2004. A joint communication was sent in 2006 by the Special Rapporteurs on the sale of children, trafficking and on migrants, highlighting the growing number of children trafficked from Romania to other European states raising specific concerns regarding the limited resources set forth to combat the sexual exploitation of minors. The Government provided a comprehensive reply setting forth the measures undertaken, both at the national level and in conjunction with the other concerned States. CRC in 2003 and CEDAW in 2006 however remained concerned that the State continues to
be a country of origin, transit and destination for trafficked women and children. The Special Rapporteur also noted that while growing information and attention is being paid to internal trafficking, which is often the first step to international trafficking, the very same girls and women are considered by the law as victims if they are rescued from international trafficking and as criminals if they are prostitutes in their own country.

The Special Rapporteur on the sale of children also expressed concern at Law 11/1990, which liberalised international adoption, bringing a massive influx of foreigners seeking to adopt. He noted that the vast majority of the children in institutions were not actually “orphans” and that adoptions taking place outside institutions led to corruption. The law on the legal regime of adoption (2004), which restricts the possibility of international adoption to cases where one of grandparents resided abroad, was welcomed by the Special Rapporteur as a firm reaction to past irregularities and as a conducive measure to develop intra-country alternatives in the best interest of children.

In 2005, the Special Rapporteur on sale of children noted that cases of sexual abuse were underreported. He identified various causal factors that discourage victims, generating a sense of impunity that nurtures the perpetuation of these crimes.

In 2003, CRC remained concerned, inter alia, that there are no judges specially trained and appointed for cases involving minors; that a high number of children are in pre-trial detention; and that there is a serious lack of capacity within the judicial system to provide rapid intervention or trial, as needed, for juvenile offenders. CRC recommended, inter alia, that children be detained separately from adults and that alternative measures be promoted for dealing with children without resorting to judicial proceedings. UNICEF informed that punitive measures are still preferred by the courts, in spite of the fact that the new Penal Code allows and recommends educational measures.

In 2003, the CRC was encouraged by ongoing efforts aimed at addressing the problem of child labour. However, CRC was concerned that the number of children working in the city streets, in rural areas and households is still high; that many children, as young as 6 years, are engaged in regular work as a means of overcoming poverty; and, that some children entitled to work do so in very poor conditions. In 2004 CCA similarly informed that Roma children often work in order to contribute to the family income often under intolerable working conditions with the high risks of accidents, sickness or of being involved in illegal activities. UNICEF stated that about half of all children working in Romania are considered part of the exploitative category of child labour. CRC recommended the State to take immediate and effective steps to ensure the implementation of the Convention and of ILO Conventions No. 138 and 182.

In 2003, CRC was concerned at the poor quality and accessibility of primary health-care services, especially in rural areas, and for poor households; at the high infant mortality rate, particularly in rural areas; that a high proportion of under-5 deaths are due to preventable causes; and at the high rate of child morbidity as a result of accidents. CRC was also concerned at the limited availability of programmes and services in the area of adolescent physical and mental health; the number of suicides; the high number of young mothers and of abortions among teenage girls; the high rate of sexually transmitted diseases; the alarming increase in the number of children addicted to drugs, the high rate of smoking and alcohol consumption and the lack of awareness of the problems caused by these negative behaviours. In 2006, CEDAW expressed concern that the rates of abortions and maternal mortality still remain high, although noting their decrease since the beginning of the 1990s as a result of Government efforts. The 2006 and 2007 UNDP reports indicated that the maternal mortality ratio decreased in the period 1990-2005.

In 2003 CRC remained concerned at the incidence of HIV/AIDS among young children; the high rate of new infections affecting young people, particularly among minorities; and the fact that treatment, although free, is provided only to a limited number of children and may lack continuity due to funding limitations. In 2004, the Special Rapporteur on the right to health noted that Romania had one of the highest prevalence rates of HIV and AIDS in Central Europe, and the largest number of children living with HIV in Europe. While acknowledging that in recent years, the Government has led a dynamic campaign to provide treatment and care for people living with HIV and AIDS, and that in some ways, Romania’s approach to HIV/AIDS treatment and care is a model, the Special Rapporteur made several recommendations regarding addressing HIV prevention as well as gender inequalities, stigma and discrimination. In 2006, the Special Rapporteurs on the right to health and on education stressed continuing widespread discrimination against children and young people living with HIV/AIDS being denied adequate medical care, to which the Government provided a detailed response setting forth the legal framework and the measures taken.

