

**ALTERNATIVE REPORT OF THE FEDERATION OF NONGOVERNMENTAL ORGANISATIONS  
FOR CHILDREN ON THE IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF  
THE CHILD IN ROMANIA**

**to the United Nations Committee on the Rights of the Child – Geneva**

**The NGOs Federation for Children - FONPC**

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## **1. General measures of implementation (arts. 1, 4, 42 and 44(6))**

### **Comprehensive policy and strategy**

Eight months after the expiry of the deadline for submitting the National Action Plan to implement the Child Guarantee and 16 months after the adoption of the Council Recommendation on the European Child Guarantee (ECG), the proposal for Romania's Action Plan was published. Despite the time available to the Ministry of Family, Youth and Equal Opportunities to develop the Plan and the late consultation with NGOs, it requires considerable improvements in order to truly address the specific issues of the categories of vulnerable children in Romania.

Non-governmental organisations have proposed the inclusion of specific measures for underage mothers, Ukrainian refugee children, as well as the youth leaving the special protection system. The plan does not address the territorial dimension of social exclusion, and the specific needs of children depending on the diversity of urban, rural, isolated or disadvantaged areas, based on an integrated and multidisciplinary approach. Children with parents working abroad and homeless children are not considered vulnerable categories, although the reality on the ground says otherwise.

Romania has incorporated the United Nations Convention on the Rights of the Child (UNCRC) into its domestic law. A key piece of legislation is the Law on the Protection and Promotion of the Rights of the Child, which details the responsibilities of the state and other entities to uphold these rights.

### *Conclusions and recommendations:*

Despite these legal frameworks, Romania lacks a mandatory Child Rights Impact Assessment (CRIA) process, though impacts on children are considered within broader human rights or social impact assessments. Instituting a mandatory CRIA could ensure that children's rights are central in legislative and policy decisions.

Romania's National Strategy for the Protection and Promotion of Children's Rights 2023-2027 (Protected Children, Safe Romania) was developed through a collaborative effort involving various stakeholders, including the National Authority for the Protection of Children's Rights and Adoption (ANPDCA), ministries, public institutions civil society organisations (CSOs) and in consultation with children.

Rising levels of domestic violence, with an increase in cases involving children, is a growing concern. In addition, the introduction of a new law defining parental estangement is extremely worrying as it may allow for the removal of a child from the non-abusive parent in cases of domestic violence. FONPC ask the Ombudsman's Office to refer the matter directly to the Constitutional Court with the exception of unconstitutionality of Law No. 123/2024 amending and supplementing Law No. 272/2004 on the protection and promotion of children's Rights ("Law No. 123/2024"). FONPC consider that Law 123/2024 infringes the rights and interests covered by Article 20 "International human rights treaties", Article 26 "Intimate, family and private life private life" para. (1), Article 49 "Protection of children and young people" para. (1) and Art. 53 "Restriction of exercise of certain rights and freedoms" of the Romanian Constitution, with reference to Article 24 "Rights of the Child" of the Charter of Fundamental Rights of the European Union, Art. 3 of Convention on the Rights of the Child, adopted by the

General Assembly of the United Nations Organization on 20 November 1989 and Article 8 "Right to respect for privacy and family life". family" of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, as amended by Protocols No. 3, 5 and 8 and supplemented by Protocol No 2.

The Federation call upon the Ombudsman Institution to find that the amendment of Article 100 paragraph (2) of Law no. 272/2004 by the sole article point 21 of Law no. 123/2024, given that Article 68 paragraph (5) of Law no. 272/2004 provides that during the emergency placement, the exercise of parental rights is automatically suspended, leads – even if only temporarily – to the removal of the child from the family against the will of the parents by a simple administrative decision, which does not take into account the best interest of the child and, in any case, represents a measure that violates the principle of proportionality. In fact, the suspension of the exercise of parental rights actually represents a restriction of those rights, which means it should be justified by one of the reasons exhaustively listed in Article 53 paragraph (1) of the Romanian Constitution. However, a concept as fluid and subjective as parental alienation cannot be found among the reasons that would justify the restriction/suspension of (the exercise of) parental rights.

### **Cooperation with civil society**

The reform of the public administration has been focused on self-governance so that services would be eventually rendered by the local and county-level authorities in terms of the particularities of each community, with the principles of proximity and subsidiarity underpinning this approach with regard to social assistance. However, this decentralization was achieved by a transfer of responsibilities without securing the financial resources required to carry these duties, which allowed the local authorities to opt out of providing certain services. In the field of social assistance, things are even more dramatic as the entire system revolves around the social benefits afforded to people in need, with very little attention being paid to the social services they would actually need. The fact that legislation fails to provide clear explanations about the mandatory duty to develop and render social services at the local level has led to major slippages materialized in the absence or poor availability of such services in the local communities. The resources that should be involved in the provision of social services are quite numerous and imply both availability of specialists, as well as proper facilities to support compliance with the quality standards. The lack of the necessary funds in the local authorities linked to the employment freezing across the system has reduced the importance of social services to a minimum and strengthened the preference for social benefits. The vast majority of specialized social services is financed by the county councils or the local authorities in the municipalities with higher budgets (usually larger cities or accommodating business undertakings with larger turnovers), while in the other municipalities they enjoy but very little support.

After more than 19 years since the coming into effect of the relevant legal framework, that is Law no. 272/2004 on protection and advancement of the rights of the child, the local authorities have so far managed 0.55% of the

total social assistance expenditures (MMFPSPV, 2015), at local level, any accurate estimation of this amount is virtually impossible due to the absence of a budget line for social services<sup>1</sup>.

In 2015, the total amount spent at national level to finance social services (financing granted to public authorities to make investments in social assistance facilities programmes of national interests or subsidizing the associations and foundations which set up and manage social assistance facilities) amounted, between 1 January and 30 September 2015) to RON 40,082,462, that is RON 3,693,439 (8.4%) more than during the period 1 January - 30 September 2014<sup>2</sup>. The amount spent for the provision of social services has constantly dropped between 2013-2015 from 0.77% of the total expenditures with social assistance down to 0.55% (source: MMFPSPV). Out of the expenditures made in 2015 with social services, 39% is represented by the subsidies granted to associations and foundations to provide social services. This percentage has also dropped constantly between 2011-2015, from 63% in 2011 down to 49% in 2014 and 39% in 2015, with the amounts earmarked for subsidies being significantly smaller due to reduction of the budget allocated thereto<sup>2</sup>.

With regard to subsidies granted to associations and foundations from the national budget the amounts dropped between 2013-2015 by RON 12,677,600, while the monthly average number of the beneficiaries decreased by 4,852 persons. These reductions in the amounts of the subsidies set aside for associations and foundations resulted in the reduction of the number of beneficiaries, as well as the number of social services offered to them. Considering the lower amounts from other financing sources (European funds, private financing from various companies, etc.) that have been available for development and provision of social services in the NGO sector, these subsidies are extremely useful for the associations and foundations to be able to continue providing social services. A major problem is in connection with development of these social services, as the funds allocated under the Law no. 34/1998 support only continued provision thereof, but no innovation in this field.

CSOs' financial viability improved moderately in 2021 due to positive developments in local philanthropy and the availability of foreign support. Local government procurement of social services also increased in some major municipalities in Romania<sup>3</sup>.

CSOs' diversification of income sources varies considerably, depending on the size and field of activity of the organization. Smaller organizations, which account for most of the Romanian sector, continue to rely on volunteering and individual contributions, occasionally receiving funding through the tax redirection mechanism and from companies and, to a very limited extent, accessing public funds (local or regional). Larger organizations, particularly those with paid staff, often manage to have a mix of funding from both foreign and local sources, including public funds, the private sector, and individual donations. Those working on environmental and advocacy issues continue to struggle the most to access diversified funding<sup>4</sup>.

