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Save the Children România



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Salvati Copiii/Save the Children Romania, an ECPAT affiliate group, was established in 1990 and aims to promote the Convention on the Rights of the Child (CRC) by creating programmes focusing on different issues the Romanian child is facing today.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 26 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 95 network members operating in 86 countries.

Submission
29 June 2017

for the Universal Periodic Review of the human rights situation in Romania

to the **Human Rights Council**
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Justification for Submission

1. In 2001, the Government of Romania (GoR) ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and thus committed explicitly to combat child sexual exploitation (CSE) in Romania. In 2013, the Human Rights Council provided some specific advice on how to end CSE in Romania,¹ however, to date the GoR has not yet submitted a report due under article 12 of the OPSC.
2. In September 2015, the GoR adopted the 2030 agenda for Sustainable Development. Through the adoption of this framework, the GoR re-committed explicitly to eliminate all forms of violence against children, including sexual abuse and exploitation.² The GoR joined the Global Alliance, a joint initiative by the European Union and the United States, and thus pledging to combat online child sexual exploitation (OCSE) by rescuing victims, prosecuting offenders, and reducing the overall amount of ‘child pornography’³ available online.⁴
3. The GoR is not only bound by the aforementioned instruments to combat CSE, but also by its own national legal framework. The submission will help to increase political will to focus on the issue of CSE in Romania and stop this ongoing heinous crime.

Methodology and Scope

4. The content of this report is based on Salvati Copiii’s and ECPAT’s work experience and research.
5. The scope of this submission is limited to CSE and its different manifestations, including exploitation of children in prostitution,⁵ OCSE, ‘child pornography’, child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism⁶ (SECTT) and child marriage.

Child sexual exploitation in Romania

6. Children comprise less than 1/5 of Romania’s total population of almost 20 million.⁷ Though Romania is overall a country of aging population, where the elderly (65+) account for a larger share than children under 15 (16.3% versus 15.6%), the situation is radically different among the Roma group where children under 15, account for almost one third of the population (29.3%).⁸ Romania has some specific child protection issues. Romania is the EU member state with the highest number of underage mothers.⁹ Another issue is a significant number of CSE cases of victimising children placed in institutions. The official statistics of the National Authority for the Protection of Children’s Rights and Adoption (NAPCRA) only cover three such cases in 2015. According to the media reports, the roles of the child protection staff members in cases, vary from none to accomplices.¹⁰
7. The population of Romania is well connected through information and communication technologies (ICTs) with on average 106 mobile phones for every 100 people, while 54% of the population uses the Internet,¹¹ creating new pathways for CSE.
8. The vulnerability of children to CSE varies, with some discernible groups being most at risk, particularly among Roma children as well as street children, institutionalised children, children living in poverty, children from rural areas, children from parents who migrated abroad for work and children from dysfunctional families. Girls are more vulnerable than boys, as well as children that dropped out of school or are behind their peers in education. Nevertheless, all children using the Internet are at risk. They may fall victim to online grooming,¹² ‘revenge porn’ or ‘sextortion.’¹³
9. The official statistics of the NAPCRA show an increased incidence of sexual abuse against children (18% raise between 2014 and 2016) and of sexual exploitation of children (25% raise between 2014 and 2016). *The raise is calculated based on the statistics found on www.copii.ro (the official website of NAPCRA).* However, these statistics only include cases officially reported

to child protection authorities and data collection on CSE is inconsistent. For example, the NAPCRA statistics show 46 children victims of sexual exploitation in 2015, while the National Agency against Trafficking in Persons' report on victims of trafficking in persons found 248 victims of child trafficking for sexual exploitation in the same year.¹⁴

