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Save the Children România



Alternative Report – Bucharest, 2016

TO THE FIFTH PERIODIC REPORT SUBMITTED BY ROMANIA TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD 2008-2013

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Introduction

This Alternative Report builds on the information, opinions and recommendations synthesized during two special consultation events that took place at the beginning of 2016: one event consisted of a 4 day consultation with 48 children coming from 10 different counties and Bucharest, followed by a one day consultation with 16 different NGO working on different areas of children's rights. Moreover, the studies cited in this report and produced by Save the Children Romania rely on the opinions of more than 4200 Romanian children, 3250 parents and 470 specialists working for public authorities and NGOs. Additional info on the abovementioned methodology are described in Annex II.

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A. General measures of implementation, child definition, general principles, civil rights and freedoms

GENERAL MEASURES OF IMPLEMENTATION (ART. 4, 42 AND 44 OF THE CONVENTION)

The time elapsed since the last Periodic Report was submitted and reviewed has been marked by important developments in the situation of children in Romania. Some of the measures adopted by the authorities had a positive impact on the rights of the child, but, on the other hand, the economic crisis and the absence of a vision based on the child's best interests led to a persistence of worrying phenomena such as a high infant mortality rate, non-participation in education, poverty and exclusion risks among children and the absence of child-oriented services.

Legislation

With respect to the regulations with an impact on children, the main reasons of concern are the following: at the level of legislative procedures, the absence of a strategy that would make it mandatory to assess the impact of legislation on the rights of the child, unequal opportunities for experts to participate in the public consultations around legal initiatives and delays in developing secondary legislation needed to implement legal acts.

Lack of concern for the consequences that policies and legislation may have on children can find a concrete illustration in the effects of the package of austerity measures that the Romanian government implemented in 2010-2011 as a response to the financial and economic crisis. This package of legislative measures had a serious impact on the rights of the child and the economic security of children's families, through measures such as the increase in the VAT rate, wage cut offs and the freezing of jobs in the public sector (including key sectors such as education, healthcare and social welfare), the merging of schools, closing down hospitals, the reduction of some social benefits such as the unemployment benefit, the disbandment of central institutions with a key role in the protection of child rights.

In regards to key documents, public consultations are either totally lacking or lacking transparency. Experts in the field of children's rights either lack information on the possibility or do not know the modalities of submitting an opinion on proposed legislation or do not have the time to analyze the drafts and develop an informed opinion. The best example in this regard concerns the Budget Law: the government announced for the first time at the end of 2015 a public consultation on the draft budget for 2016. The invitation was announced through a press release on the 7th of December, which demanded comments and opinions by the following day, December 8th, with the public debate announced to take place on December 9th. Even beyond the short notice on a crucial legal instrument, at the time of the public debate, the Government had already approved the draft to be submitted to the Parliament. There were also instances when legislative changes were initiated by civil society or were based on lengthy public consultations involving all relevant stakeholders (one example in this regard are the amendments made to law 272/2004 on the protection and promotion of children's rights).

As far as secondary legal instruments are concerned, the best example is the National Education Act that came into force at the start of 2011, but it was difficult to implement in many respects, due to the delays in developing secondary instruments. Consequently, even if the National Education Act provided (Art. 361, paragraph (6)) for 8 months to develop all secondary instruments, it took four years to come to a final version of the Regulation on the Organisation and Functioning of Pre-tertiary Education Units (published in Official Monitor of Romania on January 13th, 2015), which was critical to the adequate functioning of schools as well as for outlining the rights and obligations of the pupils.

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Coordination

In order to meet the budget constraints, but giving no regard to the best interests of the child and the previous recommendation made by the Committee, the government issued Emergency Ordinance no 10/2010 whereby it decided to abolish the former National Authority for the Protection of Children's Rights (NAPCR) and transfer its mandate to a directorate within the Ministry of Labour. There has been no assessment of the extent to which this decision has attained the goals set out at the moment of its adoption (keeping with the allocated budget and shrinking the central structure of the ministry and of the institutions subordinated to it), but statistical data point out that since the abolishment of NAPCR and until the establishment of the National Authority for the Protection of Children's Rights and Adoption in 2014, there was an increase in the number of children in institutional care, coupled with a drop in the number of staff from the child protection services and a 37% decrease in the number of foster carers¹.

Another significant issue stemming from the central authority playing a key role in the protection and promotion of the rights of the child emerged from the consultations with children. Thus, when we reviewed the way in which Romania has transposed the CRC² general implementation measures, it emerged from the interviews with children that they ignored the central institution mandated to protect and promote their rights.

As for coordination at local level, the institutional roles and mandates suffer from poor delimitation, making it impossible even for experts to say which institution is supposed to coordinate the implementation of the Convention at county and local level. During the review conducted by Save the Children Romania, many of the interviewees³ stated that they relied in their answer on a personal assumption. They felt and gave voice to the need for clarity in the specific roles of the institutions and for giving a specific mandate in this respect to one to the existing institutions.

OPINION

On the disbandment of National Authority for the Protection of Children's Rights

„No, we did not receive anything, not even an official letter, nothing. We found out from the press (...) I tried to look now, before your visit, for more information on the website of the National Authority, you know that they have two different websites, but on neither did I find any information, I don't even know what is going on, maybe you know more since you said you went and talked to them too. Maybe you can share some info with us too. (head of PSAS).

The National Action Plan

Though up to a certain point the National Strategy on the Protection and Promotion of the Children's Rights 2008-2014 and the related operational plan were well designed, their implementation was strongly impaired by the fact that they did not come with a definition of the necessary resources and they lacked any monitoring and updating.

That strategy only included an overview of the budgetary sources, but laid out nothing about the amount required. As for the operational plan, though it defines operational objectives, activities, responsibilities, partners, deadlines, indicators and outcomes, it made no reference to either the budget required or the personnel associated to these activities and results. Moreover, though it was stated in the body of the strategy that the implementation will be subject to monitoring both annually and on the conclusion of each operational plan (the first one covered 2008-2009) in order to improve and update it, we could not

¹ www.copii.ro

² Idem 1.

³ Idem 1.

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identify any evaluation or progress report, which makes us say in all confidence that the two strategic documents have never been updated.

Independent monitoring

There is no specialised independent body in Romania to take over the tasks outlined by the UN Committee, such as the Children's Ombudsman. The office of the Ombudsman includes a semi-specialised department charged with "the rights of the child, family, youth, pensioners and people with disabilities". In 2015, a total number of 12164 petitions were registered. Out of this total number only 103 petition concerned the rights of the child, which means, from the point of view of allocated time, that only 2 petitions per week dealing with the rights of the child were registered in a country where 1.7 million children live in poverty and were 350.000 children were not registered in 2014 in the formal education system.

Although both civil society and the UN Committee have underlined the importance of a specialised office within the Ombudsman, the Parliament rejected in 2009, 2012 and 2015 three draft laws that aimed at founding such an office (a specialised deputy of the Ombudsman).

Furthermore, the arguments raised in the parliamentary proceedings related to the three initiatives raise concern about how the legislator understands to comply with the principle of the best interests of the child. To illustrate that, one of the arguments the Committee for Legal Matters within the Senate raised in its negative opinion⁴ was that such a specialisation would give rise to a difference between the deputies of the People's Advocate, which would violate their equal rights.

Resource allocation

Save the Children Romania reviewed the children's budget in Romania for the period 2008-2014. Three key areas of the children's rights were analysed (education, welfare and healthcare)⁵. According to this review, the priority given to children in the allocation of public resources is far from satisfactory. In order words, in Romania, the budget expenditure to the GDP for the three fields altogether represents one of the lowest in the EU member states. Additionally, though as a percentage in the GDP the total public expenditure was only 27.57% lower in Romania compared to the European average, expenditures for the three key areas for children was 41% lower than the European average.⁶

The change introduced in 2009 in the way pre-tertiary education is funded has not resulted in either better quality education or the elimination of unequal opportunities in education. With respect to the impact of the introduction of the cost per capita mechanism, the above mentioned study confirmed and furthered the conclusions of the previous ad hoc evaluations⁷ and proofed that such a funding system does not succeed in ensuring equity in education and it is far from delivering education under "normal conditions". A serious source of concern is the gap in the amounts per capita among counties, with the result that the most disadvantaged children are those living in areas where poverty is deeper⁸.

⁴ Senate of Romania, Committee for Legal Matters, appointments, discipline, immunities and validations, Report on the draft law for the amendment of Law no. 35/1997 on the Ombudsman, republished (no. 658/18.06.2012), <<http://www.senat.ro/legis/PDF/2011/11L658CR.pdf>>.

⁵ *Children's Budget Analysis - Exploratory Study* (Bucharest: Save the Children Romania, 2015) <http://salvaticopiii.ro/upload/p000600010001_Cercetare%20bugetul%20copiilor.pdf>.

⁶ Idem 6.

⁷ *Financing of the Pre-tertiary education based on standard costs: an equity perspective assessment* (Bucharest: ISE and UNICEF, 2014) <<http://www.ise.ro/wp-content/uploads/2015/02/Finantarea-sistemului-de-invatare-preuniversitar-pe-baza-standardelor-de-cost-2014.pdf>>.

⁸ Idem 6.

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Data collection

It is noteworthy that data collection has improved since the authorities implemented the IT data collection system (CMTIS). However, we could see that there still persists a trend to collect only some data regarding the rights of the child (especially with respect to children in special protection system or other categories of vulnerable children). Moreover it seems that some indicators are measured by different institutions with different results (e.g. the number of disabled children measured by NAPCRA does not coincide with the same number calculated by NAPD⁹).

As for data collection and access to data on the local and county level, the review conducted by Save the Children¹⁰ evinced several shortcomings and disparities: absence of a common database, problems in institutional communication and cooperation, non-collection of some categories of data segregated at local level. The representatives of the county and local institutions explained that they come across difficulties, which are felt especially at the local level, caused by the fact that data relevant for the local level is only available per country level (for people with disabilities, for instance, the committee that assesses the severity of the disability functions at the county level). Databases managed by county institutions sometimes do not provide segregated data at the level of cities and localities. Neither did these institutions implement a system that would allow for the automated receipt of data at the local level.

In the same time, the National Institute of Statistics still uses age groups that do not reflect the situation of the children, when it comes to important aspects such as teenage mothers (the age groups used in statistics are still defined as under 15 and 15-19) or road safety (the youngest age group there is under 20)¹¹.

Furthermore, in key fields for the rights of the child such as education or healthcare, there is not enough data segregated by the ethnical criterion that would allow for the analysis of the special situation of children from vulnerable groups and of the impact of public policies and governmental programs targeting these groups, although authorities do collect and make public some of the data segregated by the ethnical criterion under aspects such as poverty, social transfers and housing.¹²

The dissemination of the Convention and training

There are still important categories of professionals that do not benefit from training in the field of the rights of the child as part of their initial training: the healthcare professionals or teachers. Some members in these categories have made the object of training initiatives implemented by a number of NGOs, but it is necessary to have a systematic approach that can ensure the proper knowledge and implementation of the architecture of the Convention.

From the data collected by Save the Children Romania, between 2006 and 2013 there was a drop in children's awareness on their rights: a 10 percentage points drop in the rate of the children that can name at least three of their rights and an increase of almost 10 percentage points in those who cannot identify even one such right¹³.

A worrisome situation was reported in the field of child protection services where GDSACP's case managers are lacking specialized professional training. An exhaustive analysis of the child protection

⁹ On December 31, 2012, NAPCRA indicated a number of 73,216 children with disabilities, whereas data from NAPD indicated 60,859.

¹⁰ Idem 6, p. 40-41.

¹¹ National Institute of Statistics, TEMPO Online, <<http://statistici.insse.ro/shop/>>.

¹² Ministry of Labour, Family, Social Protection and the Elderly, Social inclusion indicators.

¹³ *Knowledge, importance and respect of children's rights in Romania* (Bucharest: Save the Children Romania, 2014).

system¹⁴ shows that in 2010, only 28,5% ensured the professional training of eligible employees while in 2011, the percentage decreased to a mere 27.7%. Under these circumstances we can say that two thirds of GDSACP case managers lacked the professional training stipulated by the national legislation on minimum standards in the field of child protection despite the fact that the role of the case manager is crucial in the protection of the rights of the child. When it comes to in job training the situation is also far from the legal provisions set up in the minimum standards requirement. In 2010, only 28% of the GDSACP ensured the 42 hours per year of in job training (stipulated in the standards), while the rest did not allocate any money for in job training of case managers or limited their efforts to 22 hours of training.

Cooperation with civil society

In our experience, there is a tendency to limit consultation of civil society (when developing and implementing legislation and public policies) to sectorial measures only (such as education, child health, social welfare) and only in rare instances to extend it to decision-making processes regarding fiscal measures, the development of public budgets or infrastructure projects with a significant impact on children's wellbeing. The development of the draft national education act for instance, relied on a vast consultation process with NGOs, whereas the adoption of the austerity package implemented by the Romanian Government in 2010-2011 was not preceded by any consultation with organisations active in the protection and promotion of the rights of the child.

As for access to funding, in the programming period 2007-2014, the NGOs that implemented projects financed from the EU funds came across numerous difficulties and bottlenecks that emerged many times from the way the Government managed the structural funds, especially with regard to the disbursement of expenses made many months before, lack of transparency in decision making or changing the rules in the course of the implementation of the projects¹⁵. These systemic problems caused by poor commitment of the Government towards the good operation of the programs caused irreparable harm to some of the most active NGOs that stood for an important resource for vulnerable children. They had to lay off part of their staff, to face forced sale of their assets or even close their gates to beneficiaries of support.

OPINIONS:

On the allocation of the resources, the impact of the cut offs in salary and personnel:

"We did not undergo any restructuring, but we are faced with losing the staff, as people are not motivated and they do not manage to cover for their own needs. I can tell you that from the 6 people I manage, 5 have already notified us about their intention to leave and one of them has been working in social assistance for already 11 years. When you pay people a salary slightly above social benefits, I wonder how one can expect them to be efficient at work" - a representative of GDSACP.

"Do you know how one can deal with 9,000 applications for heating subsidies in this place? It takes working in three shifts. Had you asked me then about child protection... I should have taken a while to catch my breath... to recall whether I did anything for that child. I did not because I had to attend to other tasks I should fulfil (...). I used to have a sociologist working here and now he is unloading trucks of pasta. Streets too are part of the social landscape, but it does not mean that one day the welfare staff will lay asphalt" - a PSAS director.

On coordination and cooperation on the local level and data collection:

"It seems that in the Payment Unit everyone has the same database, all their county offices subordinated to the ministry speak the same language. As for us, the city halls, it was rather a matter of how much

¹⁴ Conclusive study based on the assessment of GDSACPs, PSASs and other institutions and organisations involved in child protection systems (Bucharest: Sera Foundation, Ministry of Labour, 2013) <<http://www.sera.ro/seraromania/images/Raport-final-studiu-conclusiv.pdf>>.

¹⁵ <http://www.fonduri-structurale.ro/Document_Files/Stiri/00011638/gf5bh_Scrisoare%20deschisa.pdf>.

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money we had or how imaginative we were... or not... we implemented our little programs, in isolation, one per sector. A sequence of programs seems like a dream that may not come true, not yet (...) institutions have to follow their own regulations, their own legislation, and there is also data confidentiality on top of all (...) we mistrust one another. Let's start from the legislation and go down the pyramid so that we all end up working with confidential data, I mean ourselves and many other bodies... but let's also see the results of our work reflected in a single database! What a great thing!" – a PSAS representative.

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CHILD DEFINITION (ART. 1)

Though Romania is overall a country of aging population, where the elderly (65+) account for a larger share than children under 15 (16.3% versus 15.6%), the situation is radically different among the Roma group where children under 15 account for almost one third of the population (29.3%).¹⁶

General principles

Art. 2. Non-discrimination

From the many public institutions mandated, on the national level, to safeguard the principle of non-discrimination, the only direct channel available to children is the office of the Ombudsman. On the other hand, the very representatives of this institution admitted that the number of complaints regarding children that they received was overall low and that though they received some direct complaints from children, as a rule, children (independently or through their parents) do not lodge a direct complaint with the Ombudsman, but they choose to contact the NGOs or the GDSACPs.¹⁷

Stigma and discrimination of children who identify as LGBT are widely spread in schools, in families and in communities. A report released by ACCEPT association¹⁸ shows that 8% of LGBT children say that they have been physically assaulted or humiliated in schools, while almost half of non-LGBT children (46,5%) say that they would be bothered to have a gay classmate. It is also worrisome that teachers make homophobic remarks during classes (64% of LGBT students say that they witnessed such comments during classes) without being sanctioned and thus perpetuating and legitimizing discriminatory attitudes and even violent behaviour among students. Unfortunately for Romanian LGBT students there are no means to report discriminatory or violent acts motivated by homophobia mostly because LGBT children are not recognized as a vulnerable group (since they are not acknowledged at all).

