



Developments of the Rights of the Child in Romania

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Save the Children Romania (Organizația Salvati Copiii) is a national non-governmental organization, established in April 1990, which works for promoting, defending and monitoring children's rights as set out in the UN Convention on the Rights of the Child. It is also a member of the International Save the Children, an international movement that supports child rights, an umbrella organization of 28 member organizations that are working together in over 120 countries. Save the Children's mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation.

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I. DEVELOPMENTS CONCERNING THE NORMATIVE AND INSTITUTIONAL FRAMEWORK

1. Before looking at particular problems faced by children in Romania, we have to analyse the system in place – including the legislation, monitoring and coordination mechanisms, institutional framework, budgeting and national policies – that should ensure that all the rights of the child are respected and enforced. The reasons for this initial analysis are that important structural changes took place during the last years and that fewer children will be found in vulnerable situation if this system would be comprehensive and efficient.

2. The enforcement of the rights of the child in Romania is highly affected by **the lack of an effective system for the coordination and monitoring of child's rights implementation** at all levels – national, county and local – shows a Save the Children Romania research¹.

Even though the existence of the National Authority for the Protection of Family and Child Rights had been a prerequisite for the country's accession to the EU, and contrary to the requests of the UN Committee on the Rights of the Child, on June 30th, 2010, the Government decided to close down this national authority and to transfer its powers to an internal directorate of the Ministry of Labour, named the Directorate General Child Protection. The complexity and interdependence of the measures meant to transform child rights into reality **require national coordination**. Although the natural process of reform in the field of child rights would have required the consolidation of the mandate and position of the national institution responsible for child rights, the Romanian authorities decided otherwise. They mentioned the current economic context as the justification of this decision. The authorities decided the closure despite the fact that, just because of the crisis, it would have been necessary to focus more on one of the most vulnerable social groups – children.

In addition, **no stakeholders interviewed by Save the Children were able to indicate with precision which county or local institution is responsible for coordinating the implementation** and observance of children's rights, most of them saying that they are just taking guesses and that there is a need to clarify the roles and assign a specific mandate in this respect to one of the existing institutions.

The lack of coordination is also an **issue when it comes to data collection and monitoring the implementation** of the rights of the child. For this, the institutions use their own indicators, depending on their respective areas of activity, which sometimes leads to different results that are not comparable. Moreover, the statistics are presented in a raw form and thorough cross-sectoral analysis is lacking. Another major point that came to light, during the interviews conducted by Save the Children, is that the reports prepared by institutions reflect sometimes what is desirable to happen, not what is actually happening, due to the limited resources and lack of solutions. Unfortunately, the data sets regarding all the rights of the child are not cumulated for analysis or presented annually, but only when Romania submits its reports to the UN Committee (every 4-5 years).

3. Moreover, **Romania does not have an independent institution for children's rights**, as it is the case in most European countries, which have the Children's Ombudsman. The Ombudsman in our country has only limited powers, intervening in cases where children's rights are infringed only by public institutions. Even though Save the Children has advocated for it, a legislative proposal for the creation of an Ombudsman for Children (within the general Ombudsman) was rejected by the Parliament in June 2012 (after one year since it was submitted in the Parliament). The motives of the rejections formulated by the Members of the Parliament were that such institution would create a positive discrimination of children in comparison with other vulnerable categories of people and that it would breach the country's Constitution.

Even though Romanian children seem to have a good knowledge of their rights (as Eurobarometer's results show), they lack the necessary information and tools to make sure these rights are also respected.

4. In terms of **legislative framework**, the specialists in Romania are confronted with difficulties in the following areas: focus put on the "classical" categories of vulnerable children and difficult adaptation to the new problems encountered by children or to the situation of all children, non-enforcement of the child's best interest principle in all situations, lack of procedures that would implement the principle of child participation, low degree of observance of certain provisions, different interpretation and application of the legislation and the need to supplement the secondary legislation.