10. Trafficking of children is a substantial component of human trafficking in Romania – about 35% of all victims of human trafficking are under age.¹⁵ Women and children are falling victim to **trafficking for sexual purposes** in Romania and other European countries. According to statistics of the National Agency against Trafficking in Persons, 276 girls and 40 boys were victim of trafficking in 2015.¹⁶
11. It is impossible to provide any official or reliable data on the number of children involved in **prostitution** in Romania. This is due to the lack of data collection mechanisms. However, a recent research within one of the more vulnerable groups of children gives some insight in this type of exploitation. The study shows that in Bucharest there are 1,113 persons under 35 who live permanently or temporarily in the street. Of them 7% are under 7 years of age and another 19% are 14-18 years old. Sexual abuse is one of many forms of abuse where homeless children and young people are more exposed to. The most vulnerable group is that of girls aged 14-18. 24% of the homeless girls say that they have been forced to have sexual intercourse, 26% say that they have been given money in exchange for sexual favours and 17% of the girls declare that they have been forced to become prostitutes. Risk of sexual abuse is comparatively lower in boys, as only 1% of them declare that they have been forced into prostitution or unconsented sex.¹⁷
12. **SECTT** is not only committed by Romanians and foreigners in Romania (destination country), but Romanian travellers and tourists are also committing the crime abroad and thus becoming a country of origin of travelling child sex offenders. The Global Study on Sexual Exploitation of Children in Travel and Tourism found that Romania is a potential emerging country of origin.¹⁸ Nevertheless, Romania remains a country of destination, in part due to the lack of law enforcement.¹⁹ SECTT as an issue for Romania is not widely acknowledged by the government, but the Global Study has found that no country is immune.²⁰
13. Romanian children are increasingly at risk of falling prey to **OCSE** and '**child pornography**.' Studies by Salvati Copiii/Save the Children conducted in 2010²¹, 2013²² and 2015²³ show that there are multiple risks and threats that children face online. According to the results of the latest study conducted by Salvati Copiii/Save the Children, 47% of the children chatted online with a stranger, 27% had visual contact with a stranger and 20% of them said that that stranger bothered them. The same study shows that 78.4% of children in Romania use the internet daily and that they spend 1-2 hours online. More than half of the respondents (51.9%) say that they received messages with sexual content through the social media, 8% of them were asked to talk about sexual things online, whereas 5% were asked to send a photo or a video showing their genitals.²⁴ In 2016, Salvati Copiii/Save the Children Romania's hotline for the reporting of illegal web content (« Esc_ABUZ ») managed 1,887 cases. In 857 cases, 'child pornography' content was identified. In 80% of these situations, the content was hosted on servers located in Romania and cases were referred to the relevant national authorities. The remaining 1,030 cases were related to unrestricted adult pornography, offending content or other situations that underline once again the need for a stronger education for safer Internet use. Among the victims of the identified 'child pornography' cases, 16% were children between 1 and 4 years of age, 43% were children between 5 and 10, 24% were children between 11 and 15 and 17 % of the victims were above 16 years old.²⁵
14. Another persisting phenomenon, despite improved legislation, is early or **child marriage**. Early marriage continues to represent a serious threat to the rights of girls in Romania. Early marriage among the Roma population is part of a cultural tradition that harms children, because of early pregnancy, teenage motherhood, school dropout, and, in some cases, sexual crimes (when girls are kidnapped). Early marriage is not typical only of the Roma population, but it exists in other, non-Roma groups who live in poverty. Unfortunately, there are no research studies yet to show the

scope and trends in child marriage in Romania. The existing official data, from Eurostat, only reflect formal marriages where one of the spouses is younger than 18, whereas many of these marriages are not registered with the civil status registry. According to Eurostat, 516 underage girls were married in 2014, of these 58% were 17 years, 41% 16 years and one child of 15 years of age and one under 15 years of age.²⁶

Legal Framework to address CSE

15. In 2016, the GoR has amended several articles of the Penal Code to better align the code with the OPSC.²⁷ The Penal Code now includes definitions for ‘child pornography’. The definition now includes, inter alia, possession of pornographic materials regardless of the purpose (previously it was limited to possession for display or distribution) and procurement of such materials regardless of the modality (previously it was limited to purchase). The notion of a “pornographic show” is introduced, defined and the prohibition extends to viewing, showing and broadcasting such shows, recruiting children for such shows or obtaining benefits from such activities. Furthermore, the definition of pornographic materials is extended to include materials with persons of age who pose as children as well as to the representations of children’s genitalia for sexual purposes. The more severe penalty is extended to cases where the crime is committed by a family member or a person in position of trust or authority as well as when the victim’s life is endangered.