Consequently, action plans targeting the prevention of violence in schools do not contain specific actions to support LGBT students, actions against bullying in schools do not recognize as vulnerability the sexual orientation of students, no research or studies account for the lives of these children. Even more worrisome, the school curricula does not contain at any level unbiased information on sexual orientation and gender identity.

Given that discrimination continues to affect major categories of children in Romania (Roma, children with disabilities, LGBT etc.) it is very worrisome that the regulations that govern the functioning of the National Council for Combating Discrimination do not allow for the children's direct access to it, though the Council is the highest state authority in the field of discrimination¹⁹.

Even in the instances when the NCCD learns about and analyses cases of discrimination against children brought to their attention by NGOs such as those promoting the rights of HIV/AIDS patients (The Romanian Anti-AIDS Association), the rights of the ethnical minorities (such as The Roma Centre for Social Intervention and Studies – Romani Criss) or the rights of children with disabilities (such as The European Centre for the Rights of Children with Disabilities), the penalties would be minor and they would not deter similar wrongdoings.

¹⁶ Moldoveanu, Ruxandra, Lavinia Elena Bălțeanu, and Silvia Pisiță, 'Ethnic minorities - disparities in employment and unemployment', Romanian Statistics Magazine, 2015 <http://www.revistadestatistica.ro/supliment/wp-content/uploads/2016/03/RRSS12_2015_A13.pdf>.

¹⁷ Idem 6, p. 53.

¹⁸ Irina Costache, A High school safe for all – *Perceptions and attitudes towards LGBT persons in Romanian school environment* (Bucharest: ACCEPT, 2016) <<http://www.acceptromania.ro/wp-content/uploads/2016/03/Un-liceu-sigur-pentru-to%C8%9Bi-rezultate-cantitative1.pdf>>.

¹⁹ Ordinance no. 137/31 August 2000 (*republished*) on the prevention and the sanctions applied to all forms of discrimination.

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Ethnic segregation in schools was banished in Romania starting 2007, but both official documents and studies conducted by NGOs point to a persistence of the phenomenon. The official estimates point to the existence of only 33 schools where Roma pupils²⁰ are subject to segregation, but a study²¹ conducted in 2011 shows that 64.5% of Roma school children are included in Roma majority classes in primary education and that in lower-secondary the percentage drops to 53%. The same study reports that school segregation is higher in rural areas (68.6%) versus urban areas (47.6%) and that it is more common for a Romani speaking child to be included in segregated classes (64%) versus the children coming from Romanian speaking families (48.3%).

CASE STUDIES

NGOs have repeatedly referred the NCCD cases where the healthcare personnel made explicit reference to HIV infection on medical papers that were meant for non-medical units (including the papers needed to enrol children in schools or to excuse pupils from PE classes), which is prone to give rise to serious discrimination.

In a first decision²², the NCCD decided to close the case, following mediation proceedings whereby the Ministry of Health committed to inform all doctors on the fact that such a disease should not be mentioned on documents similar to those listed before. In spite of that, the incriminated practice continued, which led to other cases being referred to the Council.

In another of its decisions²³, the NCCD found that the Ministry of Health violated its obligation to circulate the new instructions and that there were grounds to suspect continued discrimination in similar situations, but only resorted to issuing a warning to the Ministry of Health.

In September 2009, the European Centre for the Rights of the Children with disabilities complained to the NCCD about a case of discrimination against a 5-year old child suffering from Dravet syndrome, which is a rare form of epilepsy. The child was enrolled in a mainstream kindergarten, based on psycho-medical recommendation. Upon enrolment, the mother informed the kindergarten board about the disease the child suffered from and about what was needed in terms of environment to meet his specific needs. Fifteen days after the child was enrolled, the board informed the mother that her son could no longer attend kindergarten, one of the reasons being that once autumn started there would be more children coming and their parents would not consent to the presence of a mate with disabilities.

The decision given by the NCCD²⁴ confirms that, by the nature of facts, the case was clear discrimination, but the penalty applied was just a warning.

OPINIONS

The children that Save the Children Romania interviewed singled out countless discriminatory practices, in the field of education in particular: mentally challenged children are discriminated against both by their mates and the teachers; there is no inclusion of children with disabilities; there are numerous instances of discrimination and segregation based on school results and behaviour (including classes that are segregated along such criteria). As for the situation of the children from minority groups (especially the Roma), the interviewed children pointed out the following problems: there is no respect for diversity, the language, culture and religion of other ethnic minorities and school does not foster this sense of respect;

²⁰ *Social Analysis in Romania's counties* (Bucharest, Ministry of European Funds, 2015)
<<http://www.fonduri-ue.ro/images/files/transparenta/romi/23.03/Analiza.judetelor.RO.pdf>>.

²¹ Duminică, Gelu, and Ana Ivasiuc, *A school for everybody?: access for Roma children to a quality education* (Bucharest: Vanemonde, 2010).

²² NCCD, Decision no. 95/17.02.2009.

²³ NCCD, Decision no. 479/12.11.2012.

²⁴ NCCD, Decision no.19/23.01.2013.

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there is no true inclusion of the Roma children and segregated classes are quite common in their case; the special support measures (scholarships, reserved places) are not enough to meet the needs.

“Teachers discriminate on account of religion, colour, the means in the family” (13 year-old girl)

It is concerning that we witness a drop in tolerance even among children. In 2013²⁵ Save the Children Romania updated a study it had conducted in 2006²⁶, whereby they assessed the level of tolerance or otherwise discrimination among schoolchildren. Quantification was based on the assumption of having a Roma, a physically disabled, a slightly mentally challenged, an HIV positive mate or one that comes from residential care. These indicators were measures both in relation to the personal space (desk mate) and the social space (class mate). The study also tested the children’s perception on the opinion of their parents (“what would your parents think if you had a mate from the categories mentioned before”) in order to test the degree of association between the children’s opinions and the family of origin.

On all the tested indicators, the study showed a strong association between the children’s opinion and what they believed their parents would react like under the given circumstances. In other words, discrimination is a type of behaviour that is acquired in the family and one that is not amended in school, we may say.

As for the social space, the study showed a very low degree of tolerance for HIV infected people, with about half of the respondents saying they would not agree to a HIV positive classmate. For the remaining categories, 13% of the children responded that they would not agree to a slightly mentally challenged mate, 10% of them responded that they would not like a physically disabled mate and 3% that they disagree to a child coming from residential care.

In comparison with the data obtained in 2006, there was a drop in tolerance in all the tested categories, with tolerance reaching its lowest, i.e. 20.5%, in the case of HIV-positive children. To put it differently, whereas in 2006, 39% of children interviewed answered that they would agree to a HIV- positive mate, in 2013 the percentage dropped to 18.5%. All the categories mentioned before showed some smaller drops in the level of acceptance.

In comparison with tolerance related to the social space, tolerance within personal space is lower: 14% of the interviewed children said that they would agree to a HIV-infected desk mate, 27% that it would make no difference to them and 59% that they would oppose it (vs. about 19% who responded that they would agree to such a class mate); 32% of the children stated that they would agree to a Roma desk mate, 16% that they would oppose it and 52% that it would make no difference to them (vs. about 49% of the children who would agree to a Roma class mate). Lower levels of tolerance (versus tolerance within the social space) were apparent in the other tested dimensions too: 34% of the school children stated that they would agree to have a physically disabled desk mate (vs. almost 40% for a class mate) and 30% of the of the children said that they would agree to a desk mate that would be slightly challenged (vs. 37% for a class mate).

In comparison with the data collected in 2006, the downward trend in tolerance is also preserved when it comes to tolerance within the personal space, with the biggest, 20% drop in acceptance for a HIV-infected desk mate (dropping from 34% to 14%) and the smallest drop for children coming from some form of institution care, from 69% to 65%.

Art. 3 The best interest of the child

Even though acknowledged in national legislation the principle of „best interest of the child” is rarely invoked as such in courts (with the exception of litigations pertaining to parental rights exercise, where

²⁵ *Knowledge, importance and respect of children's rights in Romania* (Bucharest: Save the Children Romania, 2014).

²⁶ *Pupils' opinions on the importance and respect of the children's' rights in Romania* (Bucharest: Save the Children Romania, 2007).

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the law explicitly stipulates the evaluation of the best interest of the child) and almost never in processes of developing and adopting legal instruments with a possible or certain impact on children's lives. The General Commentary no.14 (2013) on the right of the child to have his or her best interest taken as a primary consideration (Art.3, para.1) was not promoted nor was it included on the agenda of public authorities, its content generating interest only in the civil society sphere.

The Ombudsman while the only institution with a mandate to ensure the observance of the rights of the child, through the responsibilities delegated to one of his adjuncts, does not explicitly mention the principle of the child's best interest in any of its documents. Consequently, there is no explicit legal practice on this principle as it is not invoked in any of its interventions (be them in writing or spoken). In its last activity reports (2013, 2014, 2015), the institution mentions only twice in isolated circumstances the necessity to respect the principle of the best interest of the child.

On the other hand, both experts²⁷ and the children interviewed by Save the Children Organisation have signalled the problems in the implementation of this principle in relation to the rights and obligations of the parents.

CASE STUDIES

In 2012, when public consultation were held on the draft Governmental Decision on the establishment of the Penitentiary of Gaesti through restructuring the Re-education Centre in Gaesti, Save the Children submitted an opinion to the Ministry of Justice. We warned that such a measure (i.e. the disbandment of a unit specialising in juvenile offenders and their transfer to similar but very remote facilities, especially as the measure came at a time when juvenile penitentiaries were overcrowded) was against the best interest of the child.

In the reply of the Ministry of Justice (nr. 94090/2012), the Secretary of State wrote: "(...) the managerial analysis appreciated systemic interest as superior (...)".

Very recently, a case where a woman of Romanian citizenry accused of international abduction sparked the interest of Romanian public opinion and child protection specialists. The woman had broken the Canadian courts decisions and had returned to Romania with her underage son. The woman had argued that the Canadian father had been violent to both her and their son and that the continuation of parental relations between father and son would have placed the child in a jeopardising situation. In the first phase, Romanian courts ruled the extradition of the mother to Canadian authorities and the return of the child to Canada ignoring the principle of the best interest of the child and without taking into account other significant evidences in the file which indicated a state of threat to the child's well being generated by the interaction between father and son. The mother's lawyer declared that: „Practically, in this case all evidences were showing that this child will be in a risky situation upon his return but all clues were ignored. The court refused to evaluate the best interest of the child as well as the administration of additional relevant evidence.” Higher lever courts revoked the extradition verdict and the exercise of parental rights is still under dispute in Romanian courts.

OPINIONS

“Children do have rights, but it seems the parents' rights are more important. There are children here who have been in institution care for many years, soon they will turn 18 and they will have to leave. However, since the parents would call them every few months we deem that as family contact and we cannot terminate their parental rights. I fully understand the philosophy behind such provisions. Maybe one day parents will have solved all their problems and will be able to take care of their children, but

²⁷ Idem 1.

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when I see years go by with no progress at all, on the contrary, there are more who join institution care (...) I believe we should review, revisit the law on that” – a GDSACP director.

In the framework of the consultations organised by Save the Children Romania, some of the children who had experienced separation from their parents signalled out some situations that makes one wonder about how much a child’s opinion is worth in determining his or her best interests and, indirectly, in determining how parents share custody of their children.

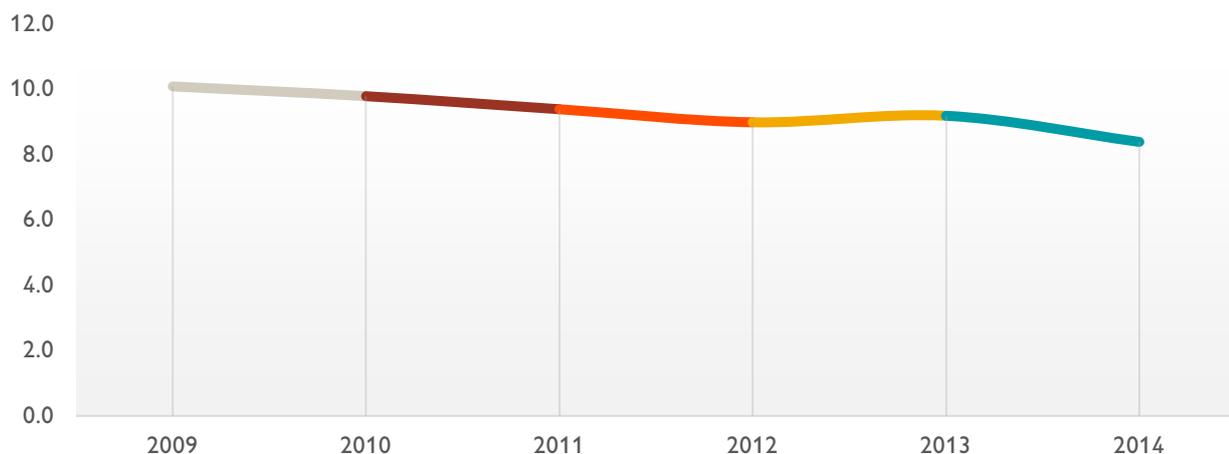
“A child’s opinion is immaterial in custody cases. For instance, my relationship with my father makes me uneasy” (13 year-old girl)

“When a child’s relationship to one of the parents is not beneficial to the child, the state authorities should not force the child to see that parent” (16 year-old girl)

Art. 6 The right to life, survival and development

Romania still shows a high infant mortality rate and a concerning mortality rate in children less than 5 years of age.

EVOLUTION OF INFANT MORTALITY



With regard to infant mortality, the phenomenon is constantly more serious in the rural area. A study that Save the Children Romania conducted on the beneficiaries of “Every One” project showed that the main reasons are poorer access to medical care, remoteness of the places where medical care is available, poor education of mothers and low income of the family. These reasons cause 36% of all the mothers in the vulnerable communities where Save the Children Romania runs prevention programs to say that they did not visit a gynaecologist during their pregnancy; in the same time, in all pregnant women, 47% state that they have not yet taken an ultrasound test, 42% have not taken the recommended medical tests, 37% have not been seen by a gynaecologist and 12% have not been seen by a GP since they got pregnant.

With regard to mortality in children under 5, it is concerning that almost half of the death cases (48%) could have been avoided. In 2013, the main death causes in this age group (1-4 years old) were respiratory diseases (23.5%), followed by trauma lesions and external causes (21.4%)²⁸.

²⁸ National report on the health status of children and teenagers in Romania (Ministry of Health, 2014) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2014/11/Raportul-National-a-Copiilor-si-Tinerilor-2014.pdf>>.

OPINIONS

The NGO's representatives and the GPs that Save the Children consulted in March 2016, signalled out that there had been cases when the right to free healthcare of pregnant women was violated in practice, though such a right was enshrined in the legislation. The reasons are linked to bureaucracy, such as the issuance of certificates by local authorities conditional to the payment of due tax. The same experts consider that pregnant women that have already given birth to a large number of children as well as teenage future mothers are sometimes faced with prejudiced medical staff.

Art. 12 The right to freedom of expression and the right to be heard in any administrative and judicial proceedings

Though the National Education Act provides for the principle of freedom of expression for pupils, the regulations on the engagement of pupils in decision-making in school life are not designed to assure true respect of freedom of expression. A representative of pupils is entitled to a voice in the meetings of the school board, provided he or she has come of age.

As far as hearing a child in civil court proceedings is concerned, legal provisions make it mandatory for any child over 10 to be heard and for the hearing to take place in the council room. Recent researches pointed out that the latter rule is not always complied with²⁹. For lack of room in many courts (in 2011 only one third of the courts had a council room³⁰), children are heard in inadequate places (irrespective of the nature of the case), such as the courtroom or the office of the judge. Moreover, we are concerned with the fact that no expert is appointed to provide the child who participates in court proceedings with the necessary information before he or she is heard or to check whether the child has been informed. Neither is a psychologist present in all court cases.

OPINIONS

Only slightly more than one third (39%) of the children participating in Save the Children study³¹ state that they are encouraged to express their own thoughts, feelings or opinions during classes (almost the same as the percentage in 2006), while 72% say that they can do the same in their families. The same study evinces that the homeroom class is more likely to offer free room for expression and encourage the pupils to express their views freely. Of all pupils, about 60% declare they are consulted about extracurricular activities, 54% about school regulations, 50% about teaching styles and 49% about optional classes. A smaller percentage is linked to consultation about improvements brought to the school (39%) and the choice of optional manuals (35%).

Beyond the framework of homeroom classes, the children interviewed in the course of this study pointed out that they were faced with serious problems when it came to expressing their views in school. The pupils' views are not considered, there is a culture of the primacy of the teachers' point of view and children enjoy no support to develop the participating skills they need in school.