A 2005 UNICEF report indicated that nearly 88 per cent of Roma in Romania live below the national poverty line, noting that Roma men and women are less likely to have health insurance and to be enrolled in a family physician’s practice than their Romanian counterparts. The Special Rapporteur on the right to health also reported the degrading and dangerous living conditions of street children and noted that access to health care is a major problem.

The persistence of the problem of child abandonment was also an issue of concern to the Special Rapporteur on the sale of children. In 1999, the HR Committee recommended the State to take all necessary measures to protect and rehabilitate these children, guarantee them a name, and to ensure that all births are duly registered in Romania. While CRC was encouraged in 2003 by the ongoing initiatives to decrease the number of street children, it recommended the State, inter alia, to strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalisation, family reunification and recovery and reintegration services. The Special Rapporteur on the sale of children noted that after 1990, there had been a process of transformation of old-type residential institutions, which was a significant achievement. He highlighted, however, the need to establish a mechanism to automatically allocate a budget for foster families, needed to take care of children between birth and the age of three who, should not stay in institutions, according to a 2005 law.

While noting the initiatives to launch special programmes and provide free textbooks and school materials, CRC was concerned, in 2003, at the disproportionately high number of children from rural areas and the percentage of girls who are dropping out of school. It was also noted that the curricula and teaching methodology do not reflect the aims of education contained in the Convention. In 2005,
the Special Rapporteur on sale of children expressed his concern regarding the situation of acute poverty in some rural areas, noting that education provided in primary schools is said to be of poor quality, with inadequate infrastructure, whereas high schools are often too distant for many adolescents, with the cost of transport being an obstacle to the pursuance of studies. CRC recommended that the State, inter alia, make every effort to ensure that compulsory education, and possibly secondary education, is free for all children and strengthen the institutional capacity of State education. CRC also recommended the State to ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seeker and refugee children in the education system; and to consider preferential treatment for refugees to benefit from exemptions from reductions in tuition fees for upper secondary and university education.

The Special Rapporteur on the sale of children highlighted as positive elements a new package of laws on children’s rights, the decentralisation of the child protection system, a number of national action plans, and a new generation of dedicated professionals working in the area of child protection. UNICEF informed of the enlargement of the national Baby-Friendly Hospital (BFHs) initiative, as one efficient way to improve mother and child health and the nutritional status of infants, and an effective way to prevent child abandonment.

However, UNICEF noted that the situation of vulnerable, excluded and/or discriminated groups of children in Romania continues to be challenging in spite of considerable reforms and improvements. A 2005 UNHCR report informed of the adoption of the Government’s strategy for the improvement of the conditions of Roma in April 2001. Although well conceived, it is not showing the expected results, due to gaps in implementation.

**Summary of Stakeholders’ Information**

According to Save the Children Romania (SCR), Romania still has no Ombudsperson for Children. A deputy for “the rights of children, family, youth, elderly people and persons with disability” is acting within the National Ombudsman. The number of received petitions and actions taken ex officio regarding children’s rights is extremely low due to insufficient information, mainly with regard to the existence and role of this institution. SOS Children’s Villages Romania (SOSCVR) added that two national governmental bodies share responsibility for monitoring information on children with disabilities. These bodies have different definitions of what a "disability" is.

The Society for Threatened Peoples (STP) quoted a 2007 Open Society Institute study which showed that 20 to 30 per cent of Roma do not possess birth certificates or identification cards. STP noted that it is probable that the real number of Roma without official registration is much higher. SCR mentioned that there is no official statistical data available on this issue. It added that cases of children deprived of identity documents mainly affect the Roma ethnic group or the category of street children. The Romanian Independent Society of Human Rights (SIRDO) noted that children without identity papers can easily become victims of illegal adoptions or of human trafficking. ECRI insisted on the need for a swift solution to the problem of Roma who have no identity papers.