5. The national and local **strategies and action plans related to the rights of the child are currently facing real implementation problems**, as a result of the anti-crisis measures. The frequent institutional reorganisations, the lack of resources and the high turnover rate of specialists are among the causes of these problems. The

¹ Save the Children Romania, 2011, *Governance Fit for Children – General measures for the implementation of the Convention on the Rights of the Child at the national and local level – ROMANIA*. Available at http://salvaticopiii.ro/upload/p0001000100090000_Raport%20Rom%C3%A2nia_EN.pdf [accessed on July 2012].

training of specialists from child's rights field is not consistent, but rather sporadic, and is not aligned with the high turnover rate of the human resources specific for this field.

6. It cannot be established whether Romania makes all efforts allowed by the available resources in order to ensure children's rights, because the way in which **the national and local budgets are drafted does not allow for the tracking of the amounts which are allocated and spent directly for children**. Thus, in our country, "the child's budget" remains just a provision of the UN Committee on the Rights of the Child, which has not been transposed into practice as yet.

II. IMPLEMENTATION OF HUMAN RIGHTS OBLIGATIONS IN RELATION WITH CHILDREN

7. One of the most severe problems in the area of child's rights is given by the fact that the measures taken by the authorities in order to address the **high impact of poverty on children** are insufficient and inconsistent. As Eurostat shows, Romanian children have the highest risk-of-poverty rate in Europe - 33%, compared with the EU27 average of 20%. Currently, in Romania there is no national action plan to tackle child poverty.

8. Poverty brings also several connected issues affecting children, such as: problems related to **access to services –education, health, care** etc., including **high differences between rural and urban areas in terms of number and quality of these services**; high infant mortality rate (again, the highest in EU – 9.8‰); violence against children, exploitation and neglect of children etc., which will be presented in more details below.

Thousands of children are not registered at birth. Absent from government registrations, these children are vulnerable to exploitation and most of them live on the margins of society, being deprived of education and basic services.

In March 2012, there were still **795 children below 2 years old in institutions**, from a **total number of 23.291 children placed in residential institutions**; furthermore, **19,440 other children were in foster care**².

The right to health, survival and development

Child mortality

9. Though the infant mortality rate has been dropping in the last years, **Romania still registers the highest rate of deaths in children below 1 year old in the European Union** – 9.8 deaths per 1000 live births (almost double compared to the average rate in EU)³. Analysing the causes of child mortality, one can notice that over 40% of deaths of children below 5 are due to preventable causes. Among the factors favouring mortality of children between 0-5 years are⁴: living in rural areas (at long distances from hospitals); lower weight of child's birth due to malnutrition or mother's poor health condition (yearly in Romania, almost 200,000 newborns, meaning 9% of the total of children coming to life, are premature or have a low weight at birth⁵); mothers with a very low level of education, without information about the development and care of children; extreme poverty (lack of incomes, lack of hygiene, poor living conditions, families with many members). A research conducted in several localities from 5 counties in Romania, characterised by a high infant mortality rate, on a total number of 200 women, has shown that 37% of the mothers declared that they had no gynaecological checkups during their pregnancies⁶.

In 2010, almost 6,000 children below 3 years old were identified as suffering from protein-energy malnutrition, over 100 of them died from this cause in the same year. In September 2011, a number of 8.203 below 3 years old suffering from malnutrition remained in the doctors' records (representing more than 72% of the malnutrition cases in Romania).⁷

² Statistic provided by the Ministry of Labour, Family and Social Protection – Directorate General Child Protection. [Online] Available at <http://www.copii.ro> [accessed in July 2012].

³ Data for 2010. Sources: the National Statistical Institute (Romania) and EUROSTAT.

⁴ UNICEF, coord. Stativă, E., 2005. *Cauzele medico-sociale ale mortalității copiilor sub 5 ani la domiciliu și în primele 24 de ore de la internare*. București.

⁵ According to the Romanian Neonatology Association

⁶ Research conducted by Save the Children in 2011, within the programme Every Child Matters. More details (in Romanian) at: <http://www.salvaticopiii.ro/?id2=000200070000> [accessed in July 2012].

⁷ Data provided by the Ministry of Health: Ministerul Sănătății, Institutul de Sănătate Publică, Centrul Național de Statistică și Informatică în Sănătate Publică, *Principali indicatori ai cunoașterii stării de sănătate pe anul 2011 comparativ cu anul 2010 (date operative)*. [Online] Available at http://www.ccss.ro/public_html/sites/default/files/Principali%20indicatori%20ai%20cunoașterii%20stării%20de%20sănătate%202011.pdf [accessed in July 2012].