"The school board should hear out the pupils. We may be aware that we should express our views, but they do nothing to help us. There is no school without pupils." (17 year-old girl)

"The rule is: Since I am a teacher I will tell you what to do" (17 year-old girl)

²⁹ European Union and Agency for Fundamental Rights, *Child-Friendly Justice: Perspectives and Experiences of Professionals on Children's Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States*, p. 30-31., 2015
<<http://bookshop.europa.eu/uri?target=EUB:NOTICE:TK0514114:EN:HTML>> [accessed 17 June 2016].

³⁰ Final report of the project *"Technical assistance for the implementation of the new civil code, penal code, civil procedure code, penal procedure code"* (Beneficiary – Ministry of Justice), 2011.

³¹ *Knowledge, importance and respect of children's rights in Romania*.

Civil rights and liberties

Art. 8 Right to the preservation of identity, including nationality, name and family relations

Both the experience of Save the Children and the data of public institutions show that the phenomenon of paperless children persists. The records of the Ministry of Administration and Internal Affairs (the Directorate for Civil Registration and Database Administration) show that in only one year (2010) there were 1,531 birth certificates recorded based on court decisions of late registration of birth. Social workers from Save the Children identified a large number of children with no identity documents (no birth records) in poor rural communities and even in some of the urban areas.

The biggest difficulties emerge when children are left paperless until the age of one. Such a situation requires going to court against the city hall to have a birth certificate issued. It means going to the National Institute of Forensic Medicine (NIFM) to prove the age of the child. Whereas forensic examination comes free of charge for children, it is not the same for adult patients. It is not uncommon for mothers to be paperless too, meaning that they have to go through the late registration of birth procedure as well. Both direct and indirect costs, the rather complicated proceedings to follow and the time they require make the reality of paperless children persist, especially in vulnerable communities, which seriously hampers the fulfilment of their rights.

CASE STUDY

L.V. is 14 and she is a pupil in the 5th grade. She is one of the thousands of children Save the Children Organisation helped to obtain ID papers, to enrol in school and attend the classes of the “Second Chance” program. L.V. got her birth certificate at the age of 10 and only then could she be enrolled in school.

L. V. was deprived of a birth certificate for so many years because her mother had lost her ID and could not obtain another, as she had no proof of permanent residence. Both the girl and her mother now live in a former building of the railways company.

Both the child and the family admit that school comes with benefits. They also admit to the difficulties of their previous situation, when for not having a birth certificate, L. could not enjoy her right to education and was condemned to isolation.

“I have changed. I can also do volunteer work here. I am helping with the younger children. When I was younger, I would keep silent about things, but now I am willing to ask for help. I have learned a lot, here in school.” (L.V.)

“She was shy before, more silent. She would not speak, but retreat. She is quite talkative now, she even helps me with the house chores” (G.V. – L.V.’s mother)

“These children simply don’t exist. As long as they do not have an identity, formally, they don’t exist. They have no personal identification number, so they cannot be part of any system.” social worker, Save the Children Romania.

Art. 13 Freedom of expression

For the participants in the study³² regarding awareness, importance and respect of the rights of the child in Romania, freedom of expression proved paramount, coming second (in terms of overall frequency)

³² Knowledge, importance and respect of children’s rights in Romania.

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after the right to education in the spontaneous identification of rights. On the other hand, almost 40% of all the pupils interviewed considered that this right was violated and the analysis of the answers showed that children from urban areas and children with good results in school enjoy a better situation in this respect.

Art. 14 Freedom of thought, conscience and religion

The National Education Act that entered into force starting 2011 preserved the vision of the former education act by including religion in the compulsory curriculum and making it possible for pupils to opt out of the religion classes only upon personal request if they are already 18, or upon the parents' request in case they are under age. Such a provision practically made the subject mandatory, under the circumstances where religion is taught in school dogmatically. In November 2014, the Constitutional Court issued a decision³³ whereby the provision was deemed unconstitutional and the procedure was reversed, i.e. attendance was based on opting in.

Children still cannot make their own minds whether they wish to attend religion classes or not, as the decision to enrol a child in the religion class lays with the parent or the guardian.

The National Pupils' Council suggested amending the education act to allow the pupils to decide by themselves whether they want to attend religion classes, as soon as they turn 14. In 2016, the Parliament rejected a draft law providing for that.

OPINIONS

Once the approach to religion classes changed, schools were under pressure to find an alternative for pupils who did not attend the subject. The Ministry of Education offered no guidance. Under the circumstances, the solutions schools put in place do not always promote the freedom of thinking, conscience and religion of the children who opted out of the religion classes.

When asked about the situation of their colleagues, the children Save the Children Organisation interviewed gave different answers:

"They still attend religion classes, even if they opted out. They even have to answer questions." (12 years old girl)

"They were not allowed to opt out of religion classes. Our headmistress would not allow them. "You can have overall better grades". she said. But they want you to stand up and say your prayer, to answer questions for a good mark. It is mandatory..." (16 years old girl)

Art. 15 Freedom of association and freedom of peaceful assembly

Apart from the pupils' councils, children in Romania have a slim chance to form their own independent associative structures, based on their own needs and interests. Although pursuant Art. 31 of Law 272/2004 on the protection and promotion of children's rights, any child *"is entitled to the freedom of association and of peaceful assembly, within the boundaries of the law"*, this right³⁴ cannot be achieved under the provisions in the civil code and the legal status of foundations and associations in Romania. Children less than 14 cannot establish or be members in a foundation, while children of 14-18 can be members in such an organisation provided their parents or guardians approve of it. However, they are prevented from being founding or board members in such organisations.

³³ The Constitutional Court of Romania, Decision no. 669/12. 11.2014.

³⁴ The Civil Code, Art. 211.

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Even though Law no 272/2004 states that local public authorities, schools and all other public or private institutions must take „ the necessary measures to ensure the adequate exercise of the right to association and peaceful assembly of children”, the only existing structure representative of children’s voices is the National Students Council which functions as a consultative body of the Ministry of National Education. This body was established in 2007 on the basis of a Ministerial Order. It is important to note that neither the National Students Council nor the student councils at lower levels are legal entities.

The study that Save the Children³⁵ conducted in 2013 pointed out that compared with the situation back in 2006, the awareness of the pupils’ councils rose by about 7%. In spite of that, the share of the pupils who state they have never called upon their main representation structure stays constant, around 70%.

CASE STUDY

In 2013, in Constanța County, 5 high school students aged 18 established the Constanta Students Association following their discontent with the limited mandate of the County of Constanta Student Council. Even though, due to legal constraints, the founding members as well as those students involved in the administrative body of the organization are young people aged 18, members within the association can be also children aged 14 and over. In its three years of functioning, the association became a strong structure with a key role in representing and promoting the rights of high school students. Some of the Association’s actions had a strong impact over the observance of the rights of students – such as a 50% deduction on local public transport for all students in the city of Constanta, a legal change granting full aged students the right to vote in the Administrative Councils of Schools, the granting of student grants financed by local public authorities.

OPINIONS

As for the pupils’ councils, both the interviewed children and those engaged in developing Save the Children reviews pointed out that these bodies do not operate in all schools and that even where they do, their efficiency is far from adequate. Although there should be one pupils’ council in every school, about 19% of the respondents ignore all about its existence, whereas 9% say that there is not one in their school. Furthermore, three quarters of those who are aware of the pupil’s council, never resorted to its support in solving a problem or making a proposal and out of those who did (only 7%), most say that that their problem was never raised (73%)³⁶.

As for the profile of those who have heard of the pupils’ council, they are rather girls, high performers, from the urban areas and attending high school.

“The pupils’ council? There is no such thing... I mean there is something, but a mere formality. Nobody ever minds what he or she discuss there. Nobody actually listens to us. They asked us about uniforms, too... what colour we like most... but that was all... I don’t think they meet anymore.” – a 17 year-old teenager

“It is the music teacher who deals with it (...) Yes, I am a member in the council here, too. I was a member in the other school I come from (...) We meet something like monthly (...) but here they rather discuss, in the old place they organised activities, eco-friendly projects. Here we last discussed about end of the school year ceremony.” – a 14 year-old child

“I don’t believe these councils operate in all schools. I can say because I have a child in school and I have never heard him mention anything about that. I think it also breaks down to the person appointed to handle it (...) I did not know there is one at county level, I have never thought of it, but it is not too late to see who they are and contact them” – a GDSACP representative

³⁶ Knowledge, importance and respect of children’s rights in Romania.

Art. 16 The right to guaranteed protection against unlawful interference with his/her privacy

The legal and institutional framework on the protection of children against interference with their private life stays poor. Whereas there are regulations in place and a body working in the audio-visual field (The National Audiovisual Council), mandated to guard legal compliance, the activity of the written and the online media is outside the scope of the council. That had led to countless cases when pictures, ID data and information about children got in the press, which may end up in the identification of child victims of crime or children found in vulnerable situations.

In the same time, the regulations applicable to the audio-visual media need improvement, since there have been cases when vulnerable children are exposed with the consent of their parents, but against the best interests of the child.

CASE STUDIES

On April 7, 2011, a talk show called “Acces Direct” of Antena 1 channel debated the topic: “Shock charges: sexually abused children. Were electroshocks used to torture the girls?” The victims were exposed on TV, though it is unlawful to expose sexually exploited children. Antena 1 channel was fined.

The online press often reveals the names of abused children. An illustrating case is that of a daily newspaper, Adevarul, that in March 2010 published the name and picture of a girl who was kidnapped in the street and raped for several days by a gang of 40 men. The journalists argued that they did it as the victim’s parents insisted on making the case public.

OPINIONS

“There should be a law against children’s exposure or uncovering their personal data in the media and in court. And dire consequences for those breaking it!” (a 16 year-old girl)

Art. 17 Access to information

We are concerned that not even to this day children in Romania have gained access to a child-friendly version of the law that protects and promotes their rights (Law 272/2004 republished, with later amendments and completions).

As for children’s access to the new technologies, education authorities have focused on fitting schools with IT systems and on the implementation of a digital education system, through the introduction of e-manuals for various subjects, at the expense of training teachers and pupils on the safe use of the internet.

The research studies that Save the Children conducted in 2010³⁷, 2013³⁸ and 2015³⁹ showed that there are multiple risks and threats that children are faced with online, whereas their readiness to use the internet safely is precarious. According to the results of the latest study conducted by Save the Children, 47% of the children chatted online with a stranger, 27% had visual contact with a stranger and 20% of them said that that stranger bothered them.

³⁷ Study on the use of internet in family, 2010.

³⁸ Study on the use of internet in family - Quantitative sociological research, 2013.

³⁹ Study on the use of internet in family - Quantitative sociological research (Bucharest: Save the Children Romania, 2015)
<http://salvaticopiii.ro/upload/p0001000300010000_Raport%20cercetare%20safer%20internet%202014_web.pdf>.

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OPINIONS

The children we interviewed signalled out the following problems linked to access to information: children in the rural areas (where libraries are scarce and internet access is poor) are at a disadvantage; school manuals are often obsolete; children are confronted with inadequate sources of information and they do not have the necessary skills and knowledge to see right from wrong and use credible sources; there is hardly any guidance about the contents of online information.

Art. 37 (a) Right not to be subject to torture, or other cruel, inhuman or degrading treatment or punishment

Both civil society and the UN Committee against Torture⁴⁰ have expressed concerns about the way people with disabilities (children and adults) live and are treated in psychiatric hospitals or institution care. The large number of death cases left uninvestigated and independent monitoring reports⁴¹, both point to the need to improve the legal framework meant to protect the rights of people with disabilities and prevent torture or other cruel, inhuman or degrading treatment or punishment.

Many of the children deprived of their freedom who participated in Save the Children projects recount acts of violence from the law enforcement agents, while they were in police custody. Most often children relate that the cases of violence occurred when investigators tried to make them admit to other crimes than those they had indeed committed. It is equally concerning that often police officer do not make sure that parents and the lawyer ex officio attend hearings, or even prevent them from being present there.

OPINIONS

“They took us to the police station and they beat us to admit to our crimes.”

“Many times when we were caught in the act, they would beat us and tell us to admit to crimes we had not committed. It happened to me, you know.”

“Do you think I was spared?! Or you were spared? They would burden us with a UA (Unknown Author, our note) case.” (excerpt from a focus group, Re-education Centre, 2011)

“They did it in the police station, in my case. “Were you in such and such place on such and such day?” the cop asked. I told him I wasn’t, of course, and it was true. Then they started to beat me up. “Liar! We have witnesses, statements.” They next looked at a piece of paper and said, “This is the statement of the woman who saw you.” That woman had never seen me before. They beat the shit out of us to make us say we did it” (M.)

⁴⁰ UN Committee against Torture, *Concluding observations on the second periodic report of Romania*, <http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ROU/CAT_C_ROU_CO_2_20493_E.pdf>.

⁴¹ Centrul de Resurse Juridice, <<http://www.crj.ro/pledoarie-pentru-demnitare/lagarele-de-langa-tine-descrierea-proiectului/rapoarte-de-monitorizare/>>.

B. Family environment and alternative care

Art. 5 Parents' guidance and development of children's capacities

Although sustained efforts have been made in the last nine years to promote the adoption of an integrated national strategy to build and develop parental skills, no such instrument has been adopted yet, in spite of the statistical data that proves without any doubt the need for a sustained approach to parental education. Harmful practices, many a times part of cultural heritage, such as physical correction or punishment or humiliation and degrading treatment are still subsisting in many families in Romania⁴².

Save the Children Romania is one of the few NGOs offering parental education services, but the high number of applications points to the fact that such services are in need of national coverage and the adequate support of authorities.

CASE STUDIES

Answers provided by the parents and children participating in the study⁴³ that Save the Children conducted showed that 19% of the parents "resorted to threats to persuade" their children to obey to them, versus 34% of the children who said the same. There also is a big discrepancy between the parents' and children's answers in the questions regarding verbal abuse. In the answers children gave, verbal abuse accounts for about 16%, which is around 10% higher than what emerges from the parent's answers. Paired data analysis points to the fact there is a noise of behaviours and messages in parents-children relationships and in various disciplinary situations that neither children nor parents correctly identify as emotional and physical abuse. That reiterates the case for parental education seen through the lens of the rights of the child.

OPINIONS

Children feel the need for improved parental skills and attitudes in the family. In this sense, the children that our organisation interviewed stated the following:

"Sometimes children are more responsible than parents are." (13 year-old boy)

"Parents should act responsibly towards their children, irrespective of the relationship between them." (16 year-old girl)

Art. 18 (1), (2) Parent's responsibility

Although the main responsibility to extent adequate support to parents through primary social services (including services to prevent separation of the child from his or her parents) lies with local authorities, data shows that in many cases there is no local expertise or financial and human resources to provide this kind of support.

Law 272/2004 provides that each local administrative unit (LAU) shall put in place Public Social Assistance Services (PSAS), but the actual implementation of this provision has been put off, especially in smaller rural localities. In spite of the progress made in the past years, the PSAS census conducted by the World Bank in May 2014 showed that more than one third (34%) of the LAUs in rural areas and very small towns (under 10,000 inhabitants) did not put in place such services, but added to the responsibilities

⁴² *Abuse and neglect of children – Sociological study at national level* (Bucharest: Save the Children Romania, 2013) <http://www.salvaticopiii.ro/upload/p0002000100000002_Studiu%20-%20abuzul%20si%20neglijarea%20copiilor.pdf>.

⁴³ *Abuse and neglect of children – Sociological study at national level* (Bucharest: Save the Children Romania, 2013) <http://www.salvaticopiii.ro/upload/p0002000100000002_Studiu%20-%20abuzul%20si%20neglijarea%20copiilor.pdf>.

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of the existing staff. The share varies considerably, from 47% in small communes (under 2.000 inhabitants) to 18% in the larger ones (over 5.000 inhabitants).⁴⁴

A recent review of local capacities showed that only 29%⁴⁵ of the local PSAS structures are accredited as social services suppliers. Besides insufficient local structures, official data⁴⁶ evinces an alarmingly deep shortage of staff. At the end of 2012, rural areas and towns under 50.000 inhabitants were short of overall 2,300 – 3,600 people, whereas the social assistance system was short of 11,000 people, globally.

Moreover, day-care centres, which play a preventive role in the separation of the child from his or her parents, need accreditation and are poorly developed in places like communes and smaller urban localities.

Consequently, the need for day-care centres is partly covered at country level, through the intervention of GDSACPs, but the role NGOs play in the organisation and supply of these services stays high, as shown in the next table⁴⁷.