SCR highlighted that the statistics provided by National Administration of Penitentiaries and Ministry of Justice show that almost 45 per cent of the total number of children deprived of liberty are held under police arrest or in penitentiaries. In article 57, the Criminal Code provides that minors sentenced to imprisonment should execute their penalty separately from adult detainees or in special detention places, while having the opportunity to continue their compulsory education and acquire a vocational training adapted to their skills. Nevertheless, during preventive arrest, which may last a few months, children are not included in any form of school education or vocational training. SCR added that the new judicial organisation law represents a regression in terms of juvenile justice as it replaces the obligation of setting up specialised juvenile and family courts with the possibility of establishing such courts, leaving the decision up to the presidents of the court.

SCR observed that although the Romanian Government has developed the institutional and legislative framework for preventing and combating child abuse and trafficking, implementation of these measures is slow. A 2005 study showed that 8.5 per cent of the sex workers interviewed during the investigation proceedings were minors, and 20 per cent of them had spent part of their childhood in child protection institutions. Furthermore, 45 per cent of them declared they had been sold/bought, compared to 24.5 per cent of the girls who had never been to such in child protection institutions.

SCR mentioned that there has been a massive migration of Romanians within European borders. This phenomenon is more characteristic for poor areas of the country, where large communities migrated abroad, leaving behind a high number of children, in the care of grandparents, other relatives or even in no-one’s care. According to SCR, in June 2007 the National Authority for the Protection of Children’s Rights informed that a minimum of 82,464 children were left in the care of one or no parent while they were abroad for work. SIRDO maintained that there is no coherent national policy on this, in spite of suicide cases being recorded among children who had been abandoned in a precarious family environment or with no form of adult care.

SCR reported that despite the frequency of child labour cases, it has data confirming that for the year 2005, no-one was accused or convicted under laws banning child labour. According to a report on child labour in Romania, developed in 2004 by the National Institute of Statistics, the number of children involved in the worst forms of labour in urban and rural areas is about 70,000.

SOSCVR stated that despite increasing national political commitment and international political pressure, the situation of children with disabilities in Romania has not improved over the last decade. On the contrary, children with disabilities are increasingly at risk of being abandoned and placed in residential care, and their rights and potential for development are consequently ignored. Children with disabilities are often ignored, excluded (or even hidden) and are still perceived as being children with “special needs” rather than being rights holders. About 10,000 children with disabilities have no parental care: 70 per cent of them are in public or private placement centres and 30 per cent are in foster care.

SCR noted that there had been a decrease in the number of children with disabilities living in institutions, yet there was still poor access.
to recovery care for children born in rural areas. It also regretted the lack of so-called “respite centres” which allow parents to rest for periods of time. SOSCVR mentioned that many children with disabilities, especially those who are most vulnerable to neglect and abandonment due to their social “invisibility”, are not certified as disabled by the local authorities. The lack of certification deprives children and their carers of any kind of support, which in many cases would greatly contribute towards improving their living conditions.

SIRDO highlighted that the abandonment of new-borns in hospitals is a phenomenon that continues to exist in Romania. Concerning abandoned children, the CoE CHR recommended in 2002 that Romania ensure that the process of closing obsolete institutions proceeds, that care programmes are introduced to aid the social integration of the young people leaving them; frame a policy for preventing abandonment of children, to involve awareness-raising and education campaigns; and examine the possibility of setting up reception centres for mothers. SOSCVR observed that at the age of 18, children are reintegrated into their families (very often the family that abandoned the child in the first place), or placed in institutions for adults with disabilities. SCR stated that there is a need for coherent strategies to be applied during institutionalisation, so that the young persons can adapt to the requirements of an independent life and mitigate the shock of de-institutionalisation.

