

Human Rights Review Child Rights in Romania

Major trends related to child rights in Romania

"In 2005 there were some 4.4 million children under the age of 18 in Romania, a dramatic decrease in the child population when considering that the 1990 figure was 6.6 million children. Some forecasts indicate that the current figure could decline even further to 3.7 million by 2015. Infant (IMR) and under-five mortality rates are still far higher than those found in the EU and all other Central and Eastern European (CEE) countries, in spite of a downward trend in the total number of infant deaths in 2005 (IMR 15%). The gross enrolment rate for students in grades 1-8 increased steadily over the past decade, with a significant and increasing rural-urban disparity. Learning achievements in mathematics, science and literacy are somewhat lower among Romanian students compared to those in most Central and Eastern European countries.

Major trends related to the rights of most vulnerable, excluded and discriminated child population in need of protection in Romania

The situation of vulnerable, excluded and/or discriminated groups of children in Romania continues to be challenging in spite of considerable reforms and improvements. These groups of children include the following categories: Children deprived of parental care; Abandoned children; Children in institutions; Children involved in the worst forms of child labour; Children victims of trafficking; Children working and/or living in the streets; Children in conflict with the law; Discriminated children, including those of Roma ethnicity, those with HIV/AIDS, and those with disabilities.

In the early 1990s some 100,000 children lived in public residential care institutions, which was the only form of protection available to those deprived of parental care at the time. As of 30 September 2007, there are still 71,858¹ children living in institutions or in family type care. Furthermore, taking into account the reduced number of children born over the past 15 years, the percentage of children deprived of parental care has in fact increased since 1989. The prevention component within the child protection system is still a challenge to be addressed by both government and non-governmental organisations (NGO) working in the field. As of 30 September 2007, 31,047 children are benefiting from public and private services of prevention from separation from their families. The largest inflow of children into the protection system comes from abandonment in maternity and pediatric hospitals (some 9,000 per year in 2003 and 2004). However, significant progress has been made in terms of type of placement measures provided.

As such, of the 71,858 children living in public or private care by 30 September 2007, children living in institutions represented only 35,59% (25,580) compared to 65% in the year 2000. As many as 64,40% (46,278)² lived within a family, either their extended family or in foster care. As of March 2006, out of the children within the protection system 0.22% (43) were adopted nationally and about 0.61% (474) have been placed in view of adoption. While the number of children in institutions has dropped, the number of children in other forms of placements (extended family and foster care) has increased. Consequently, the overall change due to reform has affected the type of care, but has not resulted in a dramatic decline in the number of children in need of placement measures.

Due to the existence of labour intensive subsistence farming, and the expectation that children contribute to the family income, a 2003 survey found that about half of all children working in Romania are considered part of the exploitative category of *child labour*, with 23,618 of them between the ages of 5-14. From 2000-2005, the number of *children working in the streets* during the day increased while that of *children living permanently in the streets* dropped. It is likely that some 65-75% of all street children working in the street during the day live at home. It is

¹ Statistics from the National Authority for the Protection of the Rights of the Child, www.copii.ro

² Ibid, www.copii.ro

estimated in Bucharest that less than 500 children lived permanently in the streets as of 2004, and less than 1,500 worked in the streets during the day, returning home to their families in the evenings, making a total of 2,000 street children in Bucharest. The total number of children living permanently in the streets of Romania might be about 1,500. These children are also at risk of becoming victims of trafficking (both internationally and nationally), mostly for sexual exploitation, and for begging in the case of children with disabilities. Not much is known about domestically *trafficked Romanian children*, where Romania is a source, a transit and an area of destination. As concerns international trafficking, 1,431 unaccompanied children were repatriated from abroad in 2001-2003. Of these, 351 (25%) children acknowledged having been trafficked, while the status of the remaining 75% continues to be unclear. The main reasons for trafficking continue to be the lure of western countries, the opportunity to contribute to the family income, and often to escape a hostile home environment.

About 10% of all crimes in Romania are committed by children, with some 7,000 crimes committed annually by 14-17 year-olds. There is a rising trend in terms of such crimes, violence, children organised in gangs, and young children committing crimes. In spite of the fact that the new Penal Code allows and recommends educational measures, punitive measures are still preferred by the courts. Poverty, dysfunctional families, and lack of school enrolment are often the reasons why children engage in criminal actions.