Type of service	No. of children covered by 31.12.2010	No. of children covered by 31.12.2011	No. of children covered by 31.12.2012	No. of children covered by 31.12.2013	No. of children covered by 31.12.2014
Day-care centres - total	17638	16777	17746	19765	21206
Day-care centres managed by local councils	4004	3599	3785	4010	4476
Day-care centres managed by private bodies	6286	5885	6312	7786	8623
Day-care centres managed by GDSACPs	7348	7293	7649	7969	8107

OPINIONS

The effect of the decision the authorities made to cut off the pay in the PSAS finds an illustration in the words of someone who coordinates such a service, whom Save the Children interviewed in a survey⁴⁸:

“Now, you would not believe it if I told you I have people working here who get RON 490⁴⁹ monthly pay. They are hired as trained staff, well, junior staff, but anyway... that thing with minimum wages is not really enforced even from the start. I have seen colleagues leaving, though they did a lot on the job, but they felt they could not hold on anymore. A colleague that has been working here for 10-12 years gets RON 800 inclusive of the seniority bonus. Actual drops account for 35%-50%, not 25%. On top of that, how can one hire an IT expert to build a database when all one can offer is the salary in the public system? Who do you think will take such a job?” – head of PSAS.

⁴⁴ Governance fit for children. To what extent have the general measures of implementation of the UNCRC been realised in Romania (Bucharest, Save the Children Romania, 2011), <http://salvaticopiii.ro/upload/p0001000100090000_Raport%20Rom%C3%A2nia_RO.pdf>.

⁴⁵ Conclusive study based on the assessment of GDSACPs, PSASs and other institutions and organisations involved in child protection systems (Bucharest: Sera Foundation, Ministry of Labour, 2013) <<http://www.sera.ro/seraromania/images/Raport-final-studiu-conclusiv.pdf>>.

⁴⁶ National Strategy on Inclusion and Reducing Poverty (2015-2020).

⁴⁷ www.copii.ro

⁴⁸ Governance fit for children. To what extent have the general measures of implementation of the UNCRC been realised in Romania.

⁴⁹ about EUR 117.

Art. 9 Separation from parents

The austerity package measures adopted and implemented by the Romanian Government in 2010-2011 in answer to the financial and economic crisis had a negative effect on the children separated from their parents. There was an increase in the number of the children placed in residential care, from 23,103 to 23,240 in 2011, coupled with a drop in the staff working in residential care services, from 14,085 to 13,643 in the same period.⁵⁰

At the same time, the number of foster carers dropped from 19,811 (2010) to 12,201 (2013)⁵¹, which makes a 37% drop in 3 years. Under the circumstances, there occurred cases when trained foster carers left the ranks of the profession or found themselves forced to care for a larger number of children. There were some cases when older children were taken out of foster care and placed in institution care, to avoid the institutionalisation of younger children, who could then be placed with carers. Foster care issues persisted in more recent times, as the number of carers stays low (12,005 in December 2015) and in some instances authorities are very late in the payment of due amounts⁵².

In 2015 there were 20.291 children were living in residential centres within the special protection system. Despite the fact that the national body in charge with the oversight of this system is making efforts for the deinstitutionalization of children – especially those of small age – we express concern regarding the fate of institutionalized children, especially teenagers (who make up almost 60% of the total children living in residential centres). Several cases of severe child abuse where victims were children from residential centres were brought to the public eye in the past years. These abuses were either perpetrated by caretakers themselves or had caretakers as accomplices. The situations described by media show cases of physical and sexual abuse, including trafficking in children for the purposes of sexual exploitation, practices pertaining to overmedication of children with neuroleptics substances, the deprivation of institutionalized children of certain opportunities – participating in trips and camps, misusing donations received from NGOs, tempering with food ratios and with sums of money belonging to children. Up until now there is no exhaustive evaluation of the situation of children institutionalized in residential centres. Public authorities' interventions remain punctual and so do the solutions proposed. Even more worrisome is this situation as information concerning the sexual exploitation of girls placed in residential centres are more numerous (from a simple press monitoring exercise regarding 2015-2016, we identified 9 different residential centres where sexual abuse cases were reported). This problem calls for a coordinated response that must place at the centre of the monitoring instruments the voices of the beneficiaries (the children) who live in the protection system.

CASE STUDIES

Sf. Maria Center, Bucharest, Sector 1 - In June 2016, Bucharest Tribunal prosecutors started an investigation in a residential centre for children under the reasonable suspicion that members of staff willingly neglect the children living in the centre. In this case suspicions arose regarding the routine practice of admitting children with behaviour considered problematic into psychiatric wards or administering to these children neuroleptic medication without a medical prescription. Another issue in this case concerns a suspicion that the centre's staff facilitates the prostitution of some of the girls living in the centre. At the beginning of the investigation, the prosecutors arrested the entire staff working in the centre.

Floare de Colț Center, Târgoviste, Dâmbovița - In September 2015, organized crime prosecutors arrested several persons under the suspicion of trafficking of children for sexual exploitation, rape and

⁵⁰ www.copii.ro

⁵² In October 2015 in Vaslui, when GDSWCP delayed by one year payments to foster carers and children (for food and clothing) <http://www.ziare.com/vaslui/stiri-actualitate/restante-la-plata-hranei-copilor-sarmani-din-vaslui-5741090>.

sexual acts with an under-aged person. The victims in this case were girls from the *Floare de Colț* Center. Media coverage reports that two security guards of this centre together with two other caretakers facilitated traffickers' access to the respective girls who were subsequently exploited in the centre of the city. In April 2016, a girl aged 16, gone missing from the centre committed suicide. The young woman had been institutionalized in 2014, as a victim of human trafficking and sources say the girl continued to be engaged in prostitution after entering the child protection system.

OPINIONS

"We have been left uncovered, we are short of staff, but the needs are on the rise because of the crisis. We are far from thinking now of the quality of the service, all we are considering is safety, I must admit. I am not proud to say it, on the contrary, I fear the consequences of lowering the quality of the residential or foster care we are supposed to supply... there were carers who gave up the children..." – head of GDSACP

Even NGOs representatives worried at the effects of the economic crisis:

"Since there is a shortage of funds, we resolved to go back in time. The state took such pains to fight the mammoth centres. And you know what? They are putting back the pieces together! They started to merge residential centres, to give up the small modules. The special needs school is now working in the residential centre because their building was restored to the owner. I do worry about the future." – project coordinator in a local NGO

Art. 19 Protection from abuse and neglect

The study conducted by Save the Children Romania⁵³ shows that, even if illegal, abuse and neglect are still present in the lives of children in Romania. 63% of the children admit to have been physically abused by their parents, whereas 20% of the parents think of physical correction as a means to educate children. These data are the more so worrying that the share of parents that admit to some smaller form of physical correction stayed constant between 2001⁵⁴ and 2012, despite the formal interdiction of all forms of physical correction on children.

The same study points however to a drop in verbal and emotional violence that children are subject to in the family. In 2012, only 19% of the children say they have been victims to emotional abuse, versus 21% in 2001. Similarly, in 2012, 16% of the children say they have been victim to verbal abuse, versus 22% in 2001. The drop in the occurrence of such forms of violence is however small and improvement was small for a time of 11 years.

The study conducted by Save the Children also measured various indicators of child neglect in the family. Physical neglect was measured through the aspects of access to economic or social resources. 8% of the children appreciate food at home as "good", but insufficient, whereas 18% state that they happen to go to bed on an empty stomach. Lower shares, around 2% of the children, account for those who answered that they suffered from cold last winter for lack of warm shoes, whereas 1% say that they had to steal food to eat.

Medical neglect is, however, alarming: 34% of the children say that they happen not to see a doctor when they are ill, whereas 13% of the parents do not buy them medicines when they are ill. The study revealed that physical neglect is rather associated to low-income single-parent families (due to economic risks) also showing a low level of education and many children in care.

⁵³ *Abuse and neglect of children – Sociological study at national level.*

⁵⁴ NAPCR, World Health Organization and World Bank, "The abused and neglected children in Romania – National Study", 2002.

Alternative Report

For 2013, official statistics (NAPCRA) account for a number of 9.178 cases of child abuse, neglect or exploitation, much lower than the prevalence rate emerging from the Save the Children study cited above, which raises questions on the reporting mechanisms and the authorities' capacity of intervention, as well as on the social tolerance to this phenomenon.

At the level of the authorities, though there is a methodology in place on the intervention in a multidisciplinary team in cases of child abuse, there are still no standard tools available to the experts supposed to take action against cases of violence. An evaluation report of the special child protection system⁵⁵ reveals that county structures supposed to intervene in abuse cases have a coverage rate of only 89.7%. The child toll free number works only within 88.64% of all GDSACPs (though not all of them work around the clock), and only 71.43% of the GDSACPs have a mobile intervention team.

Save the Children Romania voice their concern on the phenomena of cases of violence being left unpunished. A research study of our organisation, based on the official data published by the NAPCRA⁵⁶, shows that most of the cases of child violence are not legally sanctioned. Perpetrators that are held liable are rather the exception than the rule in cases of physical violence, where data show that, respectively, only 5% -10% and 4.9% of perpetrators are prosecuted.

Year	Type of abuse	Number of child victims	Number of cases where perpetrators become suspects	Rate of cases ending up in the criminal prosecution of perpetrators
2010	Physical violence	1254	66	5.26%
2011	Physical violence	1087	54	4.90%
2012	Physical violence	1049	95	9.05%
2013	Physical violence	1133	111	9.79%
2014	Physical violence	1049	110	10.49%

OPINIONS

"When children are subject to physical violence again and again when they are young and when asking why, they do not understand why, they end up doing the same when they grow up. When they are 6 foot tall, they may even beat up their parents. We see that is the news" (child in a focus group)

Speaking of domestic abuse, the children included in the study conducted by Save the Children identified the following causes: highly stressed parents, lack of communication, authoritarian education, perpetuation through imitation of violent behaviour, from one generation to the next:

"This is how they were raised, too. This is what they have learned to be the easiest way. Why take two hours and explain your child about something. A slap does the work in a jiffy." (child in a focus group)

As for the point of view of the parents, the main reasons of neglect/abuse are: poverty (68% altogether), promiscuity (57% altogether), lack of state support for families in need (22% altogether), the high number of unwanted children (22% altogether).

⁵⁵ *Conclusive study based on the assessment of GDSACPs, PSASs and other institutions and organisations involved in child protection systems* (Bucharest: Sera Foundation, Ministry of Labour, 2013) <<http://www.sera.ro/seraromania/images/Raport-final-studiu-conclusiv.pdf>>.

⁵⁶ www.copii.ro

Art. 20 Protection of children deprived of family support

According to official statistics, over 85.000 children in Romania have one or both of their parents working abroad⁵⁷. Moreover, 4 out of 10 of these children are completely deprived of parental care, as both their parents are abroad or they come from a single-parent family where the only parent is abroad. Some of the older studies indicated that official data only captured part of the phenomenon and their estimates pointed to something like 170,000⁵⁸ to 350,000⁵⁹ children found in this situation.

The data that Save the Children collected from school inspectorates at the end of 2015 also showed a greater number of children whose parents were abroad for work – 212,352 children – much higher than the number found in the records of the PSASs, namely 85,194 children.

Moreover, it is noteworthy that the data from the educational system are also incomplete. They only show the number of children in education (early childhood education and schools), but they do not reflect the children who are too young for ECE, those who are not enrolled in education and dropouts.

In the experience of Save the Children Romania (starting 2010 the organisation put in place 7 local programs to deploy special support services for users such as children, parents and the persons the children were entrusted to), the children left behind after parents go abroad for work are facing emotional, social and educational difficulties. Furthermore, the absence of the parents or of a legal guardian may restrain access to healthcare, education and social benefits for these children.

The study Save the Children conducted together with NAPCRA on the implementation of the relevant legislation showed that, especially in the rural areas and small urban places, there is not enough awareness of the legal provisions regarding the protection of these children, not even among professionals in the field of social welfare (social workers, psychologists), education (teachers, school councillors), who are supposed to work with these children who are left behind, among other categories of vulnerable children.

CASE STUDY

Alin is 13. He is in the 7th grade. He comes from a large family, of 4 other brothers and the two parents.

For about 6 years, parents would periodically leave abroad for work. His mother works in agriculture in Germany and his father worked in the Check Republic until this year, when he could not find any work there anymore.

The irregular time that parents spend abroad took a toll on the relationships between parents and their children. Going through a sequence of periods when they live either with their mom or with their dad, the children were unable to acquire adequate behavioural, daily routine rules. Together with his two elder sister, who study in the 2nd and 5th grades, respectively, Alin joined the day-care centre for the “Protection and Education of the Children Affected by Cross-border Labour Migration” in February 2015.

When he joined the program, Alin was doing rather bad in school, as he had to sit a second examination in two subjects. He did not get along well with his parents either. He was rather an introvert, he was unsociable and he did not care much about personal hygiene. He also moved in bad circles.

⁵⁷ National Authority for the Protection of the Rights of the Child, www.copii.ro, based on data from the general directorates for social welfare and child protection.

⁵⁸ Toth, Georgiana, Alexandru Toth, Ovidiu Voicu, and Mihaela Ștefănescu, *Effects of migration: children left behind, 2007* <http://copiisinguriacasa.ro/wp-content/themes/csa/doc/Efectele%20migratiei_copiii%20ramasi%20acasa_Fundatia%20Soros.pdf> [accessed 17 June 2016]. Estimates only regard the children in secondary schools.

⁵⁹ Toth, Alexandru, *National level analysis on the phenomenon of children left behind by parents working abroad* (Buzău: Alpha MDN, 2008).

Alternative Report

Alin took part in the activities of social and psychological guidance organised in the centre as well as in an individual psychological counselling program where both the parents and the child were included. He also benefited from educational support, he participated in tutor classes, and he was helped with his homework, which enabled him to successfully complete the 6th grade.

His way to integration in the community from the centre was rather hard, but he now takes part in the activities that are organised there.

OPINIONS

"I am 15 and I live with my grandparents, as my parents are divorced and my dad is in Italy. My mom, too, was abroad for many years. I get along very well with my grandparents. Sometimes I feel lonely because I miss my parents' love, but my mom came back a while ago. I used to chat with her a lot. She is back to Romania now, but she found a job in another town. I am not so much in touch in my dad. I know what it means when parents are not close and I have learned in the centre "Growing up together" that I can take part in many activities and spend my time with other children who are in the same situation. Work is scarce here, in Petrila, so our parents have to leave abroad to earn enough to raise us. I can see why they have to go." (R., 15 years old, a child supported by Save the Children also doing volunteer work)

Art. 21 Adoption

In 2009-2016 legislation on the adoption of children was amended more than once. In May 2011 and later, in 2016, framework legislation (Law 273/2004) was amended with a view to increasing the number of children declared adoptable and decreasing the length of the adoption procedure, but so far there has been no assessment of these measures. Except for 2014, official NAPCRA data show a slight drop in the number of adoptions in 2011-2015 (under 900 annually) versus the previous period (2000-2009 when the annual average was 1000). In the last few years, about 3.500 children are declared adoptable, annually. Most of them are 3-17 years old, while the preferences of the adopting parents focus more on younger children, aged 0-3⁶⁰.

In 2001, Romania suspended, at the request of the European Parliament, all procedures regarding international adoptions. In 2012, law no. 273/2004 regarding adoption defined common residence in Romania for both Romanian citizens and those residents with multiple citizenship as „effective and continuous living on Romanian territory for the past 12 months prior to submitting a certification request”, limiting once more the pool of potential adopters. The adoption of a Romanian child by a person with Romanian citizenship, irrespective of residency, is, from the perspective of the principle of the best interest of the child, of his/her right to a family as totally adequate. Also, the current situation regarding the residence or the domicile of Romanian citizens is much more complex now with over 3 million Romanian migrating to other European States.

Romania ratified the European Convention on the Adoption of Children (Revisited), but formulated reserves on Art. 7, paragraph 4, letter a) on the possibility of adoption for couples of different genders entering a civil union. In other words, Romania denies adoption to unmarried heterosexual couples, who do not enjoy the same rights as married couples. We believe that non-recognition of the various forms of family restrains individual civil rights and that preventing these couples to adopt children is both a violation of civil freedoms and a measure that harms adoptable children that cannot find a family.

⁶⁰ Buzducea, Doru, and Florin Lazăr, *The profile of the adoptive parents in Romania and the motivation of adopting*, 2011, <<http://www.prostemcell.ro/images/stories/download/studiul-profilul-parintilor-adoptivi-din-romania-si-adoptia-copii-or-greu-adoptabili.pdf>> [accessed 17 June 2016].

C. Child's health and wellbeing

Art. 18 (3) Access to care services

We welcome that early childhood education was included in the national education system (under the National Education Act) and that starting 2012 authorities recognised and regulated the educational nature of early childhood education for children under 3 (child services for this age group were previously considered care services only), and they looked into the organisation and functioning of ECE services.

We see however, that local authorities, whose role is crucial also in supplying day-care and education services for children less than 3, are far from meeting the needs for ECE. Data on child access to crèche services show that the coverage rate is very low. Only 2.9% of all children less than 3 were enrolled in crèches in the school year 2014 -2015⁶¹ and there was not even one crèche in the rural areas (0% rate). In 7 counties places in crèches are not enough even for 1% of the children less than 3 - Botosani, Suceava, Ilfov, Călărași, Giurgiu, Ialomita and Arad. Severe shortage of ECE services for children less than 3 is the more so worrying as most of the parents can be on paternal leave only till the child is 2 (except for children with disabilities) and kindergartens only accept children over 3 years old.

