

**Submission by SOS Children's Villages Romania**  
**to the Human Rights Council**  
**Prepared for the Universal Periodic Review of Romania,**  
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SOS Children's Villages Romania<sup>1</sup> started to operate in 1990. It is an independent, non-governmental organisation which supports children at risk of abandonment and their families, and provides family-based care for children who have no parental care.

In spring 2007, SOS Children Villages Romania conducted a Child Rights Situation Analysis on children with disabilities in Romania.

**The analysis showed 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.

The main findings of the analysis were:



**The shortcomings of the monitoring system for children with disabilities in Romania prevent thousands of children with disabilities and their families from having access to specialised services.**

Two national governmental bodies share the responsibilities of monitoring the information about children with disabilities. They have different definitions of what a "disability" is. Many children with disabilities, especially those who are most vulnerable to neglect and abandonment due to their social "invisibility", are not certified 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.



**Most of the children with disabilities (57,000) are living with their families or with their extended families. But the families of children with disabilities lack knowledge and support, which may mean they abandon the children.**

The interviews and focus groups held with parents of children with disabilities revealed that they knew little about the disability of their child and the kind of support to which they were entitled. This is directly related to the level of education and to the incomes of the parents. Families with more financial resources and knowledge look for the best treatment available and avoid labelling their children as "disabled" to prevent further discrimination of their children. Poor families tend to

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<sup>1</sup> SOS Children's Villages Romania is affiliated member to the SOS Kinderdorf International, umbrella organisation for more than 130 affiliated national SOS Children's Village associations worldwide

reject their children at the same time as using them as a means of obtaining social and financial benefits.



**The most common form of alternative care for children with disabilities is residential care, which often has features of institutionalisation. The de-institutionalisation of children with disabilities takes a long time.**

About 10,000 children with disabilities have no parental care: 70% of them are in public or private placement centres and 30% are in foster care. Statistics also mention 6,700 children who are in "other situations", but no explanation is given.

Within the framework of the broader de-institutionalisation process, children with disabilities who cannot be reintegrated into their biological families should be assisted in family-type homes. The first family-type homes for children with disabilities opened two years ago and are just available in a few regions of the country. They are confronted with problems, such as lack of personnel, and frequent changes in staff, and are hindered by the low level of financial resources that is allocated for this type of assistance. Despite the fact that the homes are more child friendly, children in such homes still have little or no contact with the community and the chances of them having a better life are slim.

At the age of 18, children will be reintegrated into their families (very often the family that abandoned the child in the first place), or placed in institutions for adults with disabilities.



**The national legislation on the protection and promotion of children's rights discriminates against children with disabilities who have no parental care.**

Children with disabilities still enter residential care at a very early age. In January 2007, 422 children with disabilities who were under the age of two were in placement centres, meaning that they have severe disabilities and are dependent on the services offered through residential care. No coherent and structured data exists to reveal the situation and the problems with which children with disabilities are confronted.

A stipulation of Law 272/2004 on the Protection and Promotion of the Rights of the Child is considered by specialists in the field to be a source of discrimination against children with disabilities. By law, children without parental care who are under the age of two must live with their extended family or be placed in foster families. However, if children have severe disabilities, they can be placed in residential care even if they are under the age of two. Specialists argue that this provision is/could be used as an excuse whenever family-based care is not available for young children with disabilities (no matter how severe the disability).



**Children with disabilities face discrimination in their relationships with public authorities, particularly with medical and educational institutions.**

The example<sup>2</sup> below is just one of thousands in the country.

*The principal of a high school refuses to let a 15 year-old child complete his/her compulsory education due to his/her physical disability. The child has the intellectual abilities to fulfil the*

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<sup>2</sup> The example was mentioned by one participant in the focus-group

requirements. No law can force the high school to accept this child. Parents and teachers in mainstream education often show hostility towards the inclusion of children with disabilities.