Other CSE related improvements to the Penal Code are the prohibition of the attempt to sexually corrupt juveniles or have sexual intercourse with a juvenile. Penalties have increased for sexual assault and rape when the victim is younger than 18 (previously 16) years old. Penalties have also increased for traffickers of children who are a family member or a person in position of trust or authority as well as when the victim’s life is endangered. Finally, the use of child prostitution is explicitly criminalised as well.

Coordination

16. The, in 2010 abolished, National Authority for the Protection of Children’s Rights was re-established in 2014 and named the NAPCRA. The NAPCRA is equipped with too little to coordinate broad and meaningful collaboration.

17. The National Strategy for the Protection and Promotion of Child Rights 2014-2020 does not contain many specific measures to combat CSE.

Children’s Ombudsman

18. There is no specialised independent body in Romania to protect the rights of children, such as a Children’s Ombudsman. The office of the Romanian Ombudsman includes a semi-specialised department charged with “*the rights of the child, family, youth, pensioners and people with disabilities*”. In 2015, a total number of 12,164 petitions were registered. Out of this total number only 103 petitions concerned the rights of the child in a country where 1.7 million children live in poverty and where 350,000 children were not registered in 2014 in the formal education system. Although both civil society and the Human Rights Council²⁸ have underlined the importance of a specialised office within the Ombudsman, the Parliament rejected in 2009, 2012 and 2015 three draft laws that aimed at founding such an office (a specialised deputy of the Ombudsman).

Informed policies

19. Although data collection has improved since the authorities established a Child Monitoring and Tracking Information System (CMTIS) in 2003,²⁹ data on CSE are not systematically collected by any government institute in either the social or justice sector. Furthermore, the data in the CMTIS are often not collected consequently and sufficiently disaggregated to support evidence based policy development and to assess vulnerable groups among children, as well as to measure the impact of policies.³⁰ To triangulate the collected data, a national in-depth study on CSE and its different manifestations would be valuable.

Trained professionals

20. There are still important categories of professionals that do not benefit from training in the field of the rights of the child as part of their initial training: the healthcare professionals or teachers. NGOs sometimes fill this gap, but it is necessary to have a systematic approach to ensure equal knowledge across the board. Case Managers of the General Directorate for Social Assistance and Child Protection's often lack specialised professional training and in 2011 only 27,7% of the case managers had fulfilled the minimum training requirements required by law.³¹ Specialised and systematic training across the board on CSE is lacking in the curriculum, although this would be the first step in improving identification of victims.

Awareness of children

21. Salvati Copiii/Save the Children Romania noted a drop in children's awareness on their rights between 2006 and 2013. The rate of the children that could name at least three of their rights dropped with 10% while 10% more children could not identify even one such right.³²

Tailored services for CSE victims

22. Specialized services for CSE victims are lacking. A recent research pointed out some grave issues, including lack of residential care, identity protection and legal aid for child victims.³³

Revictimisation

23. Besides the lack of overall services for the CSE victims, there is a serious lack of support and risk of secondary victimisation of child victims involved in judicial procedures. In 2016, *Emergency Ordinance No 18/2016* incorporated the Directive 2012/29/UE, to improve protection of child victims, particularly of sexual exploitation and abuse. However, many of these provisions are not compulsory. E.g. Art II of the Emergency Ordinance No. 18/2016 amended art. 111 of the Penal Procedure Code:

“(…) (6) In the case of victims for whom, under the law a need of specific protection was established, the judicial body may apply one or several of the following measures, when possible and without prejudicing the case or the rights and interests of the case parties:

a. hearing them in premises designed or adapted for this purpose;

b. hearing them through or in the presence of a psychologist or another victim's counselling specialist; (...)”