The shortage of public services and the constraints generated by labour legislation force parents to choose private care and education services that are costly and many times not authorised or supervised by authorities. We have lately seen several cases made public⁶² where children attending such unauthorised crèches/kindergartens became victims to violence and abuse by the staff. Only after such occurrences, causing a highly emotional reaction in the public, did the Ministry of Education ask the school inspectorates to make public the list of authorised and accredited units.

Art. 23 Children with disabilities

Although on November 11, 2010, Romania ratified the UN Convention on the Rights of Persons with Disabilities, there is even now terminological confusion in various norms and official documents over terms such as “disability”, “handicap”, “deficiency”, “impairment”, which are not correlated with the terminology found in the Convention or in the International Classification of Functioning.

NAPCRA is the body charged with monitoring the number of children with disabilities, but this institution provides segregated data only by age group and the seriousness of the “handicap”. There is no data available by type of disabilities or the services tailored for these children. Moreover, if by the end of 2013, NAPCRA statistics also captured access to education of the children with disabilities (including the type of education they attend), starting 2014, such data are no longer available.⁶³

In healthcare, the main problems consist of limited access to early diagnose during pregnancy and to counselling services after birth (the reasons are the high cost of medical tests, the absence of the testing equipment or of trained psychologists), insufficient medical expertise in the field of disability (children's paediatrics and oncology, infant neuropsychiatry and child psychotherapy) and the high cost of therapies and medicines (not all of them are reimbursed through the public health insurance system)⁶⁴.

⁶¹ Ministry of Labour, Family, Social Protection and the Elderly, social inclusion indicators for 2014, 2015

⁶² http://adevarul.ro/news/eveniment/noi-marturii-cutremuratoare-gradinita-groazei-1_56fab4f5ab6550cb85ca2ea/index.html and http://adevarul.ro/locale/constantina/video-gradinita-groazei-constantina-copiii-erai-batuti-obligati-doarma-propria-urina-1_538d80470d133766a8406be7/index.html

⁶³ www.copii.ro

⁶⁴ Stanciu, Monica, *Children with disabilities* (Bucharest: UNICEF, 2013) <<http://www.unicef.ro/wp-content/uploads/Raport-Copiii-cu-dizabilitati.pdf>>.

Alternative Report

Deficiencies emerge also in the institution care of the children with disabilities. Although legislation was amended and the age when it is allowed to place children in institution care⁶⁵ was raised from 2 to 3 years old, institutionalisation is still allowed even in this age group *“when a child shows a severe handicap that makes him or her dependent on specialised residential care.”* At the end of 2015, this age group (children under 3) accounted for 2.8% of the children in institution care.⁶⁶

We are also worried about the lack of continuation of tailored services when children with disabilities are placed in foster care or in a family residential centre. Once they grow up, these children are forced to return to a residential institution.

There subsist major problems with regard to assuring an inclusive education for children with disabilities. By the end of 2013, official statistics in Romania showed over 70.000 children with disabilities. Out of the 70.000, over 40% did not attend any school and only one third attended mainstream education.⁶⁷

Children with mental disabilities are facing big difficulties with regard to their inclusion in mainstream education. In the absence of special training, expert support and financial incentives offered to teachers, inclusion in mainstream education comes with a wave of discontent from the teaching staff, the school boards, the parents of the other colleagues ending up in pressure to transfer these children to another place.

OPINIONS

“They do nothing for children with disabilities, the system is not ready to support a pupil with disabilities. There is nothing but statistics and theory. Children suffering from autism are moved from one school to another every year because they are chased away. In my experience, I have never come across a child suffering from ASD or ADHD who graduated in the same school where he first entered.” Sanda Gligu, President of Therapies in Autism and ADHD Association.

CASE STUDY

The mother of a child suffering from autistic spectrum disorder reports the difficulties she met in access to education⁶⁸. “School integration was a major source of stress to us, too. In preparatory class, G was lucky to have a young teacher, willing to take a challenge and open-minded, so she could cope with my son’s atypical and unpredictable behaviour. Moreover, she succeeded in making the other children in the class love and protect him, and invite him to take part in their games. When it was time to start first grade, sadly, the teacher moved away from here and my son’s class was assigned to a retired teacher. One week before school started, I went to her to talk about my son, his potential and the best way to approach him. The shadow approach was out, since I cannot afford it. The teacher told me she had never had an autistic child in her class, but she seemed to listen to what I was saying.

...first day in school came. September 15th was a great challenge for G. and we decided to stay in class for only a short time. The second day, I braced up, prepared the child, told him all about what was going to happen but stress was too high, anyway. Ten minutes later my phone rang. You can guess, it was the teacher. “Come and take him!” she said. I went into the classroom and asked what was wrong. She told me *“this is a kid for a special needs school”*. I wanted to know how she could have come to that conclusion in only 10 minutes. She had not asked my son anything, but she was sure there was no place for him in her class, a class of *“diamonds in the rough”*, as I heard later.

⁶⁵ Law no. 131/2014.

⁶⁶ <http://www.copii.ro/statistici/>, 2015, [accessed on 06 August 2016].

⁶⁷ NAPRCA, data on 31 December 2013.

⁶⁸ Case study from <http://supereroiprintrenoi.ro/accepta-ma-in-clasa-ta/prima-zi-clasa-i-esec-total/>

Alternative Report

The next two days coincided with a time of severe migraine for G. so he had to skip school. That is why I next met the teacher in the meeting with parents. It so seemed that the teacher had been busy in those two days. What do I mean by that? I mean the same parents that one year before saw no problem in having G. in the class, now had totally changed attitude. They lynched me. They threw malicious words at me, words that had been planted in their heads in the two days my son had missed from school. *"If you are on friendly terms with the principal, why don't you tell her to make a separate class for your son?"* one of the parents asked me.

It was clear to me that forced integration in a class where nobody wanted my son would do him more harm than good. That same evening, I found the regulation on home schooling and discovered it suited children with difficulties in sensory integration. I then covered all the steps to prepare the file for the School Guidance Commission. The person who assessed G. would not even want to hear about this type of education. I left the text of the law on the table for them to study it closely. This is how G. probably became the first child in the locality who is into home schooling. I do not care so much about people's opinions when they say he is a child deprived of socialisation or that he learns too little. I have chosen what suits my son best, to my mind."

Art. 24 Healthcare services

Romania continues to show a very high rate of infant mortality and a high rate of mortality in children under 5. Deficiencies in the healthcare sector affect all children, from new-born to teenagers.

In 2011 and 2012, Save the Children Romania produced two analysis regarding pregnancy care in communities where the organization runs Every One project. The reports show that in these vulnerable communities, the average mother's age at birth of a first child is 18, with approximately 8 years lower than the national average. A percentage of 13% of mother beneficiaries of our program state that they have lost a child and in 82% of these cases the child's age at death was under 1 year.

The same documents show that 36% of mothers from these vulnerable communities have never been checked by a gynaecologist during pregnancy. The main reasons for this lack of specialized care are either the lack of money to access services and the lack of specialized medical practices in the place of residence of the mother. From the pregnant women at the time of the analysis, 47% had never had an ultrasound while 42% had not done the recommended blood tests with 37% not having undertaken a gynaecological consult.

As for newborn health, a study that Save the Children conducted in partnership with the Ministry of Health⁶⁹ shows that staff in maternity hospitals is insufficient, that some critical tests cannot be performed at night or during holidays and that logistics for good quality healthcare is insufficient or obsolete. The rate of C-section surgery is alarming (32%). Also alarming are the low number of ICUs and neonatology wards and the drop in the number of beds in paediatrics departments in hospitals (from 9.321 in 2009 to 7.783 in 2012). There number of certified "baby-friendly" maternities continues to stay low, at only 15%⁷⁰.

⁶⁹ *National report on the health status of children and teenagers in Romania* (Ministry of Health, 2014) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2014/11/Raportul-National-a-Copiiilor-si-Tinerilor-2014.pdf>>.

⁷⁰ <<http://www.unicef.ro/media/privind-in-trecut-privind-in-viitor/initiativa-spital-prieten-al-copilului/>>

Alternative Report

ICU level/type	Local medical units (average no. of ICUs/hospital)	County medical units (average no. of ICUs/hospital)	Regional medical units (average no. of ICUs/hospital)
ICUs	0.3	0.9	1.6
Neonatology ERs	0.4	1.8	1.6
Obstetrics ERs	1.5	3.3	4.3

The phenomenon of abandoning newborn babies in maternity hospitals is still spread, with 977 newborn babies abandoned in 2015⁷¹. Most of the mothers are young women on their first baby, deprived of family support, but also the mothers of babies born with malformations. Professional staff that could help mitigating this phenomenon, or at least its repercussions, i.e. social workers, is not available in even as much as half of the maternities. Out of the 163 maternity hospitals included in the study, only 73 hired a social worker.⁷²

Equally worrisome in the last few years is the drop in the vaccine coverage rate for the vaccines included in the national coverage schedule, a trend that goes hand in hand with the occurrence of a large number of cases of diseases that can be prevented through vaccination⁷³. Besides recent periods of shortages in the supply with some types of vaccines, other important causes of incomplete vaccination⁷⁴ in children are missed appointments and refusal of vaccination. The fact that some parents are reluctant or indifferent to vaccination points, among other things, to the absence of specialist interventions and of the services charged with the promotion of vaccination.

A study from 2015 on the situation of vaccination in Romania revealed 31% cases of incomplete vaccination in live born babies, i.e. 0.7%⁷⁵ more than the previous year.

Type of vaccine/no. of doses	Overall vaccine coverage rate
BCG1	80.9%
HEPB3	72.2%
DTP3	70.8%
VPI3	70.8%
Hib3	70.8%
ROR1	58.3%

Review of vaccine schedule over 12 months (2015)

As for infant nutrition, the data points to inadequate diversification of diet in infants, with an important rate of infants suffering from micronutrient deficit and poor development in relation to age. Severe

⁷¹ <http://www.copii.ro/statistici/>, 2016.

⁷² *Analysis of medical services, staff and equipment of obstetrics and neonatology sections* (Bucharest: Save the Children Romania, 2016) <http://salvaticopiii.ro/upload/p000600010001_Analiza_Maternitati_Romania.pdf>.

⁷³ *National report on the health status of children and teenagers in Romania* (Ministry of Health, 2014) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2014/11/Raportul-National-a-Copiiilor-si-Tinerilor-2014.pdf>>.

⁷⁴ Idem.

⁷⁵ *Status analysis - The European Vaccination Week* (Ministry of Health, 2016) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2015/06/Analiza-SEV-2016.pdf>>.

nutritional deficit in children younger than 5 years old went up and the prevalence of children in the low weight category reached 10.4% (IPMC, 2010)⁷⁶.

The healthcare system in Romania is still hospital-centred, at the expense of primary/preventive and community care. The total number of GPs dropped from 10,253 in 2010 to 6,682 in 2012.⁷⁷

Healthcare, including primary medical care, is far less accessible to children from rural areas. Official data shows that the medical network developed mainly in the urban areas, with 92.2% of all hospitals, 95.7% of the medical clinics, 85.9% of all independent general medicine practices, 58.6% of the independent GPs, 71.2% of the pharmacies, 91.9% of the diagnose and treatment centres, 98.4% of the specialist centres, 85.6% of the independent dentist offices, 9.9% of the independent specialist practices, 95.9% of the medical laboratories, 96.0% of the dentistry labs.⁷⁸ This information is painting a landscape of unequal opportunities to healthcare for almost half of the children in Romania (42%)⁷⁹ living in rural areas.

Medical care in schools is faced with countless challenges and coverage is unsatisfactory. Under this aspect, too, the situation is far worse in rural areas (in 2014, only 16 out of 1,772 school medical units⁸⁰ were in place in rural areas). The main challenges of medical services in schools are inadequate funding, insufficient engagement of families and teachers in health promotion programs, the shortage and inadequate training of staff, unequal access to such services at country level and inequality of access to such services for some groups of young people.⁸¹

Roma children are a group of extreme vulnerability from the point of view of their access to healthcare. The mortality rate for children under 10 years of age is three times as high in the Roma population⁸² and their rate of access to prevention is far lower than the rate in the general population. In comparison with the general population, 4 times as many Roma children were never given a vaccine, whereas the number of Roma girls that were never given a vaccine is 11 times higher than the number of girls in the general population households.⁸³

From an institutional point of view, we are pleased to see a Mother and Child Department working again within the Ministry of Health, but we are concerned about the fact that it is a department of one person.

Mental health

An estimate of the number of children suffering from mental health disorders in Romania⁸⁴ places their number around 880,709. Although this is a phenomenon of considerable size, Romania has been slow in building a systemic approach. Following the initiative and the persistence of Save the Children Romania, the first document in the field, the National Strategy on the Mental Health of Children and Teenagers was approved in 2016, about 6 years after such an approach was first considered. Unfortunately, the strategy does not rely on a plan of action with tangible objectives and indicators yet.

⁷⁶ Idem.

⁷⁷ *Children's Budget Analysis - Exploratory Study* (Bucharest: Save the Children Romania, 2015) <http://salvaticopiii.ro/upload/p000600010001_Cercetare%20bugetul%20copiilor.pdf>.

⁷⁸ *Activity of Health Units 2014* (Bucharest: National Institute of Statistics, 2014) <http://www.insse.ro/cms/files/publicatii/publicatii%20statistice%20operative/33_Activitatea%20unitatilor%20sanitare%20in%20anul%202014.pdf>.

⁷⁹ <http://statistici.insse.ro/shop/>, 2015, [accessed on 06 August 2016].

⁸⁰ *Activity of Health Units 2014* (Bucharest: National Institute of Statistics, 2014) <http://www.insse.ro/cms/files/publicatii/publicatii%20statistice%20operative/33_Activitatea%20unitatilor%20sanitare%20in%20anul%202014.pdf>.

⁸¹ *National report on the health status of children and teenagers in Romania* (Ministry of Health, 2014) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2014/11/Raportul-National-a-Copii-or-si-Tinerilor-2014.pdf>>.

⁸² *The hidden health crisis - inequalities in health and segregated data* (Bucharest: European Roma Rights Center, 2013) <<http://www.errc.org/cms/upload/file/criza-ascunsa-din-sanatat-october-2013.pdf>>.

⁸³ Idem.

⁸⁴ *Analysis of Children's mental health services in Romania* (Bucharest: Save the Children Romania, 2010) <http://salvaticopiii.ro/upload/p000600010001_Analiza%20serviciilor%20de%20sanatate%20mintala%20pentru%20copii.pdf>.

Alternative Report

The study conducted by Save the Children shows that the public healthcare system is faced with a severe shortage of specialist staff and that GPs or the teaching staff (two groups of professionals that see children regularly and could therefore play a role in the early detection and referral of cases) are short of screening skills.

In what concerns school counsellors, it is worth pointing out that the legal provision of allocating one such specialist per minimum 800 students (or 400 preschool children) leaves many students with unmet needs, especially in the cases where the counsellor has over 800 students in his/her assistance. For example, in Bucharest, there are 209 school counsellors for 250.000 students and preschoolers. Given that these specialists have a weekly workload of 18 hours of psycho-pedagogical assistance and that the school year has an average length of 35-36 weeks, one can easily notice that school counsellors cannot even provide 1 hour of individual counselling/per student/per school year. Moreover, school counsellors also have the obligation of doing in-class teaching 4 hours a week which further creates risks concerning the trust relationship that must be established between the students and the counsellor in order for the services to be effective. The trust relationship can be affected by the fact the responsibilities of the school counsellor are double – both counselling a student and teaching and grading a student.

Health education is not included in the mandatory subjects, it can only be studied as an optional course. The estimates of the Ministry of Education show that only 6% of all the pupils in Romania attend such a course and that the teaching materials in this subject (the curriculum, teacher's guidebooks and manuals) were developed in mid 2000s (actually 2004) and they are in need of updating.

Teenage health

In 2010, the suicide rate in teenagers between 15 and 19 was of 6.3 deaths in 100,000 inhabitants, about 50% more than the European average. The phenomenon is on the rise in Romania (7.2% more than 2005), in a context where the rate has gone slightly down in the EU.⁸⁵ In 2013, there were 14 suicide cases in children under 15 and 57 suicide cases in teenagers aged 15-19.⁸⁶

Following the suicide of two teenagers placed in child protection facilities in the county of Dolj, the People's Advocate issued the recommendation "to employ psychologists specialising in therapy; to procure age-specific licensed psychological tests; and to improve the psychological assessment and assistance methods, where the methods in place are not enough to cover a complete psychological assessment."⁸⁷

The results of a UNICEF study⁸⁸ regarding Romanian teenagers risk behaviours shows that 42% of them consumed alcoholic beverages at least once in their lives and almost one quarter (23%) smoked tobacco once in their lives – the proportion of teenagers over 14 having engaged in these risk behaviours being considerably bigger (with 33% of teenagers over 14 compared to 6% of teenagers under 14) and in boys (32% compared to 16% of girls engaging in similar behaviours). Moreover, the teenagers from urban areas are more exposed to these risks (28%) than those in rural areas (where only 19% of teenagers report having engaged in these behaviours). According to the same study, 15% of teenagers declared that they are sexually active (with 23% of boys and 11% of girls, 20% in urban and 14% in rural areas being sexually active).