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<sup>1</sup> [https://www.sos-satelecopiilor.ro/wp-content/uploads/2016/04/Policy-brief\\_eng2.pdf](https://www.sos-satelecopiilor.ro/wp-content/uploads/2016/04/Policy-brief_eng2.pdf)

<sup>2</sup> MMFPSPV, Statistical Report on the Activity of MMFPSPV in the Field of Social Assistance between 1 January - 30 September 2015, available at [http://www.mmuncii.ro/j33/images/Documente/Familie/2016/Raport\\_statistic\\_ian\\_sept-2015.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/2016/Raport_statistic_ian_sept-2015.pdf), and Statistical Report on the Activity of M.M.F.P.S.P.V. in the Field of Social Assistance between 1 January – 30 September 2014, available at [http://www.mmuncii.ro/j33/images/Documente/Familie/DGAS/2015/Raport-statistic\\_ian\\_sept-2014.pdf](http://www.mmuncii.ro/j33/images/Documente/Familie/DGAS/2015/Raport-statistic_ian_sept-2014.pdf)

<sup>3</sup> <https://www.fdsc.ro/library/files/index-usaid-romnia-fdscen-1669107261.pdf>

<sup>4</sup> <https://www.fdsc.ro/library/files/index-usaid-romnia-fdscen-1669107261.pdf>

The amounts allocated to CSOs by the central government and the areas supported did not change significantly in 2021. As in previous years, funding was accessible either directly to national minority organizations, sport federations, and CSOs active in the disability field, or through open calls for projects focused on combating intolerance and addressing vulnerable communities, culture, and youth. Discussions on unblocking funding from the Environment Fund resumed in 2021 but did not have any results. Social service providers continued to receive subsidies at levels comparable to previous years (totalling around \$5.3 million to 9,862 beneficiaries), though this continued to be less than the real cost of providing those services. Changes to the funding mechanism in the social assistance area and in the procurement rules for social contracting were negotiated in 2021, but it remains to be seen if those changes are regulated and applied in 2022.

Local government funding varies significantly in communities, though is generally impeded by relatively low budgets, which have been further impacted by the economic effects of the pandemic. This funding typically focuses on areas like sports, civic education, youth, social, culture, and environment, depending on local priorities. In 2021, one of the largest federations of social service providers reported that one third of its members provide services contracted by local authorities; this showed a clear increase compared to previous years but is still far from being an extensive national practice<sup>5</sup>.

#### *Conclusions and recommendations:*

- Limited local financing of the social services provided by NGOs with no consideration whatsoever being given to either the quality thereof or the number of beneficiaries - misapplication of both Law no. 34/1998 and Law no. 350/2005;
- Reduction of the amount of the subsidies afforded under Law no. 34/1998 at both local and national level, at the same time with the increased bureaucracy in the management thereof; as of 2015, the subsidy is granted for one single service for one beneficiary, which approach has resulted into a significant decrease in the amount of the subsidy granted. Similarly, provision of one single service per beneficiary renders virtually impossible addressing of their problems and fails to meet the existing needs.
- The low amount of the financing granted for diversification or innovation in social services - this type of activity can only be financed in projects supported by private funds; the financing available under Law no. 350/2005 should be granted for innovation in the field of social services;
- Differentiated application of the cost-per-beneficiary standards between public and not-for-profit providers, with undersizing of the financing granted from public funds to the NGOs per beneficiary capita; the current legislation (Government Decision no. 978/2015) sets out cost standards for the public providers of social services, but fails to indicate whether these apply also to the beneficiaries of the care services offered by NGOs in case of their financing from public funds.

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<sup>5</sup> <https://www.fdsc.ro/library/files/index-usaid-romnia-fdscen-1669107261.pdf>

- The excessive bureaucracy (high number of documents, ownership documents requested for the property - excerpt of the Land's Book, length of the procedure, etc.) in the service accreditation and licensing procedure has caused many NGOs that provide social services not be able to meet the conditions;
- The categories of eligible expenditures under the various financing schemes are restrictive and do not cover many of the costs that have to be incurred with provision of the social service, such as payroll costs, costs in connection with provision of additional services, etc.;
- Prevention is the worst financed component of social assistance;
- The delays in the payment of the subsidies granted to NGOs cause difficulties in service provision and continuity;
- Poor capacity of NGOs to raise funds and access the various service financing schemes available - limited knowledge of the financing schemes available on the market;
- For the time being, NGOs receive only a placement allowance of RON 600 per month for every child and may apply, on an annual basis, for a governmental subsidy. This latter subsidy amounts to maximum RON 250 per months, but its actual amount varies from one territorial and administrative unit to another. But, given the failure of the Romanian state to put in place a contracting system for the services offered by the private service providers, these do not receive any other money (that is the balance up to the limit of the minimum cost standard), although, in practice, this amounts to a violation of Law no. 292/2011, which provides that the entire social assistance system, either public or private, shall be financed from the state budget.
- Reluctance of the public authorities to make use of the social service contracting scheme. There is no consistent procedure in place for contracting social services, but only bits and pieces of regulations important risk, given that the use of public money is at stake;
- Limited capacity of the public authorities to monitor and assess social services;
- Insufficient development of the market of social services - low number of private providers, limited range of social services offered, limited capacity to render social services, non-uniform geographical coverage, and extremely low presence in the rural area;
- Lack of measures for the quality of social services to support an accurate assessment and monitoring of the provisions thereof, across both the public and private system;
- Moreover, contracting of social services is affected also by the lack of genuine cost standards for the full range of social services;
- The communication tools used by the public authorities are not sufficiently developed in order to foster an efficient and transparent dialogue: absence of discussion forums on the websites of public authorities, limited number of debates/meetings in various topics of concern, etc. The Advisory Boards that could underpin this partnership are not operational in most counties, and the NGOs are left out of the schemes put in place of drawing up the local or county strategies. Participative governance in the field of child care services is a goal which is attained to a very small extent across the local public administration.

- Poor communication by the NGOs of the outputs and outcomes of the activities carried out in the field of alternative care services: NGOs either do not know or are not concerned about "making themselves known" to the public authorities and the population, so as to be able to participate in service contracting or establishment of partnerships. This lack of awareness about the NGOs' activities results into a limited trust placed in their capacities to render alternative care services. The beneficiaries of many NGOs are not in the databases of the public services, and this renders virtually impossible the recognition of their services among the social services available at county and local levels, even if they are accredited and/or licensed, although art. 126 of Law no. 272 stipulates that this should happen.

## **2. General principles (arts. 2-3, 6 and 12)**

Romania has some opportunities for children to participate in public decision-making. Local governments and institutions have established children's councils or youth parliaments to provide a platform for children to express their views. Student councils in schools allow children to participate in decisions related to their education and school environment. Initiatives like the National Children's Forum bring together children from across Romania to discuss issues and present their views to policymakers. The president of ANPDCA has three honorary advisors who are young people. CSOs have created Consultative Councils to foster collaboration and ensure that children's voices are heard. The Government for Children, a structure created by 14 CSOs, allows children to envision and shape their ideal world as if they were ministers. In 2022, the FONPC Children and Youth Council was established.

### **Child poverty**

In 2022, World Vision Romania launched the sixth "Child Wellbeing in Rural Areas"<sup>6</sup> report, the most complex study on the lives of children and families in Romanian villages. This study shows that 2 out of 10 children in villages do not have enough food; more than 1 in 3 teenagers miss school because they have to work in the household.

The same study shows the following:

- 2 out of 10 children in villages do not have enough food;
- 1 in 10 children does not currently attend any educational institution;
- 1 in 5 children says that violence is present in school to a high or very high degree;
- 28% of parents would not know what to do if their own child were the victim of abuse;
- More than 1 in 3 teenagers (37%) sometimes or always miss school due to having to work in the household;
- 47% of teenagers say they never like school or they only sometimes like it;
- 30% of teenagers feel at risk in the community, the most common reason being violence committed by inebriated people;
- 34% of minors have tried alcohol and 43% of them consume alcohol at least once a month;

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<sup>6</sup> <https://worldvision.ro/wp-content/uploads/2022/05/Bunastarea-Copiilor-din-Mediul-Rural.pdf>

- In order to stretch their money from one month to the next, more than half of families in rural areas (52%) bought cheaper food or the same food, but in smaller quantities (48%) last year. Also, due to shortages, almost one in ten families (8%) from the villages has withdrawn the children from school: more than twice the 2012 figure (3%);
- Under these difficult circumstances, two out of ten children state that their family only sometimes or never provides them with enough food, and 14% of teenagers (one in six) frequently or always go to bed without having eaten, which is commonplace for 9% of them;
- One in ten children from villages is outside the education system;
- Almost one in ten children (9%) in rural areas does not currently attend any educational institution. The level of education reflects that of previous generations: 88% of adults in rural areas have at most graduated from a post-secondary school;
- One of the major problems faced by children in the countryside is the lack of help when they cannot do their homework, which leads to poor academic results, which is another factor that causes school dropout. Almost a quarter (24%) of children will not be helped by anyone when they cannot do their homework.

For instance, 37% of teenagers interviewed have said that, not necessarily in winter, but in spring and autumn they do not always go to school, because they work in the household. These figures are not related just to disadvantaged communities. They are representative of the Romanian countryside, which means that 50% of us, at least half of this country, are in this situation.