Concerning children with mental disorders, SCR stated that there are no psychiatric departments for children, who are placed within adult psychiatric departments where they are not supervised, they are sedated and at risk of being aggressed and intimidated by adult patients. The Centre for Legal Resources (CLR) mentioned that the exact number of children with mental disabilities, as well as the type of care or number of institutions accommodating them are hard to establish and these figures are not clearly reflected in official statistics.

SCR mentioned that statistics show an increasingly worrying situation regarding drug consumption in Romania. While drugs like marijuana were used in the past, now there is a direct passing to intravenous heroin. Consumers’ age has decreased dramatically. According SCR research conducted in 2004-2005, 4 per cent of the children aged 11 to 18 have used drugs. Children living in large cities, especially boys, are the most exposed. SCR highlighted that there are few centres for methadone treatment, and that, despite the existence of services dealing with the physical addiction, there is no constant intervention on the psychological addiction developed by drug use.

SCR stated that the reform of the national educational system registered a rapid evolution, but the generated effects were not always positive. The main problems of the educational systems are given by the instability of the adopted measures, by reduced financial motivation of the teachers and by the major differences between rural and urban areas as to material conditions and scholar registration rate. The poor economic situation of a large number of families and also parents’ and children’s mentality towards education contributed to a high school drop-out. According a research carried out by the Open Society Institute in 2006 and quoted by SCR, in the Roma families’ culture, girls are generally encouraged to leave school earlier than boys.

With regard to education, the STP stated that Roma continue to be discriminated against. In comparison to children of the same age of the majority population, Roma children have considerably higher rates of illiteracy. On average, they also attend school for fewer years and in many cases they are automatically sent to schools with higher Roma rates. Several studies show that there is de facto segregation in the education system. In Romania schools are considered “segregated schools” if more than half the students are Roma. In rural areas segregation is more widespread. Due to this segregation system Roma children are strongly disadvantaged in terms of their chances for social integration and advancement.

Although legislation was adopted in July 2007 banning segregated schools, according to RCRISS the legal provisions regarding segregation are not enough for eradicating this phenomenon. Few school directors are aware of this legislation. Though not a state policy, in practice segregation does occur, leading to educational and social malfunctions, particularly in terms of unequal quality of education. The education of children with disabilities still takes place mainly in segregated form, although remarkable efforts for including them in the mass education system are being made. SCR stated that the school registration rate of Roma children is much lower than the national average. Also, multicultural education is still insufficiently promoted; the number of classes in Romani language is low. HRW mentioned that more than 7,200 Romanian children and youth are living with HIV—the largest such group in any European country. Fewer than 60 percent of Romanian children living with HIV attend any form of schooling. Children in school risk ostracism, abuse, and even expulsion if their HIV status becomes known.

Final Report

- The Ministry of Education, Research and Youth issued an order formally banning segregation of Roma pupils and adopted a methodology for the prevention and elimination of segregation of Roma children in schools.

- As concerns protection and promotion of the rights of the child, the authorities placed great emphasis on reform and a large number of NGOs and charities have consistently assisted the Government and local communities in addressing issues relating to children. She informed on the newly established National Authority for the Protection of the Rights of the Child which intervenes in administrative and judicial procedures in order to ensure that the rights of children are observed. The National Authority for the Protection of the Rights of the Child has recently drafted the National Strategy for the protection and promotion of the child’s rights for 2008-2012, which is a comprehensive strategy for all groups of children, including children with disabilities. Recently, the Romanian authorities have started to address the challenge represented by the large number of children who suffer from the prolonged absence of their parents who left the country in search for job opportunities abroad.

(ii) Interactive Dialogue and Responses by the State under Review

- Algeria recommended that Romania continue to work on improving the situation of children’s rights, in particular Roma children’s
Japan commended Romania on measures to protect and promote the rights of children. It sought further information on concrete
vulnerable categories of children. It also asked if Romania will address this problem as part of its National Strategy for the protection of
the care of grandparents or other relatives, or who do not receive any care. It asked if Romania has a coherent national policy to address

Bosnia and Herzegovina made reference to information contained in the summary report with regard to a high number of children in
specifically Roman women and children.