In spite of these realities, Romania has no national strategy in the field of sexual and reproductive health, the last document of strategic standing dating back to 2003-2007, though the country ranks high in the EU in terms of teenage motherhood. In 2014, there were 19,491 young mothers under the age of 20, out

⁸⁵ National Strategy on Youth Policy 2014-2020, p.18.

⁸⁶ Eurostat.

⁸⁷ <http://www.avp.ro/comunicate-de-presa/comunicate2016/comunicat_10martie2016.pdf>.

⁸⁸ *The status of teenagers in Romania* (Bucharest: UNICEF, 2013) <<http://www.unicef.ro/wp-content/uploads/Studiu-privind-situatia-adolescentilor-din-Romania.pdf>>.

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of which 706 were younger than 15.⁸⁹ In the same year, the abortion rate in the age group of 15-19 was of 13,8 ‰. It is noteworthy that the numbers have been fairly constant in the last decade, especially in the context where there is no consistent governmental strategy addressing reproductive health among children and teenagers.

Other concerning statistical data regard the fact that in 2013 Romania came first in Europe in the number of new cases of HIV infection detected in the age bracket of 15-24.⁹⁰

OPINIONS

The children interviewed by Save the Children Organisation complain about the absence of medical recovery services; the shortage and lack of motivation of the medical staff, which to them translated into a long waiting time and the need for informal payments; absence of psychological support for children suffering from a chronic condition or who are in hospital for too long; inadequate infrastructure and equipment; failure to adhere to hygiene protocols in hospitals. The representatives of the NGOs that Save the Children consulted commented on the absence of national health education programs and parental education programs in the period before and after childbirth and the insufficient resources allocated to avoiding unwanted pregnancy and family planning. They also pointed to the fact that the mother and the newborn baby are no longer visited at home by the medical staff, which can be one of the causes of the relatively high mortality rate from avoidable causes.

The representatives of the GPs appreciated that the healthcare sector that suffered the most from the reduction in public expenditure in 2009-2012 was primary care, which underwent a gradual reduction of funding from the healthcare insurance fund and had to adjust to changes in the legal framework that discouraged GPs from offering medical child care. Only a few of the child medicines are reimbursed 100% and most of them are prescribed under the co-payment regime. Moreover, there have been cases when GPs declined children from their patients, as the score system does not provide any incentives for this age bracket.

Art. 26 Social security

In Romania, social transfers have a low impact on the protection of the right of the child to social security benefits and the risk of poverty among children drops only by 7,6% after social transfers.⁹¹

Moreover, Romania is an atypical case from the perspective of the link between poverty among children and the intensity of labour in their homes. In Romania, increased participation of the family in the labour market is not enough to reduce poverty among children. Almost half of the children faced with poverty risk (40%) live in families with high labour intensity and the spread in the share of children faced with poverty risk from low labour intensity homes and high labour intensity homes is rather low.⁹²

OPINIONS

Children see these inconsistencies, too. Those of them who participated in the consultations organised by Save the Children signalled out that the state did not provide enough support to vulnerable families and voiced their discontent to a neutral system of social benefits (the same amount no matter how big the problem).

⁸⁹ NIS, TEMPO-Online.

⁹⁰ *Report of analysis on the health education optional subject, Sexual education component* (Bucharest: Societatea de Educatie Contraceptivă și Sexuală, 2016) <<https://secsromania.files.wordpress.com/2016/04/raport-de-analiza-a-disciplinei-optionale-educatie-pentru-sanatate-componenta-educatie-sexuala.pdf>>.

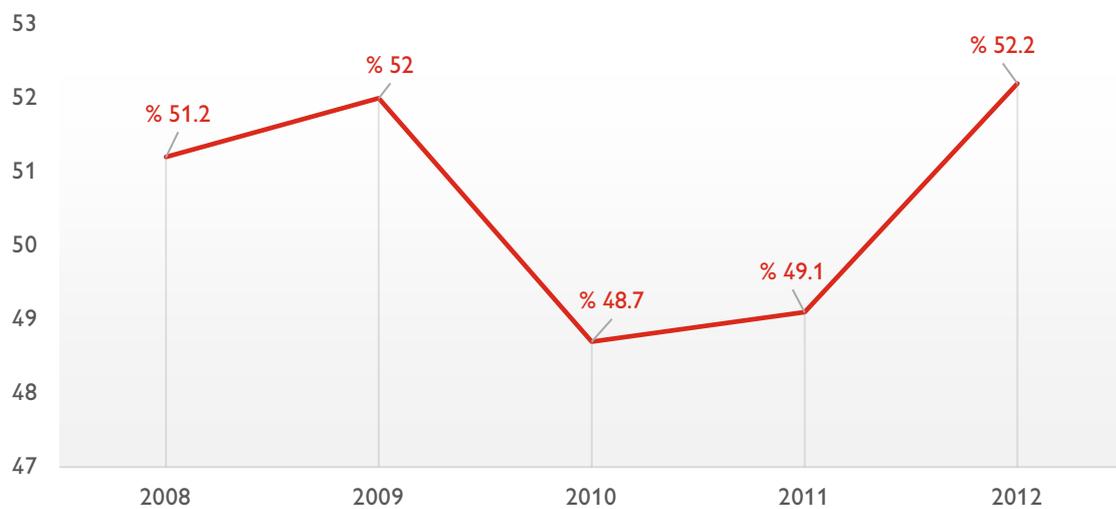
⁹¹ *Child Poverty and Social Exclusion in Europe A Matter of Children's Rights* (2014: Save the Children).

⁹² EU-SILC 2013 (data extracted in January 2014, valid for 2012).

Art. 27 Living standard

Over half of Romania's children (52,2%) are at risk of poverty and social exclusion⁹³, in comparison with the 28% EU average, and the evolution of this phenomenon reflects the impact of the economic crisis and of the austerity measures implemented by the authorities, in total disregard of their impact on the lives of the children.

CHILDREN AT RISK OF POVERTY OR SOCIAL EXCLUSION IN ROMANIA, TRENDS 2008-2012



Sursa: Eurostat

Roma children are most vulnerable to poverty, since there are significant economic discrepancies between the Roma population and the rest of the population, generally speaking. In 2011, three out of four people in the Roma population lived in relative poverty, whereas only one in four persons in the majority population lived in similar conditions. In terms of absolute poverty, the rate is at least four times as high in the Romanian citizens from the Roma minority versus the rest of the population (54% in the Roma minority vs. 13% in non-Roma).⁹⁴ Poverty hampers the right of the child to education. The lowest rate of school coverage occurs in the poorest regions (especially in the N-E region) and in the rural areas, which suffer more from poverty than urban areas. On a national level, the poverty rate in the general population is 9% in the urban areas and 29% in the rural areas. For instance, 16.4% of the children aged 7-10 in the rural areas are not covered by primary education versus 9% for the same age group in the urban areas. The differences between urban and rural areas grow deeper for children aged 11-14. 25% of them are not in school in rural areas versus 6% in urban areas.⁹⁵

The way in which poverty hampers the right of the child to education is also reflected in the PISA results. The percentage of pupils from the lowest quartile in terms of socio-economic situation who, on the other hand, are high performers in education is only 2,78% in Romania, compared with the 6.38% OECD average.⁹⁶

⁹³ EU-SILC 2013 (data extracted in January 2014, valid for 2012).

⁹⁴ *Social economy and roma communities - challenges and opportunities*. (București: CADI, UNDP, Alianța Civică a Romilor, 2012), p.14 -15 <http://www.undp.ro/libraries/projects/Economia_Sociala_si_Comunitatile_de_Romi_Provocari_si_Oportunitati.pdf>.

⁹⁵ Ministry of Labour, Family, Social Protection and the Elderly, National social inclusion indicators, 2014.

⁹⁶ 'PISA 2012 Results: Students and Money', 2014 <<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.640.2254&rep=rep1&type=pdf>> [accessed 17 June 2016].

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How do children see poverty? In a round of consultations with children organised in July 2015, participants were asked to put down their answers to the question “What is poverty?” Some of the answers are listed below.

To me, poverty is lack of money and of the living conditions that would allow us to live at least a decent life.

Never ending sadness, endless suffering, because the first thing that comes to your mind is money problems.

Poverty is an obstacle. To poor children, poverty is an obstacle in the way of education and development.

Poverty is to live at constant disadvantage, it means to live on little.

Poverty is torment, suffering and pain.

Lack of money, education and resources. It is helplessness. It is sadness.

Poverty is stress, worries, difficulties.

D. Education, culture and leisure time

Starting 2011, Romania has entered the sign of a new legislation (Law no. 1/2011 on national education). Though it stemmed from consultations with NGOs and all the stakeholders in education (pupils, parents, teachers, local authorities) in the five years since it came into force, the new law did not succeed in eliminating the most painful of the problems in Romanian education, such as school dropout and lack of participation, unequal opportunities for children in the vulnerable groups (Roma children, children with disabilities, children from rural areas), chronic underfunding in the system of education, the hidden cost families have to shoulder to support the education of their children, obsolete and theory-oriented curricula, lack of motivation of the teaching staff, etc.

Coverage rate in education has evolved alarmingly, showing a stagnation or a drop in all age groups (except for some in kindergarten education)⁹⁷.

Age group in school population	Gender	Year				
		2009	2010	2011	2012	2013
		Unit: Percentage				
		%	%	%	%	%
Aged 3 - 5 (Aged 3 – 6 for 2009 – 2011)	Total	81	81.8	82	84.1	83.8
	Male	80.4	81.2	81.3	83.5	83.3
	Female	81.7	82.4	82.8	84.8	84.3
Aged 6 - 10 (Aged 7 – 10 for 2009 – 2011)	Total	97.3	95.7	93.6	92.8	92.8
	Male	97.4	95.8	93.8	93	93
	Female	97.1	95.5	93.4	92.6	92.7
Aged 11 - 14	Total	94.3	94.3	93.1	92.1	91.5
	Male	94.4	94.5	93.4	92.5	91.7
	Female	94.1	94.1	92.8	91.8	91.3
Aged 15 - 18	Total	88.8	86.2	84.2	82.2	81.4
	Male	87.5	85.5	83.8	82	81.3
	Female	90.1	87.1	84.6	82.5	81.6

We welcome the change the National Education Act brought by including ECE education for children under 3 in the system of education, but low availability of services in this age group makes coverage rate very low in ECE (2.9% overall rate, with 5.4% in the urban areas and 0% in the rural areas)⁹⁸.

As for participation in kindergarten education, there subsist a significant gap between children in the urban and rural areas. The gap tends to widen, from 4,7 p.p. in 2009/2010 to 6.4 p.p. in 2013/2014 school year (90.3% urban and 83.9% rural)⁹⁹. On breaking down participation by age, we can see that the biggest gap is in the group of children aged 3. In 2013/2014 school year, there were 81,6% of the children in rural areas who were enrolled in kindergarten versus only 67.4% in the rural areas. The option of the parents in rural areas of not sending their children to kindergarten is caused, among other things, by

⁹⁷ National Institute of Statistics, TEMPO-ONLINE. The age groups changed following the enforcement of the National Education Act, whereby a preparatory class was introduced in primary education.

⁹⁸ Ministry of Labour, Family, Social Protection and the Elderly, National social inclusion indicators, 2014.

⁹⁹ *Report on the Pre-tertiary education in Romania 2014* (Bucharest: Ministry of Education, 2014).

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various elements that make access difficult (such as remoteness from home, insufficient school buses, etc.).

The inclusion of the preparatory class in primary education (in the school year 2012-2013) caused controversy among parents and teachers and also countless difficulties in logistics (preparation of classrooms, securing transport, development of the curriculum and teaching aids).

Though on the completion of the first year, teachers generally appreciated the experience to be positive¹⁰⁰, there are still situations, especially in large cities, where the number of children per class is upwards of the number legally allowed (25) and the number of pupils recommended by teachers and experts in the field of education (15-20). In Bucharest, for instance, there are schools where classes can be as numerous as 30 or even 35.¹⁰¹

A measure of negative impact on the protection of the right to education was the abolition of vocational education (starting the school year 2009-2010), which made many of the pupils who had completed their 7th grade give up on the rest of their education, out of fear of high school studies that take too long, offer no job training and the final tests are difficult to pass. Authorities estimate that this phenomenon affected 10% of the secondary school graduates.¹⁰² The negative impact of this measure was so obvious that in only 3 years, vocational schools were reintroduced in the education portfolio.

Art. 28 Access to education

Almost 366,000 children between 3-17 were not included in any form of education (kindergarten, primary, secondary, high school or vocational) in 2013¹⁰³.

Although the rate of school dropout went down in all levels of education, in only one school year (2012-2013), around 24.400 pupils dropped out from primary and secondary education.¹⁰⁴ We appreciate that official dropout statistics do not capture the whole size of failure to participate in school ("children outside school"), as long as the data does not include the children who never attended school or dropped out from school in the previous years, there is no single definition of school dropout and the per capita funding system encourages some schools to record clear cases of dropout as grade repetition.

We must take positive note of the investment the authorities made in school infrastructure (including in increasing the number of kindergartens) and in building and retrofitting schools, including schools in rural areas. In spite of that, every new school year, thousands of pupils go back to schools are not endorsed by sanitation authorities, some of them life-threatening for children.¹⁰⁵

Roma children are particularly vulnerable with respect to their participation in education, too. Only 42% of the Roma children (aged 6-15) attend kindergarten versus 87% of children of different ethnic background living in the same environment. The percentage of children who do not attend mandatory education though they qualify in terms of age is 22% in the Roma minority and 6% in other ethnic populations.¹⁰⁶

According to a research study, from all the reasons Roma children list for dropping out from school, topmost are financial difficulties (24%) and the need to work or take care of younger siblings (20%).¹⁰⁷

¹⁰⁰ Institute of Education Sciences, *Introducing preparatory class in the Romanian education system*.

¹⁰¹ Bucharest School Inspectorate, Report on the vacant places after the first stage in Bucharest, in the school year 2015 – 2016 (E.g.: "I. H. Rădulescu" School – 99 children in 3 classes, "Herăstrău" School – 186 children in 6 classes "Pia Bratianu" School – 216 children in 7 classes).

¹⁰² MLFSPE, National Strategy on the Protection and Promotion of the Rights of the Child, 2014 – 2020.

¹⁰³ NIS, TEMPO-ONLINE, processed data.

¹⁰⁴ *Analysis of pre-tertiary education system in Romania from a statistic perspective* (Ministry of Education, 2015).

¹⁰⁵ 26 septembrie 2014 – a child died after falling in the school's sewer pit.

¹⁰⁶ *Education: The Situation of Roma in 11 EU Member States* (Luxembourg: Publ. Off. of the Europ. Union, 2014).

¹⁰⁷ Duminică and Ivasiuc.

Children with disabilities are an important vulnerable category from the perspective of their access to an inclusive and good quality education. The absence of access facilities in schools (including schools that were built or redone recently) and of adequate transport solutions are two of the main reasons why children with disabilities are deprived of their right to inclusive education. In Bucharest, for instance, there is only one high school that provides accessibility and in most schools, accessibility is limited to one ramp in front of the main entrance (there is no solution, however, for the upper floors or the toilets).

The programs and initiatives tailored to encourage participation in school (such as school mediators, programs like “Second Chance” or “The School after School”) that stood the test of time in point of their importance and efficiency, are not strong enough as they are too small in scale.

Funds for education

Despite the acute problems that Romania is faced with in the field of education, in 2012 and 2013 the country ranked last in the European Union in expenditure for education in the GDP. Our country spent for education 3% of the GDP in 2012 and 2.8% in 2013, whereas the EU average was 5%.¹⁰⁸

A recent study¹⁰⁹ conducted by Save the Children Organisation showed that, as a percentage in the GDP, annual expenditure for education is characterised by important fluctuations year-on-year (sometimes accounting for 1% of the GDP from one year to another), which translates in lack of predictability on the available resources and seriously hampers the continuity of long-term measures designed to meet the difficulties in the education system.

The calculation formulas currently used to determine funding based on standard cost per capita (child in kindergarten and child in school) are not meant to meet the basic needs in the system (the component meant to cover goods and services in very low compared with the amount of teaching materials and school supplies needed to assure quality education). Neither are they meant to correct the opportunity gap for children in poorer areas (there is a significant relative variation rate in average expenditure per capita among counties, sometimes as high as 100% with the result that pupils in the poorest of counties are at disadvantage again).