60% of parents in the most vulnerable communities of World Vision, for example, became much poorer during the pandemic, which means that, in the post-pandemic era, and the pandemic is not even over yet, they have entered these times poor and indeed a difficult winter awaits them.

*Conclusions and recommendations:*

- The surveys' results show that the poverty circle becomes larger in Romania. 43% of our children are at risk of accentuated poverty. 38% of working adults are poor. There are many signs that the poverty will deepen in Romania since the salaries are low, but living costs are increasing. In this context what are the measures that the Romanian Government will take in order to prevent all the consequences related to children's poverty: school drop-out and families' separation, etc.? We are to take into account that the Child Guarantee is a measure through which Romania could have requested additional funds, but it did not do it, and the European funds absorption is still low whilst the state budget does not convey the guarantee for sustainable services.
- What are the concrete measures the state can take, so that children can access quality education regardless of their background? World Vision studies are emphasizing the change that education can bring, more precisely the investment in education. One RON invested in education has an eight-fold return on investment for the society; the income doubles with the graduation of each educational cycle.

To prevent child poverty and child exclusion the Romanian government should prioritise public investment in the following areas:



- Education and early childhood development: ensure all children, regardless of their socio-economic background, have access to quality education. This includes investing in infrastructure, teacher training, and resources for schools in disadvantaged areas;
- Healthcare: ensure all children have access to comprehensive healthcare services, including preventive care, vaccinations, regular check-ups and access to mental health services;
- Social protection and family support: enhance child allowances and benefits to provide financial support to families with children. Support parents with parenting classes and employment support, to help families achieve financial stability and provide a nurturing environment for their children;
- Housing: improve affordable housing and living conditions in impoverished areas to ensure children grow up in safe and healthy environments.
- Teenage mothers face unique challenges and need targeted support including healthcare, education and protection from abuse. Children with disabilities need tailored services, including accessible healthcare and specialised educational programmes to ensure their full participation in society.

#### **4. Violence against children (arts. 19, 24(3), 28(2), 34, 35, 37(a), 39 and OPSC)**

Violence against children still remains an almost invisible phenomenon, although the latest statistics show that the number of cases of child exploitation, abuse and neglect, and trafficking has increased. As at 30 September 2020, there were 10,656 cases of abused, neglected and exploited children (according to the National Authority for the Protection of the Children’s Rights and Adoption (ANPDCA)), with the number increasing considerably over the following two years, and, so, as at 30 September 2021, there were 11,903 cases (11.70% more), and, as at 30 September 2022, official figures indicated 12,761 cases, resulting in a 19.75% increase compared to 30 September 2020<sup>7</sup>.

As for physical abuse, this is the most visible and common type, and significant increases have been recorded, for instance, in 2022 physical abuse increased by 41.40%; in 2020 there were 1,000 cases, and in 2022 there were 1,414. This form of abuse appears as a result of an examined action or inaction on the part of the person entitled to exercise paternal duties, resulting in physical injury to the child.

In cases of sexual abuse, in 2022 statistics showed that there were 1,143 cases, i.e. 38.55% more than in 2020 when there were 825 cases. This form of abuse is the most underreported negative social phenomenon in our country.

The representative of the General Inspectorate of the Romanian Police in the working groups of the Ministry of Justice<sup>8</sup> has submitted an analysis regarding offences related to sexual abuses committed against a minor in the 2018 – 2020 period, specifying that 2020 saw the highest number of offences against the freedom and sexual integrity of a minor, namely 3394, accounting for 69.89% of all such offences, followed by 2018 in second place,

<sup>7</sup> <https://copii.gov.ro/1/date-statistice-copii-si-adoptii/>

<sup>8</sup> Minutes of the Working Groups for the Protection of Victims of Offences organised by the Ministry of Justice

with 66.83%, and then by 2019 with 66.46%, with slight differences from the number of complaints received in 2018.

FONPC points out that there are serious inconsistencies between the statistics of the Child Protection authority and those of County Police Inspectorates, stemming from the fact that many of the complaints received by the police involving minor victims are not also automatically reported to the General Directorate of Social Assistance and Child Protection.

What is even more serious is the fact that, although child abuse is under-reported, a small portion of the complaints that do make it to court is settled. Based on the analysis conducted by journalists from [dela0.ro](https://beta.dela0.ro)<sup>9</sup> regarding the number of offences committed against freedom and sexual integrity, out of a total of 23,400 settled cases, in the period from 2015 to 2020 (only the first six months), over 18,000 of them have been ordered to be closed and only 4,500 cases have been resolved with the indictment of the aggressor.

Moreover, this analysis also reveals a harsh reality, namely that, although the number of complaints made during the same period for such offences, but with minor victims, is very high, over 12,000, not even a minimum number of 100 cases has been reached for the County Social Assistance Directorates to order the takeover of the victims in order to accommodate them in dedicated centres to protect their physical integrity.

A survey conducted by the World Vision Romania<sup>10</sup> foundation among 700 middle school and high school students shows that over a quarter of the students state that they have been asked for nude photos, not knowing that it is dangerous to send such photos. The same study shows that one in six children knows friends or classmates who have been sexually abused. The survey also shows that one in three teachers has reservations about reporting the sexual abuse of minors. Therefore, children do not even know the danger to which they are exposed; figures tell us very clearly that there are children and teenagers who still do not know how to recognise clear signs of abuse.

What is worse is that their parents are not prepared to support them either, because the lack of information and awareness among adults regarding children's rights and safety is another serious phenomenon. 28% of parents would not know what to do if their own child were the victim of abuse or neglect, as shown by a study conducted by World Vision Romania<sup>11</sup>. The same report shows that one in five children claims that violence is present to a large or very large degree in school. Likewise, three out of ten students say that teachers treat them worse than other children in class. The lack of safety that children feel is not only caused by the family and school, but by the whole community. 30% of teenagers feel at risk. The main reason why they do not feel safe is people in the community who drink alcohol and are violent.

Moreover, nearly one in three teenagers would not approach the authorities if he or she were the victim of violence, the main reasons being: the lack of trust in the representatives of authorities and the fear of being judged by the family.

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<sup>9</sup> <https://beta.dela0.ro/acte-sexuale-victime-copii-judecate-fapte-consimtitite/>

<sup>10</sup> <https://worldvision.ro/wp-content/uploads/2021/07/Sondaj-cu-privire-la-violenta-sexuala-asupra-copilor.pdf>

<sup>11</sup> <https://worldvision.ro/2022/06/02/raport-bunastarea-copilului-din-mediul-rural-2-din-10-copii-spun-ca-familia-le-asigura-doar-uneori-sau-nu-le-asigura-niciodata-suficienta-mancare/>

Therefore, Romania is facing an underreporting of abuses due to the lack of a coherent reporting mechanism, but also due to the lack of education on part of the children, the parents and the general public regarding the reporting of cases of abuse, but also due to the lack of awareness of legal provisions. The law in Romania provides for teachers' and other professionals' obligation to report abuses, but this does not happen in reality. Distrust in state institutions is another issue in respect of which children and parents have complained.

*Conclusions and recommendations:*

- What are the coherent measures which the Government will develop so as to promote and encourage the reporting of cases of violence to the authorities and to ensure that cases are promptly investigated and followed up and that perpetrators are punished accordingly? Will dedicated sections be included for professionals working directly with minors (teachers, educators, social workers, psychologists, doctors, etc.) who do not report cases of abuse? Promoting children's well-being and protecting children from abuse and neglect is everyone's responsibility; there is a need to address the issue of underreporting and to promote multidisciplinary cooperation among professionals in order to protect and support child victims of abuse and neglect in an effective way.
- How could the Government establish a series of measures leading to effective collaboration for the early detection and follow-up of each individual case in order to provide the child with protection, care and services in due time and effectively?
- What steps can be taken at national level so that children should be aware of all types of abuse, so that they should be able to report an abuse (including young children under 5) and also so that the minor should know the reporting mechanisms (the institutions that play a role in solving cases of abuse, exploitation and neglect)?
- How can the Government provide training for professionals in recognising and reporting cases of child abuse and neglect, since children generally tend to disclose abuse to adults whom they trust? Professionals working with children have a special responsibility to report any suspicion of abuse.
- In order for there to be coherence in terms of the data and also to have a true picture of the number of child victims of abuse, neglect and trafficking, can the Government manage a database at national level? In Romania, FOPNC has piloted the programme of "Coordinated Response to Child Abuse and Neglect via a Minimum Data Set (MDS) – CAN MDS"<sup>12</sup>, which proposes a continuous, systematic and multi-sectoral approach, based on common definitions and data collection tools for cases of abuse and neglect identified and/or reported, regardless of whether it is a confirmed or an unconfirmed case, by means of trained professionals working with children in various contexts.