Germany inquired on Roma's NGOs actively working to improve by mutual assistance within community network the situation of,
through, inter alia, equitable access to basic services and education.

Bangladesh asked about measures taken to implement the recommendations made by the Committee on the Rights of the Child.

The Czech Republic sought further information on measures taken to prevent and fight trafficking in women and children and
recommended that Romania strengthen the protection of victims of trafficking against criminalisation.

- The United States of America asked what the Government has done to ensure that government entities responsible for the
implementation of the 2005 child welfare law are aware of their responsibilities and are performing their duties in a manner as required.

- Welcoming Romania’s commitment to initiatives aimed at improving the human rights of the Roma minority, the United Kingdom
remains concerned that Roma still do not enjoy full equality of access to education and asked about steps taken to address this issue.

- The United Kingdom welcomed the progress made in supporting children with disabilities, but noted that much still remained to be
done.

- France encouraged Romania to better integrate Roma with regard to housing, health and education. On the rights of the child, it backed
Algeria’s recommendations to guarantee better the rights of the child, especially the rights to civil registry, education, health and
protection against violence.

- The Republic of Korea enquired about measures that have been taken by Romania to address issues related to the health of street
children.

- Ireland recommended that Romania continue to take further action to combat the prevalence of HIV/AIDS among children and
discrimination against people living with HIV/AIDS by providing adequate treatment and information.

- Mexico commended Romania on measures adopted to prohibit all forms of discrimination and progress made in the area of education and
reform for better protection of children.

- Mexico recommended that Romania intensify its efforts to implement the recommendations made by the Special Rapporteur on the
sale of children, child prostitution and child pornography and the Special Rapporteur on the human rights of migrants.

- Sudan sought information on legal and international cooperation and measures Romania is taking to harmonise the protection of
children’s rights. It would like to benefit from Romanian’s experience in protecting the rights of children and protecting them from
attempts of abduction abroad and deportation.

- Senegal sought information on the achievements of the National Authority for the Protection of the Rights of the Child and on the role
this body could play in implementing the national strategy for the protection of the rights of the child.

- Turkey asked about additional measures taken to address child abandonment.

- Italy recommended that Romania develop a national strategy for human rights education in the school system, in accordance with the
Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and
textbooks, the training of teachers, and the practice of human rights in the school community.

- Romania responded that the national strategy on the rights of children 2008-2013 will be adopted. It is the first strategy that refers to all
categories of children including children with disabilities.

- The Czech Republic sought further information on measures taken to prevent and fight trafficking in women and children and
recommended that Romania strengthen the protection of victims of trafficking against criminalisation.

- Bangladesh asked about measures taken to implement the recommendations made by the Committee on the Rights of the Child.

- Philippines encouraged Romania to ensure that persons living with HIV/AIDS, especially children, can fully enjoy their human rights
through, inter alia, equitable access to basic services and education.

- Germany inquired on Roma’s NGOs actively working to improve by mutual assistance within community network the situation of,
specifically Roman women and children.

- Bosnia and Herzegovina made reference to information contained in the summary report with regard to a high number of children in
the care of grandparents or other relatives, or who do not receive any care. It asked if Romania has a coherent national policy to address
this problem and if the National Authority for the Protection of the Rights of the Child has developed programmes that address those
vulnerable categories of children. It also asked if Romania will address this problem as part of its National Strategy for the protection of
the child for 2008-2013.

- Japan commended Romania on measures to protect and promote the rights of children. It sought further information on concrete
measures that Romania is planning to take to raise public awareness of trafficking risks. Japan welcomed Romania’s sincere efforts to implement a wide range of measures addressing the issue of discrimination against the Roma minority. However, it noted concerns expressed by the Committee on the Rights of the Child and CEDAW in that regard and requested information on how various institutions engaged in the elimination of discrimination against the Roma work together to implement strategic plans and measures in a coordinated way to address this issue in a comprehensive manner.