In practice, due to shortages in resources (hearing rooms, human resources, etc) as well as the insufficient awareness on child psychology on the side of judiciary professionals, inadequate approaches endanger the wellbeing and the safety of CSE victims, i.e. hearings in the court room, in the presence of the offender and direct contact with the offender's relatives before and during the procedures. Of serious concern are also the cases when the identity of the child victims of human trafficking or data that can lead to their identification (full name and address of the parents) are made public on the webpage of the courts, which makes them easy to access. Upon request, Salvati Copiii may provide the Human Rights Council examples of this poor practice.

Recommendations to the Government of Romania

Prevention (paras. 6- 14)

Developing informative campaigns on the risks and criminal penalties related to early marriages or involvement of children in sexual exploitation.

Improved coordination among child rights stakeholders (paras. 16 - 17)

Increase the budget for the NAPCRA to improve communication and inter-institutional collaboration, both vertically (national – county – local), and horizontally (between institutions at the same level, with different responsibilities, but relevant for the rights of the child). In the next National Action Plan or work plan, include special provisions to protect children from CSE, including allocation of budget and monitoring and evaluation mechanisms.

Children’s Ombudsman (para. 18)

As recommended in 2013 by Poland, Slovenia and Ukraine,³⁴ establish a Children’s Ombudsman.

Data collection on child sexual exploitation (para. 19)

Collect national data and/or build national capacity to develop disaggregated data-gathering and monitoring systems to inform policy and action on CSE and conduct a national in-depth study on CSE and its different manifestations.

Improve training of all professionals (para. 20)

Include child rights, including information on CSE, in the professional training curriculum (both initial and ongoing training) for professionals in key fields, such as education, health, public order and justice system to strengthen their capacities to identify CSE victims.

Increased awareness of children (para. 21)

Introducing the rights of the child, including information on CSE and children’s online safety, in the mandatory school curriculum for secondary education.

Tailored services for CSE victims (para. 22)

Provide tailored recovery and reintegration services for victims of CSE which are easily accessible, preventing secondary stigmatization related to certain types of violence and providing the possibility for children to recover emotionally and socially after violent experiences.

Safeguarding the rights of CSE victims in legal proceedings (para. 23)

Ensure child-sensitive services and procedures are available to protect children from re-victimisation in legal proceedings.

¹ Human Rights Council (2013), “Report of the Working Group on the Universal Periodic Review”, A/HRC/23/5, accessed 28 May 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/124/42/PDF/G1312442.pdf?OpenElement>.

² Sustainable Development Goal Targets 5.2, 8.7, and 16.2.

³ ECPAT prefers the term ‘*child sexual exploitation material*’ or ‘*child sexual abuse material*’, but in a legal context still uses ‘*child pornography*’ in line with the recently widely adopted Terminology Guidelines. The inverted comma’s in ‘*child pornography*’ indicate that the term is used in a legal context. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 39, accessed on 28 May 2017, <http://luxembourgguidelines.org/>.

⁴ European Commission, “*A Global Alliance against Child Sexual Abuse Online*”, accessed on 28 May 2017, https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse_en.

⁵ ECPAT prefers the term ‘*exploitation of children in prostitution*’ instead of ‘*child prostitution*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016). Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in, 28 January 2016*”, Bangkok: ECPAT, 29, accessed on 28 May 2017, <http://luxembourgguidelines.org/>.

⁶ *Ibid.*, 54.

⁷ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 140, accessed on 31 May 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

⁸ Moldoveanu, Ruxandra, Lavinia Elena Bălteanu, and Silvia Pisciă (2015), “*Ethnic minorities - disparities in employment and unemployment*”, Romanian Statistics Magazine, 2015.

⁹ According to EUROSTAT data, in 2015 alone, 9,291 girls gave birth. Of this group, 676 were under the age of 15 years old.

¹⁰ See for example these two media reports <http://www.ziarulargesenilor.ro/angajatii-unui-centru-de-plasament-din-arges-trimiteau-minorele-la-prostitutie-cum-functiona-reteaua-terifiant/> or <http://observator.tv/social/10-minore-dintrun-centru-de-plasament-din-targoviste-obligate-sa-se-prostitueze-162230.html> (both accessed on 17 June 2017).