By the end of 2004, 68,805 disabled Romanian children were issued certificates: 5,082 children have minor disabilities, 16,596 medium disabilities, 14,857 severe disabilities, and 32,270 have very severe disabilities. As many as 86% of these children live at home with their biological parents, while about 10% live in institutions. In addition to difficult physical access to health services and other public health services, many children with disabilities are also confronted with negative attitudes from health care staff. In spite of efforts to integrate these children into main stream schools, some 80% have dropped out.

There are various forms of discrimination against Roma children, children and adolescents with HIV/AIDS (about 8,000), and those with disabilities. While economic poverty is the root cause, lack of sensitisation and awareness-raising are also relevant factors. Roma children are over-represented both in terms of abandoned children, children living in institutions, street children, and children in conflict with the law. Infant and under-five mortality rates among the Roma population are twice as high as the Romanian average, and the same pattern applies to school drop-out rates.

A research conducted on segregation of Roma children in the education system of Romania showed that “5.8 percent of the schools” within the sample of a research³, “Roma formed a large majority (more than 70 percent of the pupils were Roma). The research does not provide any information on the extent of segregation of Roma in separate classes or on the extent of segregation of Roma in special schools. According to the research, the total number of Romani pupils who studied in schools with a proportion of over 50 percent of Roma was 38,334 children: i) in grades I-IV of the primary education – 21,014 pupils; ii) in grades V-VIII – 10,640 pupils; iii) in kindergartens – 6,680 children.

Although schools with a high percentage of Romani pupils are not necessarily the result of residential segregation, more than half of the schools with over 50 percent of Romani pupils are situated less than 3 kilometres from the neighbouring mainstream schools. Therefore, because the distance between Roma and non-Roma communities and, consequently, between Roma schools and non-Roma schools is relatively small, the roots of educational segregation can also be found in the social distance between the Roma minority and the majority population, which is reciprocal: the huge social distance between Roma and the majority society can be an explanation for the existence of schools with high percentage of Romani pupils.

³ Research conducted by Mihai Surdu

Although the social gap between Roma and the majority population, which is enhanced by socio-economic discrepancies and by deeply rooted prejudices and stereotypes, has considerably decreased in the past 10-15 years, it still remains considerably large. Roma remain the most rejected minority in Romania. The main hypothesis that was tested and supported by the research was that in schools with a high percentage of Romani pupils the human resources, financial resources and facilities are poorer compared with the entire educational system average.”

“Many children with HIV/AIDS have also either not received any education for safe sexual behavior or psycho-social support to develop skills to prepare them for adulthood.

The National HIV Strategy 2004-2007 was revised and the **new National Strategy on HIV/AIDS 2008-2013** was developed, currently under revision and approval process. This strategy for the next 5 years is a rights based document that takes regard of the International Guidelines of HIV/AIDS and Human Rights and focuses on prevention of HIV among most vulnerable and at-risk groups including most at risk adolescents (MARA).

UNICEF continued its efforts to documenting and sharing **good practices models in youth participation** and **developing advocacy strategies at national level**: The lesson learned from the successful initiatives regarding the social, school and professional integration of YPLWHA were documented as *guidelines and case studies*. These materials, developed with direct involvement of HIV-positive adolescents and youth, were shared with and are being used by relevant central and local authorities and NGOs actively involved in fighting stigma and discrimination against YPLHIV in developing both new policies and targeted interventions in the area of HIV prevention.

Increased national capacity for quality data collection and developing a baseline on most at-risk adolescents (MARA) represented a priority for UNICEF in 2007. A **research on most at risk adolescents and young people** was developed as part of a multi-country project on HIV prevention among MARA. The research protocol has been elaborated by the research team from the University of Bucharest – Faculty of Sociology and Social Work, with technical support of UNICEF, London School of Hygiene and Tropical Medicine and in coordination with the Ministry of Public Health and the National Anti-Drug Agency. The research protocol benefited of and integrated the key ethical considerations in research involving MARA boys and girls, and was reviewed and approved by the National Commission on Bio-Ethics within the Ministry of Public Health. This research project responds to the needs of developing specific policies and services for most-at-risk adolescents and young people in order to have a positive impact on the AIDS epidemic in Romania, and has the support of the above mentioned institutions.

