ROMANIA

Thematic alternative report on the child protection, alternative care and adoption systems

Pre-session/session & type or reporting procedure	100 Pre-Session (3 February 2025 - 7 February 2025) 99 Session (5 May 2025 – 24 May 202). SRP
State Report	Combined sixth and seventh periodic reports (Romania). 15 July 2024. CRC/C/ROU/6-7
Challenges and gaps	**Child protection and alternative care** • A key challenge remains the lack of sufficient preventive measures to address the root causes of **family separation**. Although Law No. 156/2023 was enacted in 2023 to strengthen support for families and prevent separations, gaps persist in the availability and effectiveness of family support services (Hopes and Homes, 2023; ISS/IRC local contacts). • Family separation in Romania is largely driven by **severe poverty** (Hope and Homes, 2018) — child poverty, at 39% is the highest in the EU (Eurostat, 2023)— particularly affecting families in rural areas, which comprise nearly half of Romanian children and offer limited social support access (UNICEF COAR, 2023). Poverty-related issues cause 41% of child removals, often worsening due to inadequate education, scarce employment, and high school dropout rates, creating further socio-economic instability (Committee on Economic, Social and Cultural Rights (CESCR), 2024). This hardship has even led to parents abandoning their children, who then become "social orphans" in residential care (UNICEF, 2024). Moreover, societal marginalisation can exacerbate family separations, particularly for children from Roma families, and those in rural areas who face heightened difficulties in accessing public services, healthcare, and education, due to deep-rooted socioeconomic disparities (CESCR, 2024). • The 2017 **Deinstitutionalisation Plan** set a goal to close (or have a closure programme) all large-capacity residential institutions by the end of 2020. The deadline was extended due to the COVID-19 pandemic, and the government now expects to complete closures by the end of 2024. As a result, by 2024, 45 out of the 167 residential care centres operational in 2017 were in the final stages of closure (CRC/C/ROU/6-7, 2024, para 30). However, budget constraints continue to slow progress (Hope and Homes, 2023; A/HRC/WG.6/43/ROU/3, 2023, para 77). Eurochild (2024) also warned that rushing the closure of institutions without ensuring proper preparation for children's transition to family-based care and affordable housing options for care leavers risks increasing their vulnerability.

| | • At the UN level, serious concerns have been raised regarding the significant number of **children placed in institutions**, the living conditions and health of institutionalised children, and the inadequate monitoring system to prevent abuse and exploitation (OHCHR, A/HRC/WG.6/43/ROU/2, 2023 and Human Rights Committee, CCPR/C/ROU/CO/5, 2017).
• A persistent challenge in Romania's child protection system is the **overrepresentation of Roma children** in residential care. The European Roma Rights Centre reported in 2021 that Roma children made up around 60% of children in state care, compared to only 15% of the total population.
• Romania continues to grapple with the situation of **children left behind by parents** who emigrate for work. These children are particularly vulnerable to abuse, trafficking, institutionalisation, and early school drop-out. Girls are at even greater risk, facing additional challenges such as early marriage and domestic violence (OHCHR, A/HRC/WG.6/43/ROU/2, 2023, para. 29; UN Working Group on discrimination against women and girls, A/HRC/47/38/Add.1, 2020; Bucharest Daily News; Balkan Insight, 2019). In 2023, 71,152 children with parents abroad were registered (UNICEF COAR, 2023), showing a steady decrease with e.g. 75.803 children in 2021 where 3.275 entered the special protection system, including 569 in residential care (UNICEF, 2021).
• In 2023, 774 accompanied and 159 unaccompanied migrant children applied for asylum in Romania (European Council on Refugees and Exiles, 2024). Despite recent efforts (see for instance, the creation of a task force to protect unaccompanied children or the adoption of joint ministerial order 119/20643/2023), significant challenges persist in supporting **migrant and refugee children**. Eurochild has raised concerns on the reduction in financial support for refugees and the Asylum Information Database highlighted issues with new joint ministerial order 119/20643/2023, which complicates family reunification for unaccompanied children by placing the burden of identifying family members and assessing reunification feasibility on their legal representatives.
• **Child trafficking** remains a significant problem in Romania, with children making up nearly half of all trafficking victims (UNICEF, 2024), and the country reporting the highest number of victims in the European Union (UN Working Group on discrimination against women and girls, A/HRC/47/38/Add.1, 2020). Contributing factors include poverty, sexual abuse, parental absence, lack of education, and corruption. Children in residential centres, particularly girls, are especially vulnerable (OHCHR, A/HRC/WG.6/43/ROU/2, 2023). Disturbingly, research shows that in rural areas, families sometimes overlook exploitation for financial gain, with over 90% of child victims of sexual trafficking being girls. Abuse, neglect and exploitation and different forms of violence account for 28% of children in state care (Justice & Care, 2024).
• In 2014, **children with disabilities** accounted for approximately 9.5% of those in state care, but by 2023, this figure had risen to around 25% (UNICEF, 2014; UNICEF COAR, 2023). While progress has been made in deinstitutionalisation, children with disabilities remain deprioritised in this process. Law No. 191/2022 amending Law No. 272/2004 on the protection and promotion of children's rights, prohibits institutionalising children under the age of three and mandates that children under the age of seven should be placed only in extended, foster or substitute family care, except in severe cases of disability. Therefore, as OHCHR stressed (OHCHR, A/HRC/WG.6/43/ROU/3, 2023, para 74), the law still permits the placement of children with disabilities in residential care, which undermines the goal of deinstitutionalisation for this vulnerable group. As a result, despite the overall decrease in children in residential care (CRC/C/ROU/6-7, 2024, para 172), children with disabilities remain disproportionately placed in institutional settings. |