The teachers' attitude of rejection is determined by several factors such as: a lack of training on working with disabilities; a lack of motivation to make an additional effort in their daily work; the personal values, and the level of tolerance and acceptance; the fear that accepting children with disabilities will give the school a bad reputation and that children with high intellectual potentials will no longer be attracted to their school.



**Roma children, children from poor families or children without parental care are often labelled as children with disabilities and are sent to special schools, despite the fact that they have no disabilities.**

The children are considered to feel "happier and more appreciated" at specialised schools. Often, they are referred to as "special schools" purely because the children receive daily meals.

In the long term, this strategy reduces the children's chances of leading an independent and participative life and has a negative impact on their development. The only support they really need is extra tuition with specialised staff to help them to meet to school requirements.



**The best interests of children are not always taken into account due to a shortage of resources and inadequate legal procedures.**

The lack of understanding of the legislation and a focus on quantitative indicators contributes to people ignoring the principle of the best interests of the child. For example<sup>3</sup>, a boy with a moderate disability was moved from a placement centre into a family-type home together with children with severe disabilities. Even though the living conditions there were better than in the placement centre, it was noticed that the boy made progress more slowly and his chances of living an independent life reduced. The environment of the placement centre was shown to stimulate the development of that particular child more effectively. The move to bring the boy back to the placement centre (initiated by the social worker responsible for the boy) was rejected. Moving the child back to a placement centre would have meant that he was being institutionalised, which is against the law.



**Children with disabilities have less chance of being listened to and participating**

Among children with disabilities, those with physical disabilities have more of a chance of participating in consultation processes. Several NGOs have offered space for participation to children with disabilities and have included them in public debates.



**Discriminatory public campaigns, indirectly promote the preconception that children with disabilities are nothing but a source of problems for their families.**

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<sup>3</sup> The example was mentioned by one participant in the focus-group

A recent campaign to encourage pregnant women to have periodical medical examinations and tests, run by an NGO, used a false, discriminatory statement: *women who ignore pregnancy screens might give birth to a child with disabilities and their life will become a "prison"*. This type of approach is reminiscent of the communist decades, when parents were encouraged to send their disabled children to live in institutions.

In addition, it is important to point out that gynaecologists often recommend the abortion of a foetus when disabilities are noticed, even after the maximum legal period of 16 weeks. Parents of children with disabilities have complained that they felt discriminated against and badly treated.



**Child rights NGOs and parents' associations were instrumental in the reform in the field of the protection and care of children with disabilities.**

After 1990, the parents of children with disabilities joined forces and created parents' associations that lobbied and advocated for the rights of their children and promoted adequate care for children with disabilities: day care centres, rehabilitation centres, leisure activities, etc. Parents' associations also contributed by disseminating relevant information and offering emotional support.

**Based on the findings of the Child Rights Situation Analysis as well as on the current work of SOS Children's Villages Romania, the organisation urges the Human Rights Council to make specific recommendations to:**

**1. Strengthen the families of children with disabilities to prevent child abandonment by:**

- expanding the knowledge of these families;
- helping the families with adequate social, medical, financial and psychological support; and
- enlarging the network of day-care centres for children with disabilities.

**2. Support family- and community-based alternative care for those children with disabilities left without parental care by:**

- ensuring adequate training for professional carers working through family- and community-based alternative care;
- developing professional resource centres for professional carers and the parents of children with disabilities; and
- developing and promoting respite centres as direct support for children with disabilities and their families (centres providing care for one - two weeks).

**3. Underline the need to promote and protect the rights of children with disabilities, as one of the most vulnerable groups of children in Romania**

**4. Call on the Romanian Government to fully respect its obligations in terms of the protection of children with disabilities without parental care by:**

- eliminating any discriminatory measures against children with disabilities from the current national child protection and care legislation

- promoting a legal framework that enables children with disabilities to grow up with dignity and respect within a family environment and allocate resources for its proper implementation
- recognising the active role of child rights NGOs and parents' associations in promoting and protecting the rights of children with disabilities and supporting their programmes by providing them with financial subsidies, a suitable location, etc.