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<sup>12</sup> <http://www.can-via-mds.eu/>

- Since most cases of abuse occur within the family, according to ANPDCA data, can the laws be adapted so that parents who are at risk and those for whom the law requires it should be forced to participate in parental education activities?

In Romania, there is still the issue of early marriage. A recent study by Surdu, Vincze, Wamsiedel (2011) shows how early marriage influences early school leaving especially for girls. However, this study has concluded that the influence of marriage on leaving school is low (only 6.6% of the parents surveyed in the study have indicated this), but all recorded dropout cases have been related to girls.<sup>13</sup>

On 12 October 2020, the Câmpulung Moldovenesc District Court authorised the conclusion of the marriage between a 16-year-old minor and a man 8 years her senior. “The conditions stipulated by the legal text are met” was the reason stated by the judge for justifying such judgment<sup>14</sup>. In order to approve a minor’s marriage, under the law, the court needs not only the consent of DGASPC (the General Directorate of Social Assistance and Child Protection) and the medical opinion, but also “valid reasons”. In all marriages approved by DGASPCs, teenage girls have been involved.

Moreover, it should be noted that Romania remains the EU country with the most underage mothers. According to the National Institute of Statistics (INS), last year (2022), 687 girls under the age of 15 became mothers. INS data show that, in 2021, 687 girls under the age of 15 became mothers. In 21% of these cases, the father’s age was between 20 and 44. In 2021, 15,811 girls between the ages of 15 and 19 gave birth, according to INS.

However, in Romania there are many steps that hinder health education in schools. On Wednesday, 24 June 2020, Klaus Iohannis, Romania’s President, sent a complaint of unconstitutionality over the Law amending and supplementing Law no. 272/2004 on the protection and promotion of children’s rights to the Constitutional Court, according to a press release from the Presidential Administration<sup>15</sup>. This was a law that replaced the phrase ‘sex education’ with ‘health education’ and made its teaching in schools conditional on parental consent. The Head of State stated at the time that “By introducing the phrase ‘education for life, including health education’, the legal text departed from the principle of ‘promotion of health education’” and eliminated or practically simplified the notions of sex education. The President’s request was rejected, and the draft has remained in its current form that provides for health education in schools and parents’ written consent to participate in these classes.

#### *Conclusions and recommendations:*

- The Romanian law does not define the “valid reasons” on the basis of which minors’ marriages can be authorised, “and it is the responsibility of the seised guardianship court to establish them”, according to the Filiași District Court, in the statement of reasons for the Civil Sentence no. 672 of 10 September 2020<sup>16</sup>. The journalistic investigation shows that most of these medical opinions are very easy to obtain and unfortunately

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<sup>13</sup> <https://romaeducationfund.ro/wp-content/uploads/2015/03/Parasirea-timpurie-a-scolii-cauze-si-efecte-studiu-OE20132.pdf>

<sup>14</sup> <https://www.libertatea.ro/stiri/maritate-de-protectia-copilului-ii-cum-aproba-judecatorii-casatoriile-copiiilor-3619512>

<sup>15</sup> <https://www.presidency.ro/ro/media/comunicate-de-presa/sesizare-de-neconstitutionalitate-asupra-legii-pentru-modificarea-si-completarea-legii-nr-272-2004-privind-protectia-si-promovarea-drepturilor-copilului>

<sup>16</sup> <https://www.libertatea.ro/stiri/maritate-de-protectia-copilului-ii-cum-aproba-judecatorii-casatoriile-copiiilor-3619512>

authorities use this means to approve these marriages on the grounds that it is all in the child's interest. According to data available on the court portal ([portal.just.ro](http://portal.just.ro)) and information provided by courts, at the request of the Libertatea newspaper, in the 2019 – 2020 period, courts from the counties of Bistrița-Năsăud (55), Suceava (53) and Maramureș (50) approved most of the case-files concerning “minors’ marriages”. According to data available on the court portal, information provided at the request of the Libertatea newspaper by judges and DGASPCs from all over the country, in the cases involving minors coming from the child protection system, most approvals were given by district courts in Iași (12) and Dolj (10) in the 2019 – 2020 period.

- Parents’ consent for health education, which also includes sex education, is over-regulation and will lead to a decrease in the number of students receiving information in school, as argued by non-governmental organisations dealing with children’s rights. As for the more vulnerable students, this legislative amendment will make them even more vulnerable. It is the same as for the national mother – child programme which used to distribute birth control free of charge to certain disadvantaged categories and which no longer supplies it (the Youth for Youth Organisation)<sup>17</sup>.

### **Corporal Punishment**

Although in Romania corporal punishment is prohibited by law both within the family and in institutions, the research report called “Why do We hit Children?” of World Vision Romania (2017)<sup>18</sup> offers an overview of Romanian families, which shows that we still live in a society where physical corrections are considered a form of education.

- 1 in 2 parents (51%) believes that hitting is for the sake of the child;
- Only 1 in 10 Romanian parents (9%) would never hit the child;
- 1 in 10 (10%) believes that hitting occurs because of the child;
- 8% would hit children, but would not want this to be known;
- 8% invoke religious motivations;
- 6% hit children for no reason whatsoever;
- 5% claim that they would hit the child because everyone does it;
- 3% feel very guilty after hitting.

If, within the family, corporal punishments or threats are still common practice, a recent study<sup>19</sup> shows that in schools the relationship (conflicts) with the teacher is marked by both positive aspects and aspects that require improvement. However, 2.8% of students say they are at least sometimes hit by the teacher, and 10.5% of primary school students say that they are at least sometimes afraid of the teacher. 9.3% of them have been at least

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<sup>17</sup> <https://www.wall-street.ro/articol/Educatie/273245/asociatia-tineri-pentru-tineri-despre-educatia-sexuala-in-scoli-dezbaterea-de-acum-demonstreaza-incompetenta-statului-de-a-gestiona-astfel-de-situatii.html#gref>

<sup>18</sup> [https://worldvision.ro/wp-content/uploads/2018/02/raport-REVEAL\\_De-ce-lovim-copiii.pdf](https://worldvision.ro/wp-content/uploads/2018/02/raport-REVEAL_De-ce-lovim-copiii.pdf)

<sup>19</sup> [https://worldvision.ro/wp-content/uploads/2023/02/Raport\\_climat\\_scolar.pdf](https://worldvision.ro/wp-content/uploads/2023/02/Raport_climat_scolar.pdf)

“sometimes” embarrassed in front of their classmates, and 4.5% of them claim that they have been at least sometimes offended by the teacher. The percentage of those who say that the teacher screams at least sometimes in class is even higher (23.1%), and for those who claim that at least sometimes they are scolded by the teacher, such percentage is 62.6%.

*Conclusions and recommendations:*

- Since in several EU countries the Council of Europe recommendation for positive parenting is transposed into the laws and enforced, can Romania take steps so that this concept should be implemented through coherent measures to ensure parental support and to create the necessary conditions for children’s healthy and harmonious development?
- Can the Romanian Government take clear steps to train the teaching staff so as to promote positive children’s education and to prevent child abuse, including corporal punishment?
- Since the NGOs Federation for Children has developed a strategy to support parents together with a group of experts, can Romania adopt a National Parental Education Strategy including clear and coherent measures of support for parents, so as to prevent all forms of abuse against children?

**5. Family environment and alternative care (arts. 5, 9-11, 18(1)-(2), 20-21, 25 and 27(4))**

According to ANPDCA<sup>20</sup>, in late December of 2021, there were 45,212 children in the special protection system, of which: 12,890 children (28.51%) benefited from a special protection measure in residential-type services, and 32,322 children (71.49%) benefited from a special protection measure in family-type services.

388 children were left in maternity wards and other healthcare facilities in 2021, i.e. 43 fewer children than the same period in 2020, according to data published on the website of the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (ANPDCA).

A study by UNICEF<sup>21</sup> and other partners shows that there are several different reasons why children enter the special protection system. Children’s case files have often identified “poverty” as the sole reason, although family separation is due to a much more complex mix of vulnerabilities within the family, as shown by other activities of the data collection study. These vulnerabilities include extreme poverty, parental unemployment, poor conditions or lack of housing, absenteeism or dropout, inadequate parenting skills, domestic violence, increased risk of child neglect and abuse (amid parental alcohol abuse), young or single parents, marital instability, low expectations and/or low self-esteem and acquired powerlessness.