A key problem that continues to affect students concerns the reimbursement of transport costs. In 2013, an governmental emergency ordinance imposed a maximum threshold for reimbursement of transport expenses, a scheme where only students going to school in a different location than their place of residence were eligible. This maximum threshold proves to be insufficient in many cases - with situations when the maximum sum reimbursed only covers a quarter of the total price of transportation passes. In 2013, before the ordinance establishing a maximum quantum for reimbursements there were a number of 198,941 commuting students (usually for high-school studies). A year later the number dropped to 163,872 students the main cause being the lack of money available for the reimbursements of transportation costs for commuting students.

Judging after these shortcomings in the public funding of education, there is no wonder that the participation of children in public education in many cases entails considerable cost that must be shouldered by the family, though from a legal perspective, mandatory education is free of charge. The costs generated by aspects such as buying school supplies, textbooks or uniforms, or making a contribution to the class or school fund (including masked forms of donations from the parents' committee) may prove too heavy a burden for the families from the less developed regions, which may end up in absenteeism or even dropout or non-enrolment of the child in school.

According to a study conducted by Save the Children¹¹⁰, to cover the expenses required in the education of a child, parents have to allocate 1.5 times as much as the amount that is allocated for the same child

¹⁰⁸ Eurostat.

¹⁰⁹ *Children's Budget Analysis - Exploratory Study*.

¹¹⁰ *The free-of-charge education costs! - Research on the hidden costs of education* (Bucharest: Save the Children Romania, 2010).

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from the state budget (except for the funds for salaries). The study conducted by Save the Children points to a concerning level of these hidden costs. The overall average cost per child allocated from the budget amounts to RON 1,490, whereas the cost per family is RON 1,954 (considering also the families with more than one child in school). The review of the results indicates overall costs that can amount to as high as RON 4,500 per capita/year.

OPINIONS

In the 2010 edition of the National Children's Forum (May 31 – June 3, 2010), a group formed of 20 children and young people analysed the issue of the "hidden" cost of education, how it affects access to education and the phenomena it entails. The members of the working group also put forward some solutions to remove this "hidden" cost or to limit its effect on the right of every child to quality education, irrespective of the socio-economic situation of the family.

The results of the consultations held with children were resumed by one of the participants, S.M. (aged 16) as follows:

"Education in Romania is free of charge and mandatory. Totally wrong! Is it really free of charge? From the sandwiches our mothers prepare for us to have a snack just like all the other children do, to school supplies, uniforms and various funds, there is no talking about something free anymore. Is it really mandatory? Only if the family has the means! Does anyone ever come to ask us whether we attend school? Does anyone come to take us back to school in case we quitted? No, nobody really cares.

All that cost starts with the school supplies. Notebooks, pens and pencils and other such things are a headache for any parent, both at the start and during the school year.

Clothing is another of our parents' problem. As school is an educational environment, children must show up looking decent, the more so as a poor apparel may lead to marginalisation by the mates. Then, you may think of uniforms and their usefulness. They are useful indeed... an additional cost on top of all the other clothes.

For lack of a well organised system, besides the manuals we receive, we must very often buy explanatory collections of texts or books of exercise. Also because of poor structure in the system, many manuals are rewritten every year, more and more of them and, unfortunately, they get worse and worse.

Every semester we have to pay something for the class fund and something for the school fund every year. These funds exist indeed, though they are "hidden". I remember they said they had been abolished, but well, we do need good conditions in the classroom and school, don't we? At the same time, part of the school fund or a earmarked contribution goes to the security firm and that is also for lack of a good structure. Two proximity policemen would be enough in a school, but as they are not there and parents want us to be safe, we must pay for security firms. This lack of security sparks violence both in school and around it.

Another education-related expense is transport, because many of the children live far from school or they even commute between places. Since not every school has a school bus, children must use public transportation and the cost of that is rarely reimbursed.

The last element of "hidden" cost, but not the least is our "gratitude duty" to teachers. To put it plainly, the gifts we offer to teachers on various occasions. Nobody says they are mandatory, but they are necessary. Why is that? To build a better relationship with a teacher, as these gifts have an influence on a teacher's behaviour towards the pupils."

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CASE STUDY

In 2010, when they were 11 and 12, respectively, E. and V. joined the school reinsertion program run by Save the Children. They had been then in Bucharest for some weeks, together with their mother, looking for a school to continue their education after several years of discontinuation.

Precariousness, an alcoholic father of the children totally disengaged from family life, made the mother think that she might find a better chance in the capital city. When she left from home, the children were left in the care of their father and their maternal grandparents, in a poor commune from the region of Moldavia, which almost immediately led to the children's dropout and their engagement in various jobs. Once her mother left, E. started replacing her in housework, while V. took jobs outside the home, such as keeping animals, chopping wood for other people and other such things. It was something to make ends meet, since their father worked as a shepherd and grandparents were too old to be able to take care of them.

Three years passed like that, while they got sick many times, needed medical care, they were starved and deprived of their parents' love and care. The moment when, after three years of hard work the mother could rent a place of her own, was the happy turning point in the story.

Through an acquaintance of hers that was aware of the goal of the school reinsertion programs run by Save the Children, the mother of the children got in touch with our colleagues working in the Educational Centre. With their support, the children could be enrolled in the "Second Chance" program, despite the fact they had been out from school for such a long time, and they took part in the educational and social activities run by the Educational Centre.

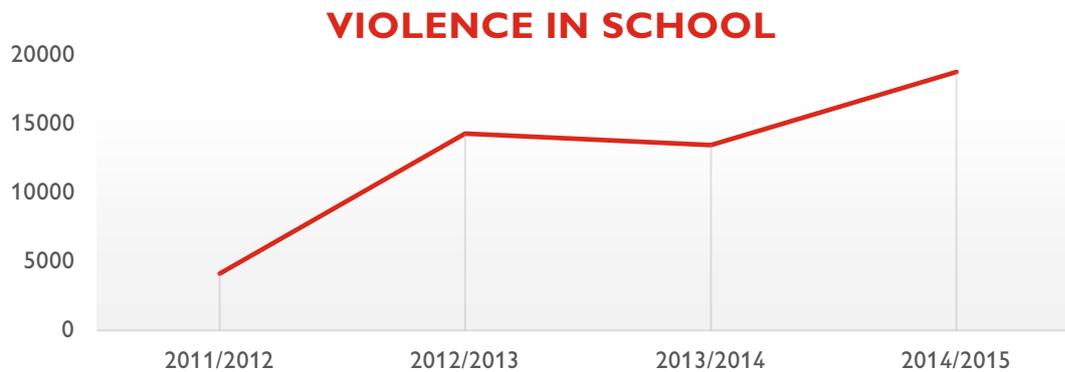
E. and V. are in the 7th grade now and they attend the part-time learning program of a secondary school, while they still benefit from additional courses in the Educational Centre and they do volunteer work in Save the Children's summer kindergarten program. The two teenagers have built a special relationship with those that opened their way back to school, as well as the other children in our programs. They are fully aware of how important specialist support may be in a critical moment for the child and his or her family.

Art. 29 The goals of education

As to the efficiency of the national educational system, the results of international testing are worrisome. At the PISA testing of 2009, 47% of Romanian students obtained weak results in maths (under level 2), 40,2% has weak performances in reading and 41,4% were under level 2 in science. In the following 3 years the situation did not improve significantly with PISA2012 test results showing that 40,8% of Romanian students are under Level 2, an almost double percentage compared to OECD average of 23% students under Level 2. Similar high rates of students with poor results can be found for the reading testing (37,3% of Romanian students have performances under level 2 compared to OECD of 18%) as well as in the science testing (37,7% of Romanian students have results under level 2 compared to an OECD average of 17,8% of students having the same results).

Unfortunately, school does not provide for an environment that would allow for the harmonious development of the child either, an environment where a spirit of tolerance and understanding would thrive. Violence in school has gone up the public agenda and has gained in visibility in the last few years (even if sometimes reports verge on sensationalism). This visibility correlates with an increase in the number of violent incidents in schools reported by the authorities. In the school year 2014/2015, there were 18,798 incidents reported to the Ministry of Education.

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Violence in schools. Number of cases reported annually. Source: MNERS

The studies conducted by Save the Children Romania¹¹¹ point out that verbal and physical violence is still present and even tolerated as a pedagogical method in school in Romania. In a survey conducted by Save the Children, 86% of the interviewed children declared that they were reprimanded when they made mistakes, teachers insulted 33% of the children and 7% declared that teachers beat them. Physical abuse occurs twice as high in the rural areas, in boys and especially in the Roma population.

A recent study conducted by Save the Children¹¹² shows concerning data about bullying in school. 73% of the children stated that they had witnessed bullying situations in their school, whereas 58% said that they had witnessed bullying situations in their class. The same study shows that any child who is somehow different from the others can become a target for bullying, especially those that look different (physical aspect emerged as one of the most common triggers of bullying), act differently or do not share the mainstream features (shyness, academic results, disability or special education needs, children diagnosed with mental disorders), the new comers to a group, children from a less favourable socio-economic environment (including the case when they come from rural areas or the Republic of Moldova), children of different ethnical background, etc.

The study also showed that, unfortunately, schools do not have a common approach to bullying. Some of the teachers are more active in curbing violent behaviour, whereas others stay passive (“what matters is whether a teacher cares or not”). Some children mentioned situations when some teachers encourage bullying or the perpetrators (by humiliating some children constantly). None of the children participating in the group interviews knew about the existence of any commission fighting violence in their school. Disciplinary measures are rather linked to singular and very serious events, such as repeated physical violence or severe humiliation cases.

OPINIONS

The children interviewed by Save the Children have repeatedly signalled out the difficulties they are faced with in school: a culture of fear, physical and emotional abuse from the teachers, labelling and discrimination, irrelevant and burdensome curriculum, lack of a two-way communication between teachers and pupils and violation of the freedom of expression.

“School promotes fear, because when we do something wrong we fail to admit our mistakes in order to learn something, we simply fear the consequences. That’s what school teaches us, if one does not want to be punished, one must not make mistakes. Instead of encouraging us to become responsible, it teaches us to be afraid, that’s all... (17 year-old girl)

¹¹¹ *Abuse and neglect of children, 2013.*

¹¹² *Bullying among children - Sociological study at national level* (Bucharest: Save the Children Romania, 2016).

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Art. 31 Leisure time, recreational and cultural activities

A research study¹¹³ issued in 2014, dealing with the pupils' time budget, pointed out the phenomenon of overloading children with school-related work, both by teachers and parents. Rooted in the burdensome curricula (resulting in a lot of time to prepare the homework but also spent in private classes), this phenomenon ends up in eating up leisure time. Moreover, both the study mentioned before and the children interviewed by Save the Children point out the absence of specific time management knowledge and skills.

With regard to tailored leisure infrastructure and facilities for pupils and students, there is an important gap there between the urban and the rural areas. Out of 4,689 gyms in 2014, only 1,896 were located in rural areas and only 10 out of all 44 swimming pools. Sports fields show a better balance, almost half of them being located in rural areas¹¹⁴.

As for children's shows on TV, there are hardly any, since children are not a target public worth making an effort, to the eyes of media companies.¹¹⁵

Genres of TV shows	Year					
	2009	2010	2011	2012	2013	2014
	Unit: Hour					
	Hrs.	Hrs.	Hrs.	Hrs.	Hrs.	Hrs.
Television - total	52,560	50,400	52,560	46,472	43,800	52,560
Children shows	376	487	295	176	191	291

OPINIONS

One third of the children included in the study conducted by Save the Children on the awareness, the importance and the respect of the rights of the child in Romania¹¹⁶ indicated that the school curricula is too burdensome, which did not allow them any leisure time.

"In my high school studies, I can only afford one hour of leisure time per day during week days" (17 year old boy)

¹¹³ National report on the health status of children and teenagers in Romania (Ministry of Health, 2014) <<http://insp.gov.ro/sites/cnepss/wp-content/uploads/2014/11/Raportul-National-a-Copiiilor-si-Tinerilor-2014.pdf>>.

¹¹⁴ National Institute of Statistics, TEMPO-Online.

¹¹⁵ National Institute of Statistics, TEMPO-Online.

¹¹⁶ Knowledge, importance and respect of children's rights in Romania.

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E. Special protection measures

Art. 22 Refugee status

In the last few years, the General Inspectorate for Immigration (GII) started monitoring third country children found on the territory of Romania, including unaccompanied children seeking asylum. This monitoring effort was triggered by the refugee crisis in the Middle East, where war threatens children's safety. It is noteworthy that in the context of the conflicts from the Middle East, Romania did not only receive children who are third country nationals (reflected in GII statistics), but also children of double nationality, resulted from transnational marriages, where one of the spouses is a Romanian national. In theory, these children benefit from the privileges of Romanian citizenship with regard to free healthcare and education (which does not apply to third country nationals that are not under some form of protection), but they are prevented from access to the refugee status and the related support measures, meaning that many times they are deprived of the support for social insertion or to overcome the trauma caused by an armed conflict or separation from their native land. There are also difficulties in way of integrating these children in school, as some of them do not master Romanian well enough, though they come from transnational families.

In 2015, there were overall 4.332 third country children with the right to legal stay on the territory of Romania.

Year/Gender	2010		2011		2012		2013		2014		2015	
	M	F	M	F	M	F	M	F	M	F	M	F
Children	n.a.	n.a.	n.a.	n.a.	2951	2740	3819	3562	3789	3535	2231	2101

Source: The General Inspectorate for Immigration

Only a small part of the third country children are also asylum seekers.

Number of children asylum seekers by gender and age:

Year/Gender	2010		2011		2012		2013		2014		2015	
	M	F	M	F	M	F	M	F	M	F	M	F
Children	n.a.	n.a.	80	20	175	60	210	165	265	110	180	110

Number of unaccompanied children seeking asylum in Romania, by gender, age group and year:

Year/Gender	2010		2011		2012		2013		2014		2015	
	M	F	M	F	M	F	M	F	M	F	M	F
Under 14	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	10	0	6	1
14-15	5	0	5	0	20	0	0	0	20	3	3	0
16-17	30	0	50	0	115	5	10	0	60	5	28	3
Total	35	0	55	0	135	5	10	0	90	8	37	4

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Most of the asylum applications, 614 of them, were submitted by Syrian nationals, followed by Iraqi, Iranian and Palestinian nationals. The statistical data of the GII reflect nothing about the number of children applying for refugee status.

In the last few years, the General Inspectorate for Immigration made available the first funds for the supply of support and complementary services to NGOs, which resulted in better service coverage for the asylum seekers and the persons who benefit from protection as well as in enhanced engagement and presence of the NGO's representatives in reception facilities. In spite of that, some of the needs of the beneficiaries are still not met, such as healthcare (lack of doctors in the reception centres; though these persons enjoy free access to healthcare, some of the medicines, medical devices and surgery procedures are not free and the cost is too high for families to be able to cover them); access to classes of Romanian for children, tailored to their needs (children are taught in the same class as adults, irrespective of the students' level of knowledge); access to leisure areas and study rooms in the reception facilities (the only such rooms available were created and donated by Save the Children Romania, but they are out of reach at the end of the day); no access to psychological support for children, difficult access to education due to the parents' lack of financial resources (kindergarten fees, school supplies, clothing, etc.); lack of information among not only teachers, but also civil servants on the issues related to the asylum seeker and refugee status and all the benefits children are entitled to; shortage of interpreters familiar with the mother tongue of the refugees, which hampers the asylum proceedings; lack of commitment of the legal guardians appointed for unaccompanied children, who most often meet them only for the interviews or when they need to sign various papers required in the asylum procedure; poor awareness of the staff working in the directorates for child protection on the specific needs of unaccompanied children (cultural, linguistic, religious, emotional); difficulties in accessing social rights and benefits, which can be generally accessed through the support of the NGOs; the food allowance which is too low to cater to the children's basic needs; settlement kits made up of toiletries and hygiene products that are not designed to meet the needs of the children.

CASE STUDY

N. A. is Romanian. She is 44 and 14 years ago she left for Syria. She married a Syrian there and they had three children together. When her husband was killed in the conflict, in 2012, she took her children and came back to Romania.

They hoped to get support for the four of them and start a new life in Romania, but it was not the case. Though, in practise, they are in the same situation as the other refugees, they are prevented from enjoying the benefits that come with the refugee status because they are also Romanian citizens. Moreover, soon after she returned to her country, the woman learnt that she had cancer, which prevented her from taking a job. Her pension is ridiculously small.

The children cannot speak good Romanian and they were denied education for that reason. The family cannot access the support granted to refugees (€130 monthly allowance and Romanian classes for the children, among other things). Her only support came from the Syrian community in Romania.

Art. 32 Right to be protected from economic exploitation

From the official data perspective, the teenagers' participation in the labour market shows a downward trend, but it is still a matter of concern that many of the teenage employees (15-19 years old), most of them boys, have a low level of education (lower secondary at most).