	• Support for **children leaving residential care** in Romania remains insufficient. Although Law No. 191/2022 mandates individualised protection plans and specific intervention programmes to prepare children for independence, inconsistent application leaves many unprepared for adult life ([Hopes and Homes](), 2023). In 2020, nearly half of care leavers (46.5%) were not in employment, education, or training, facing poverty and deprivation at twice the rate of their family-raised peers ([Hope and Homes](), 2023). Moreover, limited social housing poses an additional risk ([Hope and Homes](), 2023); Romania's 2% rate is far below the EU average of 30%, restricting secure accommodation options for these young adults. • While **foster care** in Romania has seen some improvements (see for instance [CRC/C/ROU/6-7](), 2024, para 173-175) significant challenges remain. The foster care system remains underdeveloped, with a critical shortage of foster families This is particularly critical as residential institutions close, and the demand has risen in recent years with the increasing number of unaccompanied Ukrainian children ([Hope and Homes](), 2022). **Adoption** • Since 2020, Romania has [promoted adoption through different initiatives](). Despite this, challenges remain for Romania's adoption system, particularly for children with special needs. Although such children are classified as "difficult to adopt", legislation lacks targeted measures to facilitate their adoption once declared adoptable. • Procedural complexities and limited human and financial resources present ongoing challenges in Romania's adoption system, often resulting in significant delays in adoption timelines (ISS/IRC local contacts; [CRC/C/ROU/CO/5](), 2017, para 30). • Transparency and accountability are also critical concerns in Romania's adoption system, stemming from historical issues with illicit adoption practices.
Questions for the dialogue	• How do you assure the new laws and policies to be equally implemented in rural or poverty-affected areas? • What specific measures are in place to ensure Roma children are not disproportionately represented in institutional care and how does the State plan to address the disproportionate rate of family separations among Roma families and families facing economic hardship? • What further steps are being taken to ensure children with disabilities are primarily placed in family or community-based care, rather than residential settings? • While Law No. 191/2022 represents a positive step in requiring emigrating parents to appoint a caretaker for their children, what mechanisms are in place to monitor compliance and assess the effectiveness of these appointments in safeguarding children's well-being? Additionally, how is the State addressing the ongoing risks of institutionalisation, exploitation, and gender-specific vulnerabilities, such as early marriage and domestic violence, among these children? • What concrete steps are being taken to ensure the effective implementation and monitoring of child-friendly reporting mechanisms and accessible support systems within alternative care settings? • What measures, if any, are in place to promote the adoption of children with special needs? Are there any legislative amendments planned to expedite their adoption processes? • Given Romania's history of past illicit adoption practices, what steps is the State taking to ensure transparency and accountability in the adoption process?

Recommendations for the State party	• Ratify the Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC) and the Optional Protocol to the to the Convention on the Rights of Persons with Disabilities to strengthen international legal commitments to children's rights. • Given the high rates of child poverty and social exclusion, and its role as a significant driver of family separation, it is crucial to prioritise investments in preventive services aimed at family preservation and strengthening. There is a need for greater focus on addressing the root causes of family breakdown, including poverty and social exclusion, through comprehensive family support programmes, financial assistance, and access to social services. Special attention should be given to at-risk communities, including Roma families, to ensure equal access to these support systems. • Ensure the establishment of child-friendly reporting channels and accessible support systems within alternative care settings, enabling children to safely express concerns, report abuse, and access appropriate support and protection services. • Allocate sufficient resources to meet the 2024 deinstitutionalisation goal, ensuring a well-managed transition from residential to family-based care. This includes thoroughly preparing children for the change through tailored psychological support, counselling, and gradual adaptation programs, as well as providing targeted training and capacity-building for the workforce—such as residential care staff, social workers, and foster families—to equip them with the necessary skills to facilitate successful transitions. • Establish a robust monitoring framework to track outcomes for children leaving care and ensure their well-being, complemented by sustainable housing and employment assistance programs to support their successful integration into society and reduce economic vulnerability. • Expand specialised foster care for children with disabilities and increase community-based support services. Build training programs for foster families to provide quality care, especially for children with disabilities or unaccompanied migrant children. • Streamline family reunification procedures for unaccompanied migrant children by reinforcing the roles and training of legal representatives, improving coordination among relevant agencies, and prioritising these children's safety and reunification where possible. • Ensure the allocation of adequate human and technical resources to strengthen the functioning of the adoption system, including sufficient staffing, training, and technological infrastructure to streamline processes, reduce delays, and enhance the support provided to prospective adoptive families and children (see also CRC/C/ROU/CO/5, para 30). • Include and implement specific mechanisms and measures to promote the adoption of children with special needs, including those classified as "difficult to adopt". • Establish financial support programs and comprehensive training for adoptive parents of children with disabilities, while also ensuring adoption agencies are well-equipped to facilitate these adoptions. This includes providing specialised training for agency staff and offering tailored pre- and post-adoptive services, such as counselling, peer support networks, and ongoing guidance, to equip families with the resources and support needed for successful integration and long-term family stability.