Mental health

10. In Romania, according to the latest estimations⁸, over 880,000 children and adolescents are dealing with mental health problems⁹, while there are only 200 child psychiatrists in the national public health sector. There are only 20 community health centres organised by the Ministry of Health in the whole country and thus, most of the children with mental health problems are treated within psychiatric hospitals, in child psychiatric sections or in other types of health units. Moreover, there are no prevention programs, the child mental health domain is insufficiently defined and there is a need for better administration and development of the mechanisms for child protection and integration in the health system of the children dealing with mental health issues.

The right to be protected from exploitation and violence

11. Since 2005, the Romanian legislation prohibits any form of violence against children. The official statistics show that, in 2011, a number of 11,036 children became victims of violence (physical, emotional, sexual abuse, neglect, exploitation for work or for forced illicit action) and that only in 3% of cases, the court has decided the emergency placement of the child outside her/his family¹⁰. Other studies confirm that the official statistics are not able to reflect the real dimension of the violence against children phenomenon in Romania, **society in which the smacking of a child is still seen as an efficient discipline method**. Thus, a recent research concluded that **two thirds of the Romanian children suffered a psychological abuse**, and that **45% of children confirmed that they suffered physical abuse in their families**¹¹.

12. Evidence shows that, **compared to other EU countries, the Romanian children are more often victims of threats and aggressions transmitted through Internet**; thus, 1 child in 7 is bullied or threatened, and 1 child in 5 receives messages with sexual content via Internet¹².

13. The official data¹³ for 2011 show that children are still a vulnerable group for trafficking in human beings and that **the percentage of child victims in the total number of victims of trafficking in persons has grown to 30% in 2011** (from 27% in 2010). Girls remain more vulnerable, but an increase in the number of trafficked boys is noticed; thus, from the total of 319 trafficked children, 30 were boys (and 11 of them were victims of sexual exploitation). More than 90% of the children identified in 2011 were between 14-17 years of age, and the majority of them were victims of sexual exploitation (255 children). The analysis highlights that the major risks for child trafficking include deteriorated families and violent and abusive environments, and that, while the "loverboy" phenomenon¹⁴ is also present, the areas near schools and teenagers' favourite places for leisure are preferred by the recruiters.

The international assessments recognise Romania's efforts in combating the trafficking, but as the US Trafficking in Persons report shows, there are several worrying accounts of prosecutors bringing prostitution charges against trafficking victims¹⁵. Furthermore, concerns were voiced by the former OSCE CE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Eva Biaudet, in regards to the full implementation of anti-trafficking legislation, and the identification of victims, specifically child victims¹⁶.

The recent ECPAT's Progress Card on Romania concludes **that there is the need for more systematic provision of care and protection services to children victims of trafficking and that the authorities have to**

⁸ Salvati Copiii (Save the Children Romania), 2011, *Analiza serviciilor de sănătate mentală pentru copiii din România - Cercetare socială calitativă*. [Online] Available at www.salvaticopiii.ro/?id2=000600010001#Cercetări_analize.html [accessed in July 2012].

⁹ Anxiety disorders – 500,000 children, ADHD – 200,000, clinical depression – 150,000, behavioural disorders – 80,000, schizophrenia and psychotic disorders – 40,000, autism and pervasive developmental disorders – 9,000 children. The numbers are obtained by reporting the national statistical data on children, to the international data offered by the World Health Organisation - Child and Adolescent Mental Health Policies and Plans, 2005.

¹⁰ Statistic provided by the Ministry of Labour, Family and Social Protection – Directorate General Child Protection. [Online] Available at <http://www.copii.ro> [accessed in July 2012].

¹¹ Balkan Epidemiological Study on Child Abuse and Neglect (BECAN), 2011, Babeş-Bolyai University – Department for Social Work. [Online] Available at <http://www.prevenireaviolentei.ro/> [accessed in July 2012].

¹² EU KIDS ONLINE I (2008, 2011), [Online] Available at <http://www2.lse.ac.uk/media@lse/research/EUKidsOnline/Home.aspx> [accessed in July 2012].

¹³ Statistics provided by the National Agency against Trafficking in Persons.