The same study shows that “Services designed to prevent the child’s separation from the family are missing and/or underdeveloped at community level.”

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<sup>20</sup> [http://www.mmuncii.ro/j33/images/buletin\\_statistic/copil\\_2021.pdf](http://www.mmuncii.ro/j33/images/buletin_statistic/copil_2021.pdf)

<sup>21</sup> <https://www.unicef.org/romania/media/1981/file/Copiii%20din%20sistemul%20de%20protec%C5%A3ie%20a%20copilului%20-%202014.pdf>

In January of 2023 the Government approved the submission to Parliament of the draft Law on the prevention of the child's separation from the family, according to an announcement from the institution. The legislative proposal aims at lowering the number of children entering the special protection system and supporting vulnerable families in order to avoid the easy separation of the child from the family. The substantiation report for the law states that the main causes of the child's separation from the family are: poverty and a helpless community.

The substantiation report of this legislative act indicates that, in Romania, there are still practices of various local authorities, especially in the less developed communities lacking child and family services, of easily separating the child from the family, on the grounds of the family being poor and the community being helpless, and the child being better off in a residential-type service of DGASPC, since the upgraded centres would provide all the conditions which the child lacks within the family. As long as these practices and beliefs are spread (at the level of the authorities, as well as the general population), the services for the prevention of the child's separation from the family and community support services have little chance of getting any attention and of being developed.

In total, as at 1 January 2022, 724 day care centres were registered within SPREV, located in 344 places across the country. Of the municipalities, 78% have at least one day care centre, of which 57% have between 2 and 3 centres, with a national total of 322 day care centres. Of the towns, 70% have no type of day care centre, 21% have a single centre, and 9% have between 2 and a maximum of 5 centres, with a national total of 99 day care centres. Of the communes, 93% do not have any type of day care centre, 6% have a single centre and 1% have between 2 and 7 centres per commune, with a national total of 254 day care centres. Of the 992 communes with marginalised areas, about 8% (or 80) have a day care centre.

The analysis of the services and infrastructure available for children at risk of family separation shows that the need for intervention is low at the level of municipalities. Bucharest Municipality, alongside 81% of municipalities across the country, already has the resources required for activities designed to prevent separation. However, the needs are much greater at the level of towns and communes:

Out of all the towns, only 30% have the key resources (day care centres and specialists) needed to prevent the child's separation from the family. Almost half of the towns (48%) have specialists, but no day care centres. In 16% of towns, only one type of specialist is available, for example a social worker or a community nurse or a school counsellor, and 6% of towns belong to the category of white service areas, which have neither specialists nor services. Out of all the communes, only 7% have the key resources (day care centres and specialists) needed to prevent the child's separation from the family. Almost three quarters of the communes (74%) have one or more specialists of one or more types, i.e., most often, a social worker and AMC. 20% of communes across the country fall into the category of white service areas, which have neither specialists nor services.<sup>22</sup>

According to this legislative act, the foundations of the national network of 150 day care centres would be laid which Romania has undertaken according to PNRR, Romania's Recovery and Resilience Plan, which will thus be able to receive EUR 14.2 billion in grants and EUR 14.9 billion in loans from the EU under the Recovery and

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<sup>22</sup> <https://sgg.gov.ro/1/wp-content/uploads/2023/01/EM-2.pdf>

Resilience Facility (RRF). One of the reforms laid down under Component 13 – Social Reforms is Reform 1 – The creation of a new legal framework to prevent children’s separation from their families and is associated with Milestone 378 – The entry into force of a legislative act required to prevent children’s separation from their families and support for vulnerable families.

Although the call for applications for the 150 centres has been launched, the Ministry of Family has extended the deadline by which projects could be submitted for the establishment of the 150 day care centres by one month, until 9 February 2022, because public authorities have not submitted applications. One of the reasons for this is the fact that Non-Governmental Organisations are only eligible as a partner, not as an applicant. Local public authorities have neither expertise nor experience in drafting and implementing projects the way that non-governmental organisations do, and so they have not submitted any projects, and the measures provided for in this legislative act seem impossible to achieve by the deadline set by the Ministry. The deadline for the achievement of milestone 378 is 31 December 2022, and the implementation of the reform will be completed by 30 June 2026. Moreover, the aforementioned law establishes a limitation on the contribution of the state budget to day care centre services of 50%, although the law on social assistance no. 292/2011 and Law no. 272/2004 state that for these types of services the contribution from the state budget is 90%. It is important to note that this law penalises communities where there are cases of abandoned children, with a special protection measure, by decreasing the amount of support from the state budget, although normally these communities should be supported with even more prevention services.

#### *Conclusions and recommendations:*

How can Romania ensure coherent measures to stop child abandonment in medical facilities? Please note that such processes should include: monitoring the evolution of all pregnancies, especially of mothers at risk, accompanied by clear mechanisms/protocols allowing the active/early identification of pregnancies with a high risk of child abandonment and their prompt referral to social services.

- Are there clear measures laid down in the national strategies and are there budgets allocated to ensure that there are social workers in all medical facilities (especially maternity wards and paediatric wards)?
- Are there measures in place to support sex education and family planning programmes aimed at groups that are at risk, such as single mothers, teenage parents, especially in source communities?
- What are the actual steps taken by the Government to prevent child abandonment and what are the budgets allocated to prevention services? How will the human resources be ensured at local community level given the low number of social workers willing to work in rural areas?
- How will the Ministry of Family adapt prevention programmes so that they should be effective and achieve their goals?
- How will the Ministry of Labour and the Ministry of Family use the expertise of non-governmental organisations in programmes designed to prevent the child’s separation from the family, given that NGOs have not been actively included in the drafting of the legislation?



- What are the steps to be taken by the Government for the development of community services, given that programmes financed so far through European mechanisms have exceeded the Romanian Government's management and implementation capacity? The Project of "Creation and Implementation of Integrated Community Services to combat Poverty and Social Exclusion", MySMIS code 122607, funding source: the European Social Fund through the 2014-2020 Human Capital Operational Programme, Priority Axis 4, coordinated by the Ministry of Labour and Social Justice; although it has a dedicated website, it does not present the status of project implementation and the outcome<sup>23</sup>. Moreover, the project of Development of the Social Assistance System to combat Poverty and Social Exclusion – SMIS code 126924, call code: POCU/460/4/6/ Increase of the number of people benefitting from social assistance services at community level, whose deadline of completion was 30 September 2022, has no information on the outcome of the implementation<sup>24</sup>.

The rate of children at risk of poverty or social exclusion (AROPE) was at 39% in 2023 - down from 41.5%.

Research on the social assistance system and consultations with professionals in the field have highlighted the need for improvement in terms of case management in order to increase the quality of life for children in the social protection system<sup>25</sup>. In 2020, 3845 beneficiary children entered the system, and 3932 beneficiaries left the system. As for the average time spent by a child in the special protection system, the report on Children and the Youth in the Special Protection System prepared by the ANPDCA (2021) shows that the average time spent by a child in the protection system in 2020 was 7 years and 5 months, and, in the case of a child with disabilities, the time increased to 9 years and 5 months. The maximum time spent by a child in the social protection system is 23 years. The number of employees of public social assistance services increased between 2014 and 2020 in both urban and rural areas. If, in the case of urban areas, the increase was of 5111 employees, in rural areas, it was of only 522 people. Given that Romania has 2862 communes, it follows that many of them have no employees of social assistance services. The main problem for case management is the rapid evolution of beneficiaries' issues and the need to revise the method, in the sense of amending and supplementing it in line with the new realities.

Existing case management data – the maximum number of cases per case manager is 145, and the national average is 39.6 cases per case manager.

The longer a child spends in the special protection system, the higher the number of case managers handling him or her will be.

The number of active cases assigned to a case manager has been set at a maximum of 30 under Order no. 288/2006. In 2017, the number of cases per case manager increased to 50 for children in the special protection system. Studies show that, for an effective intervention, a number between 10 and 30 cases per case manager is recommended.

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<sup>23</sup> <https://serviciicomunitare.ro/despre>

<sup>24</sup> <https://mmuncii.ro/j33/index.php/ro/proiecte-programe/in-curs-de-implementare/5568-2019-fp-pocu-126924>

<sup>25</sup> [https://www.sos-satelecopiilor.ro/wp-content/uploads/2022/12/Policy-brief-management-de-caz\\_compressed.pdf](https://www.sos-satelecopiilor.ro/wp-content/uploads/2022/12/Policy-brief-management-de-caz_compressed.pdf)

### *Conclusions and recommendations:*

What are the steps which the Romanian state can take to set a maximum number of 30 children assigned to a case manager in order to ensure an appropriate quality of the services offered? In order to reach this number, a transitional period during which the number of cases would be progressively reduced has been included (2023-2026). Cases for which exit from the special protection system is monitored are also included under cases deemed to be active.