Maternal and child health care

Efforts for improved **quality of pre- and post natal care/ services** have been done in order to decrease maternal and infant mortality. UNICEF contributed to the finalization of the service protocols for prenatal and postnatal consultations that were officially assumed by the MOH, which contributed to strengthening the prenatal care services and inclusion of new services (like HIV counseling and testing for pregnant women, PMTCT services) and represents an effort for promoting the preventive health approach but also the right of women and children to the highest attainable health status.

By **promoting breastfeeding** through BFHI and training of primary health care providers and community nurses UNICEF is currently the only major institution in Romania fighting for the right of the child to his/her mothers’ milk, as the best start in life. The MOH recognized and assumed breastfeeding promotion as a public health need by integrating breastfeeding promotion interventions in the national health programs. Enlargement of the national network of BFHs, evaluation and certification of maternity hospitals as BFH, were also integrated into the national health programs funded by the government. This is one efficient way to improve MCH, to improve the nutritional status of infants and in the same time an effective way to prevent child abandonment.

Increased access to medical care and integrated services for families at community level is assured through enlarging the **national networks of community nurses and roma mediators** and increasing their capacity to respond to the real needs at community level through home visitations and functional referral system. In this way, the national program on community nurses contributes to prevention of child abandonment and improvement of health and nutritional status of children and women.

Since 2002, the MOH showed interest in developing a national network of community nurses to improve the quality of health services at community level. A pilot project was implemented in 7 counties and Bucharest and more than 200 community nurses were trained and supported to assure quality services for women and children at community level, with a special focus on vulnerable population and disadvantaged groups. The need for this network is the result of the capacity gap of duty bearers that have roles in assuring the right of infants and young children to nutrition and health, given the already mentioned fact that poor health of the child is a risk factor for abandonment. Community nurses work within local/ county networks and provide minimal package of health services for women and children, and basic counseling services regarding pregnancy and infant care, with a special attention given to breastfeeding.⁴

Since 2006, with support from several agencies including UNICEF, MOH put a lot of effort in enlarging the network of community nurses at national level and strengthening integrated medico-social services at community level. At the end of 2007, there are almost 2,000 community nurses nationwide.

Using the vulnerability perspective, vulnerable families in Romania include the poorest of the poor, dysfunctional families, single parent families, families with many children, rural and peri-urban families, Roma families, families with disabled children, and children with HIV/AIDS. Vulnerability is often accentuated by a combination of the above, and other attributes. For example, *large families* are often both poor and have a poor educational level. It is vulnerable, dysfunctional families that are a particular driving force behind children ending up being deprived of parental care, being trafficked, living permanently on the streets, or in conflict with the law. As such, the very family environment that should constitute the first line of defence may actually, in some extraordinary circumstances, push children to become excluded. It goes without say that dysfunctional families also provide a favorable environment for non-enrolment, non-attendance and early school drop-out.”⁵

Major developments on monitoring and promoting child rights in Romania

In 2004, the **Law on the Protection and Promotion of the Rights of the Child** was adopted. This law contains provisions on a wide range of rights, including freedom of thought, conscience and religion, freedom of expression and association, the right to privacy, to an adequate standard of living, to social security and to rest and leisure. This legislation mentions in art. 100 that “the monitoring of the observance of the principles and rights established by the present law and by the UN Convention on the Rights of the Child, ratified by Romania through Law no. 18 / 1990, republished, as well as the coordination and control of the child rights protection and promotion activities, are conducted by the National Authority for the Protection of the Rights of the Child, as a specialized institution of the central public administration, with legal status, and which is subordinated to the Ministry of Labor, Social Solidarity and Family”. The article 101 specifies that “the defense of the rights and liberties of the child in his or her relations with the public authorities, for the purpose of promoting and improving the condition of the child, is achieved through the Office of the Ombudsman”. In addition, legislation mentions that

⁴ As demonstrated by many international studies, breastfeeding, besides its unparalleled health benefits, is a key instrument in preventing infant and small child abandonment

⁵ Children on the Brink – A Focused Situation Analysis of Vulnerable, Excluded and Discriminated Children in Romania, UNICEF, 2006, pg. 11-12

“local public administration authorities must guarantee and promote the observance of the rights of the children in their administrative - territorial range, by preventing the child’s separation from his or her parents, as well as the special protection of the child who is deprived, either temporarily or definitively, of the care of his or her parents.

