



## **Submission by Human Rights Watch to the Committee on the Rights of the Child on Romania, 75<sup>th</sup> plenary session**

*February 2017*

This submission focuses on the protection of students, teachers, and schools in situations of armed conflict. It relates to Article 38 of the Convention on the Rights of the Child and to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Research by Human Rights Watch in areas affected by armed conflict has demonstrated that the use of schools for military purposes during armed conflict can have devastating consequences for children's safety and can seriously impair their right to education. In Romania's neighbor, Ukraine, our investigations identified the military use of schools by all parties to the conflict as a leading reason resulting in the targeting, damage, and destruction of schools in that conflict.

Romania's 2004 Law on the Protection and Promotion of Children's Rights (Lege nr. 272 privind protecția și promovarea drepturilor copilului) states under its chapter on children and armed conflict that "infrastructure intended for the protection and promotion of children's rights will not be used for military purposes" (article 83(2), as amended).

On the face of it, such a provision might appear to offer schools in Romania special protections from military use in the event of war.

However, such apparent protections are undermined by the 1997 Law on the Requisition of Goods and Services in the Public Interest (Legea nr.132 din 1997 privind rechizițiile de bunuri și prestările de servicii în interes public), together with Order 81/2011 (Ordinul nr. 81 din 11 aprilie 2011 pentru aprobarea Nomenclatorului bunurilor rechiziționabile), under which schools are explicitly listed (order, at point 645) as property available for

requisition by the armed forces “for national defense ... in case of general or partial mobilization or in times of war” (article 2(1)).

In contrast, the Safe Schools Declaration—a political commitment to better protect students, educational staff, and schools during armed conflict—urges countries to minimize the military use of schools by using the Guidelines on Protecting Schools and Universities from Military Use.<sup>1</sup> The Safe Schools Declaration has already been endorsed by the majority of Romania’s fellow European Union and NATO member states, and by 59 countries in total as of February 21, 2017.

Human Rights Watch recommends that the Committee:

- Ask the government of Romania whether it considers schools and other education institutions as “infrastructure intended for the protection and promotion of children’s rights,” as referenced by the 2004 Law on the Protection and Promotion of Children’s Rights.
- Recommend that Romania remove schools and other education institutions from the list of property explicitly available for requisition and use by the armed forces.
- Recommend that Romania endorse the Safe Schools Declaration.

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<sup>1</sup>Safe Schools Declaration, May 28, 2015, [https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe\\_schools\\_declaration.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf) (accessed October 19, 2016); Global Coalition to Protect Education from Attack (GCPEA), *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, March 18, 2014, [http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf) (accessed October 19, 2016).