How can the state provide post-service monitoring so that the actual needs of beneficiaries of the child protection system should be known?

Case managers should only come from among the staff of General Directorates of Social Assistance and Child Protection or should be hired specifically to provide this service. Responsibility for children in the special protection system rests with DGASPC; NGOs as service providers are responsible for providing quality services for the children, for as long as they need to be cared for within the services for which the NGOs have operating licences.

The clarification of the responsibilities of case managers and prevention and special protection case handlers

- The case manager shall have a role of coordinating interventions intended for the child and, where appropriate, the families with the main goal of reducing, insofar as possible, the duration of the child's stay in the special protection system.
- The special protection case handler shall plan and implement the necessary interventions to ensure the child's adequate development within the social service in which he or she is included.
- The prevention case handler shall continue to provide support to the family even after the placement measure has been implemented, as long as the end goal of PIP is reintegration into the family.

The establishment of the responsibilities devolving on the head of the case management department

In view of the new responsibilities of the special protection case handler, an individualised development plan (PID) is introduced. PIP shall be a plan that sets out the steps to achieve the set end goal, and PID shall detail what needs to be done to ensure the child's proper development in the care environment in which he or she has been placed.

The replacement of the individualised development plan with a roadmap outline for the purposes of preparing the young person's exit from care after the age of 16

Case handlers hold monthly meetings and draw up quarterly assessment reports based on the individualised development plan/service plan/roadmap outline, and the case manager holds quarterly meetings and draws up half-yearly assessment reports for PIP (including checking the circumstances surrounding the establishment of the special protection measures).

The clarification of PIP goals

The need for collaboration between DGASPCs and SPASs not only to prevent children from entering the special protection system, but also during children's stay within the system (to prepare for reintegration into the family), and after the children's return to the families in order to prevent returns during the first two years after the

reintegration. The increased need for initial and ongoing training and supervision for case managers, as well as the listing of the topics to be addressed during the ongoing training for both case handlers and case managers.

### **Children deprived of a family environment**

In the study on “The Situation of Young People who have left the Special Protection System”<sup>26</sup> SOS Children’s Villages Romania and the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (ANDPDCA) have shown a mirror of the situation of young people leaving the special protection system for the first time in Romania, and have identified the main issues faced by young people when leaving the care system: they have not formed any independent living skills (they cannot manage a budget, they cannot cook), they do not have the right education, they do not have decent housing and they are exposed to risks (prostitution, drug trafficking, etc.). The average age at which young people leave protection services is 19.8 versus 28.1 for children originating from families. They are their own early on, which requires sustained training, which should start from the very moment when they enter the system, in stages. The research has targeted all 13,151 young people who left the special protection system between 2014 and 2017.

Children in the special protection system can remain in it, according to Law no. 272/2004, until the age of 18, if they do not continue their studies, a deadline which can be extended for two years if the young person in question is at risk. Between 2014 and 2017, nationwide, 13,151 young people left the special protection system, half of them coming from residential-type services, and only 10% from professional foster carers. 40% of these young people were cared for by relatives or in families other than their own, following the establishment of the placement measure. Most young people leave the protection system at the age of 18-19 (67%), the maximum age for leaving the system being 26. The average age at which young people leave residential-type protection services is 19.8, while for the general population the average age at which young people leave their parents’ home is 28.1, and the share of young people aged 20-29 living with their parents is 65%, according to Eurostat<sup>27</sup>.

Data collected from DGASPC (according to the above-mentioned study) show us that young people leave the protection system with a rather modest educational capital, 24% of them at most graduating eighth grade. Only 6.1% of young people had higher education, and, compared to the general population of young people, if we only refer to the 18-24 age group, the share of young people leaving the protection system with a higher education degree is rather lower, i.e. 3.9%, compared to 5.2%<sup>22</sup>. On the other hand, the study shows that, out of the young people who, at the time of leaving the system, were still enrolled in some form of education or were working, the highest share was that of young people who had been cared for by foster carers, only then followed by those who had been enrolled in a residential system. The continuation of or return to studies is an issue that continues to be a wish rather than anything else. Only 15% of the young people leaving the protection system continued their studies

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<sup>26</sup> <https://www.sos-satelecoпилor.ro/wp-content/uploads/2020/07/Studiu-tineri-iesiti-web.pdf>

<sup>27</sup> Eurostat Database, tables yth\_demo\_030 - Estimated average age of young people leaving the parental household by sex and ilc\_lvps08 - Share of young adults aged 18-34 living with their parents by age and sex - EU-SILC survey, data for Romania, 2019.

during the first year after the end of the protection measure, and 10% attended professional retraining courses, and currently only 7% are continuing their studies.

Therefore, with a modest level of education, these young people have a hard time finding a job. During the period considered, 27% of those who had left the special protection system were doing some type of work. Out of all the young people, 20.6% had a full-time or part-time job at the time of cessation of the placement measure.

The same study shows that housing is one of the biggest problems faced by young people leaving the protection system. Finding a place to live is one of the vital aspects of leaving the protection system. A small share of young people will rent a place on the free market (13.6%). Half of the young people use their social networks – the foster carer’s family or the family in which they were placed in foster care, their family of origin or the extended family – to secure a place to live after the protection measure ceases. Some of the young people with disabilities are transferred to an adult residential service. Less than 1% benefit from social hosting services for young people leaving the protection system.

The housing issue was also analysed at the Summit of the Institutionalised Youth Council<sup>28</sup>.

Independent living skills are another issue analysed by young people leaving the protection system. Activities with the fewest mentions from young people are those related to their professional integration (counselling and vocational support – 35%, training courses – 18%), but also those related to taking on responsibilities towards the community, with only 16% mentioning that they have participated in volunteering activities.

There are a number of gaps in Romania's child protection system:

- Inadequate funding and insufficient staff to effectively manage cases;
- Significant regional disparities in the quality and availability of child protection services between urban and rural areas. Poorer municipalities struggle to afford day-care centres, school meals, or after school programmes;
- Child protection professionals sometimes lack continuous professional training and development opportunities, affecting the quality of care and support they provide.

#### *Conclusions and recommendations:*

- What are the actual steps to be taken by the Government for supporting young people within the protection system or those who have left the protection measure? Public-private collaboration in the provision of support to young people within the protection system or to young people who have left the protection measure is marked by significant regional differences. It is therefore important for NGOs supporting this process to also be supported by the state in order to be able to have a sustainable intervention. Public authorities should make every effort to strengthen the public-private partnership.

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<sup>28</sup> <https://www.youtube.com/watch?v=dKA0iQWMal0> and <https://www.facebook.com/photo/?fbid=1257729501266292&set=a.197002710672315>

- How could mechanisms be created at local level to stimulate and encourage the socio-professional integration of young people leaving the system or of those who are still in the protection system? One of the solutions could be a clearer allocation of responsibilities and better coordination, so that services or activities should not be duplicated. DGASPC could play this coordinating role at local level and should be more active in communicating vulnerable children's or young people's needs to those who can provide complementary support: volunteers, private companies, NGOs, etc.
- What are the actual steps to be taken by local and central authorities for the socio-professional and school integration of young people leaving the system or of those who are still in the protection system? There is a need for more activities in residential services and for more flexibility in their organisation, for greater openness to the surrounding community. Moreover, empowering the youth about to leave the protection system by involving it in community volunteering activities would be an effective mechanism for the youth's social integration, by increasing self-esteem, developing empathy and communication skills outside the social network in which it operates.
- Considering the funds which the European Union is mobilising through the Child Guarantee and Romania's National Recovery and Resilience Plan to solve housing problems? The right to housing can also be secured by creating transit housing (e.g. family-type apartments or houses, etc.) accessible for a fixed period of time, to allow young people, including those with a degree of disability, to adapt more easily to independent living. The difficulties in creating such transit housing identified by specialists are financial, but also administrative, for this type of residential services to meet the quality standards provided by the laws in force. Another solution is to pay the rent and monitor these young people for a certain period of time.

## 7. Health (arts. 6, 24 and 33)

Approximately 22,000 children and adolescents live with a diagnosed mental illness<sup>29</sup>, and many others face various developmental, emotional, or cognitive difficulties. It is estimated that a significantly larger number of individuals with psycho-emotional needs remain undiagnosed and do not receive appropriate support.