¹⁴ The "loverboy" is a phenomenon in which girls are lured into relationship with fake promises, such as marriage, and then pressured into prostitution (notably prevalent in the Netherlands).

¹⁵ U.S. Department of State, Office of the Under Secretary for Civilian Security, Democracy and Human Rights, 2011, *Trafficking in Persons Report, June 2011*. [Online] Available at <http://www.state.gov/j/tip/rls/tiprpt/2011/> [accessed in July 2012].

¹⁶ Organization for Security and Co-operation in Europe. 23 September 2009, Press Release: *OSCE Special Representative welcomes Romanian efforts to combat human trafficking, urges further improvements*. [Online] Available at <http://www.osce.org/cthb/51350> [accessed in July 2012].

conduct more child trafficking prevention activities, even though Romania is among the 9% of countries which have made notable efforts to stop sex trafficking of children and young people.¹⁷

The right to education

14. Romanian education system is severely underfinanced. Despite that the recently adopted education law introduces positive changes, the implementation of its provisions is hampered by Government's decision to postpone for two years (2014) the application of the article guaranteeing that the education should receive 6% of the GDP and to allocate a much lower percent.

Romania is the European Member State with the smallest annual expenditure per student¹⁸. A research conducted by Save the Children Romania revealed that **in order to cover the expenses related to a child's education, excepting the payment of the school staff, the parents have to spend a sum that is one and a half higher than the one allocated by the State for a child¹⁹**. Even though the law says that compulsory education is free of cost, parents have to pay for supplementary tuition, supplies (such as textbooks, pencils, chalk and other teaching materials), transport, refurbishment and maintenance of the school-buildings, sport equipment, payment of private security staff etc. The existence of these "hidden costs" of education creates clear disadvantages for certain children coming from poorer families who cannot afford such contributions, and can even cause non-enrolment or school dropout.

In 2010, **26,772 children aged 7-8 were not enrolled in any form of education**; and in the school year 2008/2009, a number of **80,850 students early left the education system** (by not accessing the upper-secondary education or abandoning school).

15. The **low quality of the education** is reflected in the poor achievements of Romanian pupils in national exams (for example, only 45.72% of the participating high-school students have passed their graduation exam in the first session of 2011) and international evaluations (the 2009 PISA results show that 40.4% of the Romanian pupils were low achievers in reading, compared to the EU average of 20%; 47% were low achievers in mathematics, compared to 22.2% at EU level; and 41.4% scored low in science, while EU average was 17.7%²⁰).

Moreover, the statistics show that **Romania is the next-to-last in EU regarding the access to early childhood care and education services** (for children below 3)²¹. Only 2.5% children below 3 are beneficiaries of care centres (in 2010, the number of children in public care centres was 17,293, while the number of beds was only 14,880²²).

16. **Children with disabilities are still facing problems in accessing quality and inclusive education**, as the public spaces and schools are poorly prepared to receive them, and the number of support teachers remains low. In 2008, according to the official statistics, 16,048 disabled children were registered in various forms of special education units.²³

The rights of Roma children

17. The available information and research indicate that health state of Roma children is worrying, an estimation showing that **40% of Roma children are undernourished** and 45.7% don't receive all the vaccines envisaged in the National Plan of Immunization. Furthermore, **50% of the Roma children who live in the isolated ghettos and rural areas were not immunized against any disease²⁴**.

Besides large scale discrimination, Roma children are confronted with **problems in accessing education**, with only a quarter of Roma children experiencing the kindergarten, and most of them in segregated groups. **64.5% of Roma children enrolled in primary education and 53% of Roma children from lower-secondary education,**

¹⁷ ECPAT International (2012), *Global Monitoring – Status of action against commercial sexual exploitation of children. Romania. 2nd Edition*. p. 41.

¹⁸ Education, Audiovisual and Culture Executive Agency (Eurydice), 2012, *Key data on Education in Europe 2012*. [Online] Available at http://eacea.ec.europa.eu/education/eurydice/documents/key_data_series/134EN.pdf [accessed in July 2012]

¹⁹ Salvati Copiii, 2010, *Invatamantul gratuit costa!*, Bucuresti [Online] Available at http://salvaticopiii.ro/upload/p000600010001_Raport%20cercetare%20invatamantul%20gratuit%20costa.pdf [accessed in July 2012]

²⁰ European Commission, 2010, *Progress towards the Common European Objectives in Education and Training*. [Online] Available at http://ec.europa.eu/education/lifelong-learning-policy/doc/report10/report_en.pdf [accessed in July 2012]

²¹ UNESCO, 2010, *Early childhood care and education, Regional report, Europe and North America*.