County Child Rights Observatories

As of mid 2007, County Child Rights Observatories (CCRO) have been established in the 5 counties of Vaslui, Arad, Cluj, Hunedoara and Neamt and are in various stages of development with UNICEF support. The CCROs constitute a framework for systematically monitoring the situation of children, the trends in well-being and the progress on realization of children’s rights. An initial evaluation of the CCROs in Vaslui and Neamt concluded that the 2 CCROs have fulfilled their initial objectives within the targeted time frame and have fully met the expectations and enjoy the ownership and commitment of all key stakeholders.

A second phase evaluation and consultation with the other 3 CCROs including the ones in Arad, Cluj and Hunedoara, was organized in the fall of 2007. The evaluation recommended that UNICEF continue to support the development and strengthening of the CCROs as well as promoting the setting up of a critical mass of 10-12 CCROs in order to ensure automatic replication thereafter.

Draft Situation Analysis were developed and written for the counties of Cluj, Hunedoara and Neamt. Review and recommendation for improvement of the quality of the documents from the child rights perspective was considered necessary. Guidance, support and coordination of the CCROs staff in order to contribute effectively in the finalization of the SitAns is still needed;

Student Ombudsperson

The efforts of scaling up the “Student Ombudsperson” project, developed by UNICEF in partnership with Agenda 21 NGO and MoERY, continued in 2007. The project proposes the setting up of a student structure able to promote and protect students’ rights in schools, according to the provisions of the UN CRC and Law 272/2005 on child rights. A broader partnership was set, including as well, the National Authority for Child Rights Protection. In 2007 MoERY included the model project into its strategic policy documents aiming at scaling it up at national level. As a first step, County School Inspectors were informed and trained on the methodology of “Student Ombudsperson”. As well, a sociological survey was conducted in the high-schools involved in the project in order to determine the degree of exercising child rights in schools. The project came as a follow up to the Democratic Citizenship Education Project, also supported by UNICEF.

Ombudsperson system and other monitoring instruments

The “*Childs Rights Monitoring at Local Level*” a Pre-study in Estonia, Lithuania, Moldova, Romania, Serbia and Sweden, done by Save the Children Sweden notes that in 2003, the UN Committee on the Rights of the Child noted the establishment of the general Ombudsman in 1997 and the fact that he occasionally dealt with children’s rights. However, plans to establish a Children’s Ombudsman have not been fulfilled. Within the general Ombudsman’s office, deputies are specialized on “the rights of children, family, youth, pensioners, and people with disabilities”. The Ombudsman intervenes upon notification either by children themselves, parents, or legal guardians, or it can take action ex officio upon finding out by any other means that the rights and freedoms of a child have been violated (i.e. media, NGOs).

“However, the Ombudsman only intervenes every year in a few dozens of cases concerning children. Most cases are related to care and protection, periodic review of placement, legal status or identification documents, right to a decent living standard, right to health, right to education, adequate treatment in the natural, extended, or adoptive family, and right to life, physical and psychological integrity. Yet, its activities related to children’s rights are limited to some child protection cases and there are no proactive developments.

In Romania, the general Ombudsman's office has 15 local offices, corresponding to the 15 county justice courts. Each has two-three staff, depending on the number of counties covered and on the amount of complaints received. They are not specialized in children's rights. In case of recommendation to a municipal or county council, the territorial officer sends the information to the national Ombudsman who is the only person entitled to issue such a document.

In Romania, child rights violations and other problems can be identified through the national child hotline, child protection directorates phone lines, direct contacts made by parents, neighbors, children, or referral by teachers or police. The national hotline liaises with directorates or the police, so all cases end up being dealt by child protection services at local level, except when NGOs get involved. In case of a complaint about teachers, for example, the directorate or its services would work in parallel with the police and with the school hierarchy.

Regular activity reports are sent to the National Authority on Child Protection. Reports of other directorates are not automatically re-distributed. Information is rather shared during meetings. There is a very detailed on-line national data base that all directorates use now. By law, general information and statistics are accessible to NGOs or to the media, upon request. The National Authority on Child Protection supervises directorates through the reporting mechanisms, as well as through case-based checks (complaints) and annual inspections for licence renewal. Licences are released on the basis of national standards, checked during team visits to each service. The directorates receive inspection reports and must act upon recommendation within a given timeframe.⁶

⁶ *Childs Rights Monitoring at Local Level*” a Pre-study in Estonia, Lithuania, Moldova, Romania, Serbia and Sweden, done by Save the Children Sweden in 2007