- In the public health system, mental health care for children and adolescents is provided primarily in psychiatric hospitals, and Mental Health Centers are available nationwide. However, these facilities are focused on treatment rather than prevention.

The Internet exposes children to a wealth of opportunities, but also risks that impact their rights, such as cyberbullying, data protection issues, grooming, cybercrime and child sexual abuse material. A report from 2020<sup>30</sup> shows that the percentage of children in Romania who engage in online activities is high, but many have little or

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<https://www.unicef.org/romania/media/10911/file/S%C4%83n%C4%83tatea%20mintal%C4%83%20a%20copiilor%20C8%99i%20a%20adolescen%C8%9Bilor%20din%20Rom%C3%A2nia%20%28Scurt%C4%83%20radiografie%29.pdf>

<sup>30</sup> <https://www.eukidsonline.ch/files/Eu-kids-online-2020-international-report.pdf>

no protection against potential risks. A law protecting children from bullying and cyberbullying was adopted in 2019.

- There is also a digital divide with many children with limited or no access to technology (eg those in rural communities).

## **10. Education, leisure and cultural activities (arts. 28-31)**

### **Tendencies and issues regarding bullying and children rights - Bullying and its devastating effects on children**

Children in Romania face barriers in accessing quality education and extra-curricular activities.

Early school leaving remains an important challenge in Romania, especially in rural areas and among marginalised communities. The rate of early leavers from education and training is one of the highest in the EU (16.6% vs 9.5% in 2023<sup>31</sup>). Nearly 1 in 4 young people in rural areas leave school before completing secondary education. Access is a factor, with long distances to attend high school. The segregation of Roma children in education has significantly increased - 51% in 2021 compared to 28% in 2016<sup>32</sup>.

A 2022 study points to 1 in 10 children from rural areas not attending education, and 1 in 3 teenagers being absent from school temporarily or permanently because of household work, highlighting the challenges faced by many children in rural areas.

The National Programme for Reducing School Dropout aims to address the root causes of early school leaving. Schools with higher risks of school drop-out are identified through an early warning mechanism, develop plans and then receive additional grant funding. Romania's education system remains one of the most vulnerable in the EU, with insufficient progress in several areas including equal opportunities, early school leaving, performance, infrastructure and funding.

Erling Roland (2012) highlights some characteristics of the bullying phenomenon: it can be direct and manifests itself through physical violence (hits, pushes, obscene gestures) and verbal violence (nicknames, threats, ironies, malicious teasing, negative verbal messages and exclusion from social group). Indirect bullying is manifested by spreading false stories, rumors or other manipulations of relationships, this form being more common among women. The phenomenon of bullying is increasingly widespread in schools in Romania.

A report by the World Health Organization placed Romania<sup>33</sup> in 5th place in a study that included 45 European countries for the frequency of times when children aged 11 or 13 admitted that they had subjected other children to bullying treatments, and in 11th place, for the same phenomenon among 15-year-olds pupils. The same study observes that cyber-bullying, the manifestation of this behavior in the online space, is higher among 13- and 15-

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<sup>31</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20240523-1>

<sup>32</sup> <https://researchandeducation.ro/2023/02/15/roma-childrens-school-segregation-as-a-persistent-public-educational-system-issue-in-romania.html>

<sup>33</sup> Cited source in Educated Romania Strategy, page 10- <http://www.romaniaeducata.eu/wp-content/uploads/2021/07/Raport-Romania-Educata-14-iulie-2021.pdf>

year-old children, respectively, than among 11-year-olds, with Romania occupying the 9th and 10th places, respectively, for the frequency of situations in which children were the victims of cyberbullying, with a higher incidence of exposure to the phenomenon for 13- or 15-year-old girls and boys in the 11-year-old category.

Studies have shown a high correlation between bullying behaviors and poor psychosocial functioning characterized by: low level of self-esteem, high level of depression, anxiety, feelings of loneliness, suicidal ideation and a high level of school absenteeism ( Olweus, 1993; Wolke & Lereya, 2015).

In Romania, Law no. 221/2019<sup>34</sup> legally regulates the sociological phenomenon present in schools known as "bullying". However, the law does not have specific sanctions. The report presented by UNICEF entitled "Hidden in Plain Sight"<sup>35</sup> places Romania at the top of the ranking of countries in terms of the percentage of adolescents between the ages of 11 and 15 who admit to having participated in acts of verbal or physical violence against schoolmates, which amounts to almost 60%.

Forms of aggression and harassment<sup>36</sup> are frequent:

Although verbal aggression is the most prevalent form experienced in both middle school (42%) and high school (38%), physical violence is present in at least one out of ten high school students and one out of seven middle school students. Social aggression is reported by 15.6% of secondary school students and 19% at high school, and electronic aggression or harassment is indicated by 12.5% of high school students and 14% of secondary school students. The most frequent form of aggression that secondary school students saw or heard of was verbal (49%), followed by physical (36%), while high school students witnessed verbal (55%), physical (34%), social (32%) and electronic (26%) aggressions. On the other hand, more than half of the students claim that "sometimes" (44.4%) or "often" (5.7%) colleagues fight with each other, about a third of them hit the weaker ones, and over a third of them say that at least "sometimes" colleagues are insensitive to how others feel<sup>37</sup>.

Students in technological high schools are teenagers with potential and will, but are in vulnerable situations, both from the cause of home problems, family problems and problems financial, as well as those at school, lack of support from one counsellor, busy schedule, bullying, but also inappropriate entourage<sup>38</sup>.

When they were bullied or harassed, the students did nothing because they didn't know what to do or who to talk to, they were afraid (especially those in middle school), they didn't like to complain or because they didn't have thought their involvement would make a big difference. Reporting cases of aggression or harassment - Students do not report cases of bullying that they experience or are involved in fools because they don't know how and to whom to do it. Bullying can be a reason for drug consuming and school drop. The latest 2019 National Anti-Drug Agency Report shows a prevalence of drug use (all types) of 16.7% among young people aged 14-35, which, interpreted in net figures, represents over 850,000 young occasional drug users. The connection between the

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<sup>34</sup> <https://legislatie.just.ro/Public/DetaliiDocumentAfis/219895>

<sup>35</sup> Hidden in Plain Sight – A Statistical Analysis of Violence against Children, UNICEF, 2014, <https://www.nonguvernamental.org/ong/unicef-lansat-raportul-ascuns-la-vedere/>

<sup>36</sup> Report: Bullying in school - <https://worldvision.ro/wp-content/uploads/2021/06/Raport-Bullying-in-scoala.pdf> / World Vision Organisation

<sup>37</sup> Assessment of the School Climate – Research Report - [https://worldvision.ro/wp-content/uploads/2023/02/Raport\\_climat\\_scolar.pdf](https://worldvision.ro/wp-content/uploads/2023/02/Raport_climat_scolar.pdf)

<sup>38</sup> <https://www.go-ahead.ro/ro/necesitatea-orelor-de-consiliere-si-dezvoltare-personala-liceele-tehnologice>

phenomenon of bullying, suicide attempts, school dropouts, drug and alcohol consumption is quite large, even if the factors are much more numerous, is one of the sentences Non-Governmental Anti-Drug Federation sustained in 2022 in front of the Government.

*Conclusions and recommendations:*

Lack of information of children regarding bullying. There is no difference between "bullying" and sexual abuse in official documents.

- There are no particular sanctions in a bullying situation.
- The necessity of explaining the devastating effects of bullying on the children to students and professors.
- Lack of programs of anger management in schools.
- Absence or few counselor hours for students. A psychologist has to take care of more than 500 students. There is no dedicated school counselor or mediator in every school or high school.
- Lack of methods of professors to manage bullying situations. There are no valid teacher supervision mechanisms (e.g. audio-video surveillance cameras in classrooms, self-reported cases by school management).
- There are few training programs for teachers regarding bullying and methods to use in bullying situations.
- There are no serious penalties for governing bodies of educational institutions that do not take into account reports (on bullying) received from students or other teachers.
- The necessity of students to talks with adults about their problems.
- There are no programs of parents counseling so they should know how to manage a situation in which their child is a victim or an aggressor in a bullying situation.
- Few exercises and activities about bullying. There are no mandatory activities regarding bullying.
- Not involving the parents in some workshops and activities about fighting against bulling
- There are no developed simple procedures for reporting bullying in schools.
- There are no transparent and accessible mechanisms for reporting incidents of bullying.
- Few partnerships with social partners, like NGOs so they can present the consequences of bullying.
- High level of drug consuming between youth
- High level of school drop and absenteeism not only in vulnerable environments
- How can we decrease bullying phenomenon in Romania?
- Where does the aggression come from?
- How can we help the adults to use relevant methods to stop bullying?