¹¹ United Nations Children’s Fund (UNICEF) (2016), “*The State of the World’s Children 2016; A Fair Chance for Every Child*”, 136, accessed on 31 May 2017, https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf.

¹² *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT 51, accessed on 28 May 2017, <http://luxembourgguidelines.org/>.

¹³ *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 52-53, accessed on 28 May 2017, <http://luxembourgguidelines.org/>.

¹⁴ The above mentioned report can be accessed at or downloaded from <http://data.gov.ro/dataset/victime-traffic-de-persoane-2015>.

¹⁵ Data from the National Agency against Trafficking in Persons as mentioned in Salvati Copiii (2016), “*Alternative Report to the fifth Periodic Report Submitted by Romania to the UN Committee on the Rights of the Child 2008 – 2013*”, 51.

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- ¹⁶ Salvati Copiii (2016), “*Alternative Report to the fifth Periodic Report Submitted by Romania to the UN Committee on the Rights of the Child 2008 – 2013*”, 52.
- ¹⁷ Salvati Copiii (2014), “*Assessment of the "street children and youngsters" phenomenon, Quantitative sociological research*”, accessed on 31 May 2017, http://salvaticopiii.ro/upload/p0001000100050001_Raport%20copiii%20strazii.pdf.
- ¹⁸ ECPAT International (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism, Regional Report Europe*”, 26, accessed 31 May 2017, <http://globalstudysect.org/category/regional/europe-and-central-asia/>.
- ¹⁹ *Ibid.*, 34.
- ²⁰ ECPAT International (2016), “*Global Study on Sexual Exploitation of Children in Travel and Tourism – Main Findings*”, accessed 31 May 2017, <http://globalstudysect.org/findings/>.
- ²¹ Salvati Copiii (2010), “*Study on the use of internet in family*”.
- ²² Salvati Copiii (2013), “*Study on the use of internet in family - Quantitative sociological research*”.
- ²³ Salvati Copiii (2015), “*Study on the use of internet in family - Quantitative sociological research*”, accessed on 31 May 2017, http://salvaticopiii.ro/upload/p0001000300010000_Raport%20cercetare%20safer%20internet%202014_web.pdf.
- ²⁴ Salvati Copiii (2016), “*Alternative Report to the fifth Periodic Report Submitted by Romania to the UN Committee on the Rights of the Child 2008 – 2013*”, 48.
- ²⁵ *These study results were presented by Salvati Copiii/Save the Children Romania on the occasion of Safer Internet Day (15th of February 2017), as per the press release accessed on 17 June 2017, <http://www.salvaticopiii.ro/?id2=0001000600010001>*
- ²⁶ Eurostat 2014.
- ²⁷ GoR (2016), “*Emergency Ordinance No 18/2016*”.
- ²⁸ Human Rights Council (2013), “*Report of the Working Group on the Universal Periodic Review, Romania*”, 16, recommendations 109.23 – 25.
- ²⁹ Joint Parliamentary Committee European Union – Romania, Brussels, 5-6 April 2004, “*Theme 5: Child protection system in Romania and state of play of the elaboration of a new legislative package*”, 9, accessed on 14 June 2017, http://www.cdep.ro/docs_comisii/IE/CPM17_tema5_EN.pdf.
- ³⁰ Salvati Copiii (2016), “*Alternative Report to the fifth Periodic Report Submitted by Romania to the UN Committee on the Rights of the Child 2008 – 2013*”, 7.
- ³¹ Salvati Copiii (2016), “*Alternative Report to the fifth Periodic Report Submitted by Romania to the UN Committee on the Rights of the Child 2008 – 2013*”, 7-8.
- ³² Salvati Copiii (2014), “*Knowledge, importance and respect of children's rights in Romania*”.
- ³³ Ciprian Gradinaru (2015), “*Analysis of support services for victims of human trafficking*”, 43-45.
- ³⁴ Human Rights Council (2013), “*Report of the Working Group on the Universal Periodic Review, Romania*”, 16, recommendations 109.23 – 25.