²² Data sources: the National Institute for Statistics and the Ministry of Health.

²³ The National Institute for Statistics, TEMPO online.

²⁴ Source: FSD, Roma Education Fund, UNICEF

included in a Roman Criss NGO research, are learning in segregated classes. This tendency is more accentuated in rural areas.²⁵

3. RECOMMENDATIONS for the authorities

- Enhancing the coordination of the implementation of child's rights at national, county and local level; in this regard, a special unit under the Prime-Minister needs to be mandated, while a review of the powers and positioning of county and local institutions is needed in order to clearly designate who is empowered and responsible for coordinating all the other public institutions with responsibilities in enforcing child rights;
- Establishing a Child Ombudsman;
- Ensuring a better transparency and clarity to the way the policy documents are being reflected during the processes of drafting, debating, adopting and spending the public budgets at all levels; increasing the visibility of the strategic documents and ensuring a proper assessment of their impact;
- Developing a common set of indicators for monitoring children's rights and a common database to be used by all the authorities with responsibilities in the field of child rights;
- Ensuring the periodicity and consistency of the trainings on child's rights for the specialists working with children (including to ensure a unitary methodological approach in the collection of data and information about children, and a unitary understanding and application of the legislation);
- Developing information campaigns at the local level, targeting persons and communities with a low level on information, regarding the rights of the child, including the importance of access to education, obtaining identity papers, health promotion (especially prevention of infant mortality);
- Providing State's support and multiplying at a larger scale those programmes and services developed by NGOs which proved their viability and efficiency;
- Adopting clear measures for combating child poverty;
- Preventing the institutionalisation of children, especially of those below 3 years old, including by offering support services to families and by investing in foster care;
- Stimulating and monitoring the implementation of a minimum package of health care services for mother and child care; Implementing large scale programmes for the prevention of child malnutrition and child mortality, with a focus on the most disadvantaged communities;
- Developing the child mental health services (including the community health centres) and enhancing the access to them, including by increasing the number of specialists in the field and covering the costs of psychotherapy services through the public health insurance system; Developing periodic screening for early diagnosis and intervention in the cases of children dealing with mental and behavioural disorders; Providing ongoing training programmes for mental health professionals and other categories of specialists – such as mental health competency for family doctors, paediatricians and general practitioners, and solid psycho-pedagogical training for teachers and school councillors; Enhancing the collaboration between psychiatrists, clinical psychologist, family doctors, paediatricians and schools counsellors;
- Enforcing the legislation on child protection against violence, ensuring unique procedures and standards for the identification, registering, referring and monitoring of the violence cases affecting children (both victims of violence and witnessing family violence); Developing the current support services for child victims of trafficking and commercial sexual exploitation (systematic medical, psychological, social and legal assistance in all centres), and ensuring that all child victims under the age of 18 receive equal protection irrespective of their relationship with the offender prior to the offence and that are not prosecuted for prostitution;
- Awareness regarding positive educational methods for parents and teachers, including for tackling the conflict situations in family, school and community;
- Promotion of the Internet safety for children: programmes aiming to raise awareness on both the advantages and the risks associated with the internet use, targeting children, parents and teachers;
- Allocating and spending at least 6% of GDP for education and investing in raising the access to quality education for all children; Adopting a National strategy for early childhood care and education;
- Improving the access of Roma children to education (including to kindergartens and to "Second Chance" classes – for the children and adolescents who abandoned school or who were never enrolled and are above the official school age), health services and social protection (tackling in a comprehensive way the problems faced by Roma children, such as lack of identity papers, improper housing, register to a family doctor etc.); Developing the network of health and social mediators for the Roma communities.

²⁵ Romani Criss, Coord. Surdu, L., 201. *Participare, absenteism școlar și experiența discriminării în cazul romilor din România*. București. Vanemonde.