## 11. Special protection measures (arts. 22, 30, 32-33, 35-36, 37(b)-(d), 30-40 and OPAC)

Both reports published by a series of journalists<sup>39</sup>, as well as the reports drafted by FONPC within the Thematical Working Groups suggest that some magistrates are under-qualified to investigate cases involving minors. What is even more striking is that some of them consider that the sexual abuse against minors is sexual consent. During the past 5 years, 2037 cases of offences of sexual intercourse with minors have been on the dockets of the Romanian courts, show the data obtained from Dela0.ro. Almost half of them , concern victims under 15 years of age. In the same timeframe, 355 rape cases, with victims under 16, have been investigated. Between 2009 and 2013, there have been 32 rulings in cases of sexual abuse against minors. More than a third of these rulings incriminate the offence of sexual intercourse with a minor. The judges ruled that girls between 11 and 14 consented to sexual activity with men between 19 and 38 in which cases, the act was not regarded as rape<sup>40</sup>. After the media revealed numerous cases in which the courts ruled that the victims, children aged between 11 and 13 consented to sexual intercourse with their abusers, following which they received mild or even custodial sentences, the Supreme Council of Magistrates (CSM) decided to check the way in which the prosecutors and the judges handle these cases through the Judiciary Inspection. The conclusions of the Judiciary Inspection Report confirm the journalists' investigations: "As a rule, the judges failed to consider the matter of child victims 'lack of consent'" and, in many cases, the sexual abuse against children under 14 was regarded by the magistrates as "sexual intercourse with a minor" and not rape, the first receiving usually mild sentence<sup>41</sup>.

Romania is under the scrutiny of the Committee of Ministers of the Council of Europe (the Department for the Execution of Judgements of the European Court of Human Rights) precisely because it "doesn't have the capacity to develop a stable and coherent judiciary practice in relation to the notion of consent, so as to differentiate between cases of rape and sexual intercourse with the minor's consent".

### *Conclusions and recommendations:*

Why don't judges resort to specialized support in the field (multidisciplinary team) in order to make decisions that would do justice, and rely their ruling instead, in most cases, on the defendants testimonies, as previously mentioned<sup>42</sup>?

- What are the programmes developed by the Romanian Government so that "the shortage of staff specializing" in cases involving minors, both police and magistracy staff, as well as the "continuous and accentuated turnover of professionals"<sup>43</sup> don't lead to serious infringements of children's rights?
- What are the obstacles preventing Romania from complying with one of the minor-friendly justice conditions - the child courts- so that the cases concerning minor victims switch jurisdiction from prosecutor's offices attached to tribunals to courts specializing in working with minors?

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<sup>39</sup> <https://beta.dela0.ro/acte-sexuale-victime-copii-judecate-fapte-consimtite/>  
<https://www.libertatea.ro/stiri/cum-batjocoreste-justitia-fetele-de-10-ani-violate-2516773>

<sup>40</sup> <https://beta.dela0.ro/acte-sexuale-victime-copii-judecate-fapte-consimtite/>

<sup>41</sup> <https://www.csm1909.ro/ViewFile.ashx?guid=a16b26f8-b678-41f9-a7ab-8aed0f11ce5f-InfoCSM>

<sup>42</sup> The minutes of the Working Groups for the Protection of the Crimes' Victims, organized by the Ministry of Justice

<sup>43</sup> Ibidem

- What are the steps taken at national level to form multidisciplinary intervention teams: police officers, prosecutors and judges, social workers, physicians, psychologists in order for them to learn how to handle cases involving minors?
- What will be the steps taken by the Government in order to improve the legislation on the age threshold as of which a minor can consent to sexual intercourse, and will it do in order to make sure such crimes are harshly punished?

This Report was drafted by the Federation of the NGOs for Child Protection - FONPC- within the project “The Form of change” Youth and FONPC- dialogue for change” carried out with the financial support of Active Citizens Fund Romania, funded by Iceland, Liechtenstein and Norway through the SEE Grants 2014-2021. The project aims at increasing coordination between the FONPC’s members in order to actively get involved and encourage youth participation in the dialogue with public authorities, in the monitoring and informing of public policies aimed at human/children rights, by setting up tools for monitoring the realization of children’s rights, setting up information and alert mechanisms, through watchdog and advocacy activities, through promoting the alternative Report on children’s rights, as well as by setting up the FONPC Youth Council that will participate in the advocacy, strategic programming and decision-making activities within the Federation.

FONPC organized 5 thematic working groups on the following topics:

- Care and protection of children
- Child-friendly services- social serviced, education, justice, health
- Children and youth participation
- Strengthening the capacity of the FONPC’s members
- Prevention and fight against violence against children

Between 2019-2023, 6 working groups meetings per group were organized amounting to 30 thematic working groups. More than 100 persons took part in these meetings, some of them participating in several working groups, others only once in one group. In these groups, aspects pertaining to the Report above were included.

The data presented in this report belong to the members and the partners of the Federation.

## **The Members of the Federation of NGOs for Children's Rights**

- 1. Asociația Speranta**
- 2. Asociația SOS Copiii Sântana**
- 3. Asociația SOS Satele Copiilor România**
- 4. Fundația Internațională pentru Copil și Familie Dr. Alexandra Zugrăvescu**
- 5. Fundația World Vision România Romania**
- 6. Societatea pentru Copii și Părinți SCOP**
- 7. Asociația de Sprijin a Copiilor Handicapați Fizic - România (The Association for Supporting physically-disabled children - Romania)**
- 8. "SERA România Foundation**
- 9. Organizația pentru Copii și Adulți cu Nevoi Speciale - TREBUIE! ,**
- 10. Asociația HOLTIS**
- 11. Fundația Îngerii Speranței Lugoj**
- 12. Asociația EduC**
- 13. Fundația "Căminul Phillip"**
- 14. Fundația Talentum Târgu Mureș**
- 15. Fundația Română pentru Copii Comunitate și Familie**
- 16. Asociația Română pentru Copii Dislexici (The Romanian Association for Dyslexic Children)**
- 17. Asociația EduC**
- 18. Asociația FDP-Protagoniști în educație**
- 19. Fundația Serviciilor Sociale Bethany**
- 20. Fundația "Star of Hope România"**
- 21. FEDEREII- Asociația Adulților din Casele de Copii**
- 22. Fundația pentru Dezvoltarea Serviciilor Sociale**
- 23. Asociația "Bună Ziua Copii din România"**
- 24. Fundația "PARADA"**
- 25. Fundația "CONEXIUNI"**
- 26. Asociația "Sprijinirea Integrării Sociale" (ASIS)**
- 27. Asociația Valentina România**
- 28. Federația Internațională a Comunităților Educative**
- 29. Asociația Hrăniți Copiii – Feed the Children**
- 30. Fundația Sf Dimitrie**
- 31. Agenția Adventistă pentru Dezvoltare, Refacere și Ajutor (ADRA)**

32. Fundația "Un Copil O Speranță" UCOS
33. Asociația Esperando
34. Asociația Create Yourself
35. Fundația Terre des Hommes - Elveția
36. Fundația United Way – Drumul împreună România
37. Asociația Creștinas For Help – Timiș
38. Asociația Română pentru Custodie Comună
39. Asociația Stea
40. Asociația Filantropia Ortodoxă Alba Iulia
41. Asociația "Casa Faenza" Timișoara
42. Fundația de Sprijin Comunitar
43. Asociația Creștin – Umanitară "Slujirea vieții"
44. Asociația Autism, Baia Mare
45. Societatea Handicapaților Zalău
46. Asociația Serviciul APEL
47. Asociația "Casa de Copii Sf. Maria" Ajutorul creștinilor
48. Asociația "Sfânta Ana"
49. Asociația Fraților Mariști ai Scolilor din Romania
50. Asociația de Ajutor Amurtel Romania
51. Fundația de ajutor medical PROFILAXIS
52. Fundatia Hospice "Casa Sperantei"
53. Fundatia MGH pentru copii bolnavi de SIDA
54. Fundatia Veritas
55. Fundația "AGAPEDIA România"
56. Organizația Umanitară Concordia
57. Asociația Umanitară "Renaitre România" - Orăștie
58. Fundația "Inima de Copil" Galați
59. Fundația "Inocenți"
60. Fundația "Inocenți" Filiala București
61. Fundația Project Romanian Rescue
62. Fundatia FARA
63. Asociația "Hands Across România Association"
64. Asociația You Hub
65. Aliat