- Chile made reference to information in the compilation and the summary reports with regard to discrimination against Roma population, and while noting efforts in this regard, called upon the Romanian authorities to adopt strategies to improve the living conditions of Roma, especially women and children, through programmes that involve the Roma community and give them a sense of ownership.

- The Netherlands appreciated the response to the written questions and noted that integration and discrimination of Roma minority is a major challenge for Romania, especially in the field of education, housing, health care and employment. It recommended that Romania take further appropriate and effective measures to eliminate discrimination against Roma and ensure in particular their access to education, housing, health care and employment without discrimination, and to provide follow-up to the recommendations of the human rights bodies in this regard.

- The Russian Federation noted that according to the Committee on the Rights of the Child, cases of ill-treatment against children and use of torture by the authorities or health service staff are still widespread. It also referred to a number of concerns expressed by treaty-bodies regarding the high levels of domestic violence not only in respect to women but also to children. It recommended that the Government of Romania, inter alia, expressly prohibit corporal punishment in the home, school and institutions and to promote alternative methods of discipline. It referred to reports by the Committee on the Rights of the Child and UNICEF on child labour and recommended that Romania take effective steps to ensure implementation of the Convention on the Rights of the Child and ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elmination of the Worst Forms of Child Labour.

- While acknowledging efforts in combating trafficking, Australia noted with concern reports of continuing incidents of trafficking in persons, especially women and children. It sought further information as to how Romania is seeking to address this issue.

- The delegation of Romania responded to questions put to it. With respect to issues raised on trafficking of persons, it recalled that a comprehensive system was developed and is currently in place. With regard to the legal framework, all relevant international instruments have been ratified and translated into domestic law. At the institutional level, Romania has specialised units at the level of police and border police, a network of prosecutors and the Directorate of Organised Crime and Terrorism. At the operational level, Romania has in place a national strategy for the period 2006-2010 and a first National Action Plan has been already implemented. Discussions are under way for a new National Action Plan for 2008-2010. A national database has also been established in order to respond rapidly to the need of victims and there are approved standards on the assistance to victims. The National Agency against Trafficking in Persons also provides grants to NGOs to assist victims. Awareness and prevention campaigns which target children and women have also been developed. With the support of the US Department of State and the Embassy of the United States in Bucharest, Romania has developed a victim-witness coordination programme. Some trends have also been identified, indicating a decrease in the total number of victims of trafficking, a decrease in the number of victims trafficked for forced labour, and a decrease in the number of women trafficked for sexual exploitation.

- Regarding children of parents living abroad, Romania is focusing on prevention measures and also is offering best services in order to maintain them in their familiar environment. With regard to the issue of child abandonment, it indicated that the National Authority for the Protection of the Rights of the Child has concern in this regard and is working together with the Ministry of Public Health to establish obligations for all responsible institutions to be involved, including with the view to provide a legal identity for the children.

**Conclusion and Recommendations**

In the course of the discussion, the following recommendations were made to Romania:

- To ensure that people living with HIV/AIDS, especially children, can fully enjoy their human rights through, among others, equitable access to basic services and education (Philippines);

- To strengthen its efforts in bringing more equity in ensuring rights and opportunities of rural communities especially, ethnic minorities, women and children who live in those areas (Mexico);

- To continue to work on improving the situation of children’s rights (Algeria, Tunisia), in particular Roma children’s right in the areas of health care and education and to work on the negative attitudes and prejudices by the general public, in political discourse and media presentations, on police brutality and discrimination and to raise awareness of the need to improve the overall situation of human rights (Algeria); and to guarantee better the rights of the child, especially the rights to civil registry, education, health and protection against violence (France);

- To intensify efforts to implement the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on human rights of migrants (Mexico);

- To, inter alia, expressly prohibit corporal punishment in the home, school and institutions and to promote alternative methods of discipline (Russian Federation);

- To take effective steps to ensure the implementation of the Convention on the Rights of the Child and the ILO Conventions No. 138
concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Russian Federation);

- To develop a national strategy for human rights education in the school system in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers, and the practice of human rights in the school community (Italy).