Discontinued/poor quality education prevents access to better paid jobs on the labour market, which can only perpetuate poverty.

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Year/No. of 15-19 year old teenage employees	Total no. of teenage employees	Teenage employees with a low level of education	Boys	Girls
2009	122.200	79.500	49900	29.600
2010	94.900	69.600	44.000	25.600
2011	87.300	65.600	38.400	27.200
2012	85.000	66.400	40.500	25.900
2013	83.200	60.700	37.700	23.000
2014	79.300	57.300	34.200	23.100

Teenagers' participation in the labour market. Source – Eurostat

Beyond the official data on the children's participation in the labour market, the media made public many cases when children are victims of economic exploitation, such as children working in the informal economy or performing physically demanding job (farming, animal breeding), with no proper accommodation. Some of them are sent away for work, far from home, by their very own parents (in exchange of benefits).

According to a study conducted by Save the Children¹¹⁷, children's exploitation at home is also high, 2-8% depending on the indicators measured. 2% of the children stated that they were forced to beg, 5% that they were working instead of going to school and 8% that they stayed home to look after their younger siblings, instead of going to school.

The percentages are worrying and they must be correlated with the fact that 19% of the parent responders appreciate their income as rather insufficient to cover for the basic needs of the family while 45% responded that their income was barely sufficient to cover for the basic needs. That makes 64% of all families living in poverty.

In relation to economic exploitation, it is noteworthy the phenomenon of child participation in the house chores – 68% of the parents say that children help them with house chores, to different extents. Paired data analysis (based on area of residence) shows that child participation in house chores is significantly higher in rural areas than urban areas (the share of children who state that they never participate in house chores is also significantly lower in the rural areas and frequency of activities is higher).

The rate of child participation in house chores also significantly correlates with the level of income in the household, namely the higher the income, the lower the participation. This points once more to the fact that poverty in the family is conducive to additional risk and limits full access to educational contexts that are not only essential in the complete development of the child, but they also contribute, in the long run, to breaking the vicious circle of poverty and abuse.

Art. 33 Protection of children from the illicit use of narcotics and psychotropic substances

The main phenomenon in the access and use of drugs, affecting children and the general population alike, was the emergence of the so-called "ethno-botanical" or "licit drugs" on the Romanian market in late 2008. Signalled for the first time in reports on drug prevalence in 2010 (though 2009 had marked a

¹¹⁷ Abuse and neglect of children.

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soaring phenomenon¹¹⁸), these new psychoactive substances (NPS) are in fact a mix of substances with psychoactive, euphoric and hallucinogenic effects.

Their wide availability (both online and in numerous shops created to sell these substances), relatively low price and the late and hesitant reaction of the authorities towards restricting (initial phase) and then banning (later phase) the trade with NPS made them very popular among teenagers and brought about dire consequences. The impact was the more so serious as the element of novelty in NPS took by surprise even the experts in drug abuse prevention (unprepared to “fight” against the temptation of seemingly natural substances legally available) and the medical community (faced with the effects of unknown substances for which there was no treatment protocol and methods).

The study conducted by Romanian Harm Reduction Network (data collected in April 2011) outlines the profile of NPS users:

- wide age group (11-40 years old). There is a significant number of users in children younger than 15;
- most of the users are well integrated from a social point of view, most of them young people with a good financial standing;
- low availability of services (communication with users of “licit” drugs through the traditional channels of specialised drug abuse services is poor and many of the users have not even heard of risk mitigation services);
- his category of users is rather tempted to experiment various combinations of substances, probably also due to the void of regulation in commerce with these substances.
- Once the authorities stepped in and restricted commercial distribution of these substances, the National Antidrug Agency appreciated that the occurrence of NPS in overall drug use dropped in 2013 and then went up slightly in 2014.¹¹⁹

A study¹²⁰ from 2013 shows the following situation of teenage drug users (10-18 years old) in Romania:

Types of drugs	Consumption		Age at first consumption in years -average-	
	boys	girls	boys	girls
Inhaled substances	1%	0%	14	-
Crack Cocaine	0%	0.3%	-	NA
Cocaine	0.3%	0%	NA	-
Amphetamines	0%	0%	-	-
Hallucinogens	1%	0%	NA	-
Heroin	0.3%	0%	NA	-
Opiates	0%	0%	-	-
Sedatives/Tranquilisers	0.3%	0.6%	14	16
Sleeping Pills	0.3%	0.9%	11	17
Antidepressants	0.3%	0.3%	13	15
New Substances with Psychoactive Properties	2.1%	0.3%	14.5	15

¹¹⁸ Botescu Andrei, *Assessment of risks associated with the consumption of new substances with psycho-active proprieties among children and youth in Romania, 2011*, <http://media.hotnews.ro/media_server1/document-2011-09-27-10249687-0-studiul-rhrn.pdf> [accessed 17 June 2016].

¹¹⁹ *National report on the situation of drugs - New developments and trends* (Bucharest: National Anti-Drug Agency, 2014) <http://www.ana.gov.ro/rapoarte%20nationale/RO_RN_2014.pdf>.

¹²⁰ *The status of teenagers in Romania* (Bucharest: UNICEF, 2013) <<http://www.unicef.ro/wp-content/uploads/Studiu-privind-situatia-adolescentilor-din-Romania.pdf>>.

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Art. 34 The protection of the child from all form of sexual abuse

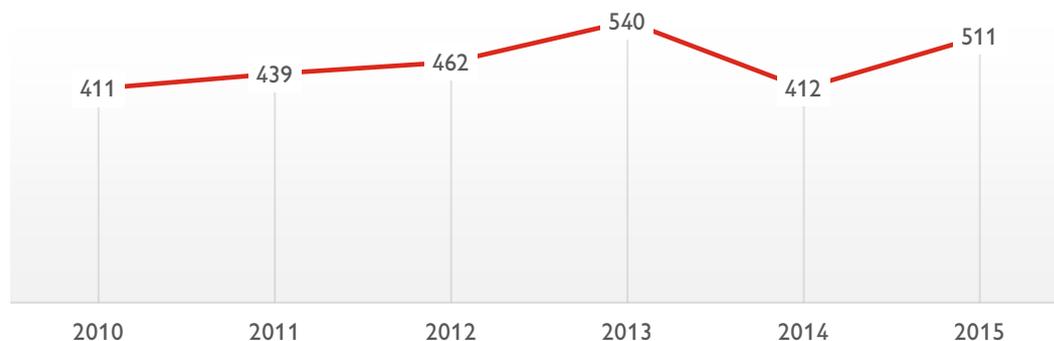
Sexual abuse and especially sexual abuse on children is a social taboo in Romania – a topic that is avoided by institutions and civil society, doctors and teachers, though they may help cast a light on its various aspects.

A study conducted by Save the Children Romania shows that 1-3% of the children admit that they have been victims to some form of sexual abuse¹²¹, while a study on the prevalence of this phenomenon shows that about 9% of the population of children over 13 declare that someone had tried to have sexual intercourse with them at least once, although they did not want it¹²².

The official data made available by the General Prosecutor's Office show that about 500 children become victims of sexual crimes every year. The gap between the prevalence rate and the number of victims recorded by the criminal prosecutors points to a poor level of reporting such cases of child abuse. Such crimes oftentimes go unreported due to the social stigma and the potential exposure of children victims of sexual abuse.

It is also worrying to see the discrepancy in the number of child victims recorded with the prosecution offices (overall 2,775 in 2010-2015) and the number of victims recorded by child protection authorities (3,356 in the same reference period¹²³).

NUMBER OF CHILD VICTIM IN CASES OF SEXUAL ABUSE



Source: The Public Ministry

As for the cyberspace, a study conducted by Save the Children¹²⁴ shows that 78.4% of children in Romania use the internet daily and that they spend 1-2 hours online. More than half of the respondents (51.9%) say that they received messages with sexual content through the social media, 8% of them were asked to talk about sexual things online, whereas 5% were asked to send a photo or a video showing their genitals.

We highlight that in the absence of education regarding safe surfing on the internet, virtual reality may otherwise facilitate sexual abuse on children under the protection of anonymity provided by cyberspace.

¹²¹ Abuse and neglect of children.

¹²² Institute of Child Health, Department of Mental Health and Social Welfare, Balkan Epidemiological Study on Child Abuse and Neglect, 2011 <http://www.becan.eu/>

¹²³ www.copii.ro, processed data.

¹²⁴ The Use of Internet in the Family - Quantitative research study.

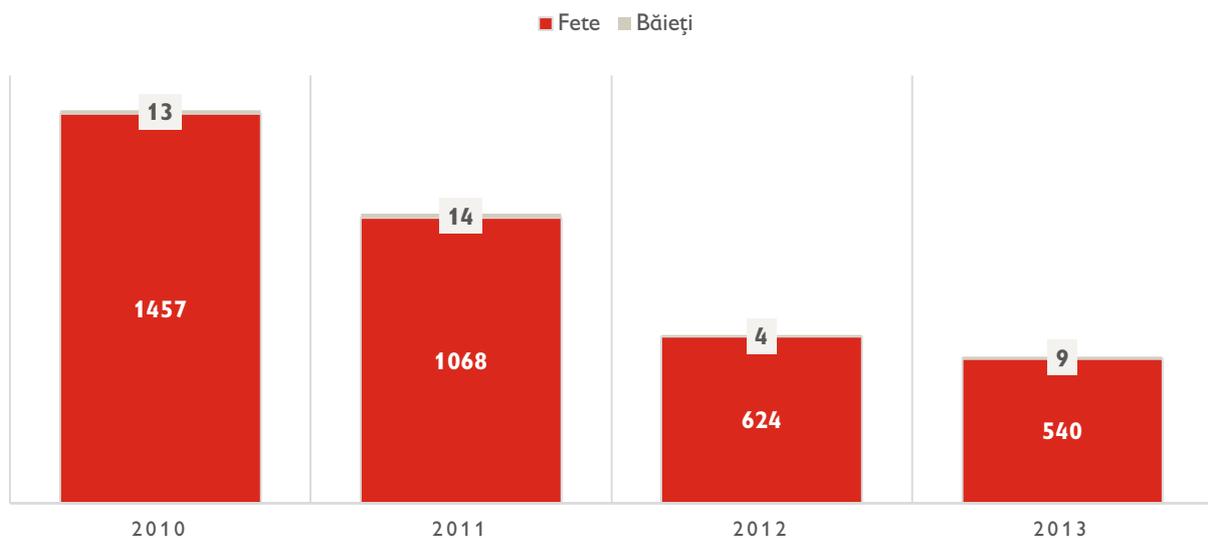
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Another worrying phenomenon that still persists, despite improved legislation, is early marriage. Early marriage still continues to represent a serious threat to the rights of girls in Romania. Early marriage among the Roma population is part of a cultural tradition that harms the interests of the children in the community, because it entails the risk of early pregnancy and teenage motherhood, it is many times a cause of school dropout, meaning that children are deprived of the years of mandatory education, and, in some cases, sexual crimes (when girls are kidnapped).

Another important element is that the existing studies show that early marriage is not typical only of the Roma population, but it exists in other, non-Roma groups who live in poverty. Unfortunately, there are no research studies yet to show the dynamics of this phenomenon (whether it goes up or down) in the Roma and non-Roma population and neither are there substantive administrative data that could capture the size of the phenomenon as well as the trends.

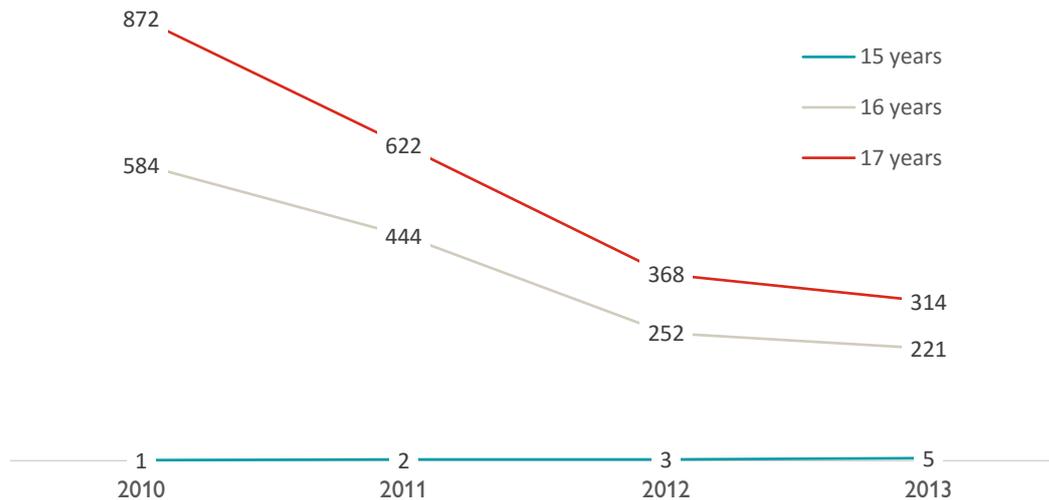
The exiting official data, from Eurostat, underestimate the phenomenon and they only reflect formal marriages where one of the spouses is younger than 18, whereas many of these marriages are consumed informally (not registered with the civil status registry).

EARLY MARRIAGE BETWEEN 14-17 YEARS OLD



Age at first marriage by gender. Source: Eurostat.

MARRIED GIRLS YOUNGER THAN 18, 2010-2013



Marriage in girls under 18, age distribution. Source: Eurostat

Art. 36 Protection of the child against any harmful exploitation

The fact that we find homeless children and youngsters is in itself a phenomenon of child exploitation and child abuse because it points to the failure of the protection system.

In the acceptance of Save the Children Organisation, homeless children and youngsters are defined as persons that spend all their time or just part of it in the street (in the wider sense, meaning also improvised shelter, sewers, abandoned cars or buildings) and who are forced to secure by themselves or in a group their means of subsistence, either by legal or illegal means. These persons do not benefit from an optimal level of protection from their parents or the competent institutions.

An estimate from the most recent study in this respect¹²⁵ shows that in Bucharest there are 1,113 persons under 35 who live permanently or temporarily in the street. 7% of them are under 7 years of age and another 19% are 14-18 years old. Very young children generally come from parents who are also homeless, which creates a vicious circle of homelessness and social exclusion. The prevalence of exploitation among this category of children and youngsters is alarming. Children living in the streets can be exploited by their families or acquaintances for the purpose of begging (15.8%), stealing (13%) or doing physical work (14.1%).

Another worrying feature is that most of these young people say they have been in the street for more than a year, which means that they depend on the activities in the street in order to subsist (begging, parallel parking fees, prostitution, short-time work, etc.).

As for the support homeless people receive, the study points out that it is very poor and that authorities hardly play any role whatsoever in it. Slightly less than half of these young people (47%) do receive support, but most of them indicated various NGOs as the suppliers of assistance.

¹²⁵ *Assessment of the "street children and youngsters" phenomenon, Quantitative sociological research* (Bucharest: Save the Children Romania, 2014) <http://salvaticopiii.ro/upload/p0001000100050001_Raport%20copiii%20strazii.pdf>.

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While we can subscribe this phenomenon to the wider scope of violence on children, homelessness and life in the street is a risk factor for other forms of violence against these children and young people. People who are temporarily or permanently in the street fall victims to abuse by the police. 37% of the homeless state that they have been beaten by the police, 48% of them that they had been sworn at, while 51.7% declare that they have been fined by the law enforcement agents. Boys of around 14 are the most vulnerable category in front of abuse by the police and a vast majority of them stated that they have been verbally humiliated or beaten by the police.

Also 51.9% of the homeless children and young people are victims of abuse perpetrated by someone they are familiar with. Very often they fall victims to physical violence inflicted by unknown persons (41.8%). As for the cases of severe and very severe physical abuse, 21.1% say that they have been beaten up so hard that they needed hospital care.

Sexual abuse is another form of abuse that shows homeless children and young people more vulnerable than the rest of the population. The most vulnerable group is that of girls aged 14-18. 24% of the homeless girls say that they have been forced to have sexual intercourse, 26% say that they have been given money in exchange for sexual favours and 17% of the girls declare that they have been forced to become prostitutes. Risk of sexual abuse is comparatively lower in boys, as only 1% of them declare that they have been forced into prostitution or unwilling sex.

The state of health of this category of vulnerable children is also worrisome with 8% of them saying that they currently have (or have had) TB. The percentage raises to 11% if we are referring to the population of children permanently living on the streets and drops to 4% if we are looking at those temporarily being in this situation. Among the children aged under 18, 1 in 10 says that they have now or have had in the past a TB episode.

Art. 35 Protection of children against kidnapping, sale and traffic

In the light of the new criminal legislation, traffic in children is an aggravated form of human trafficking, when the recruited, transferred, transported, housed or exploited victim is aged 15-18. If the victim of traffic is under 15, the crime is deemed even more severe and so is the penalty. Court case law, however, comes with numerous examples of cases when the penalty for traffic in children was rather low.

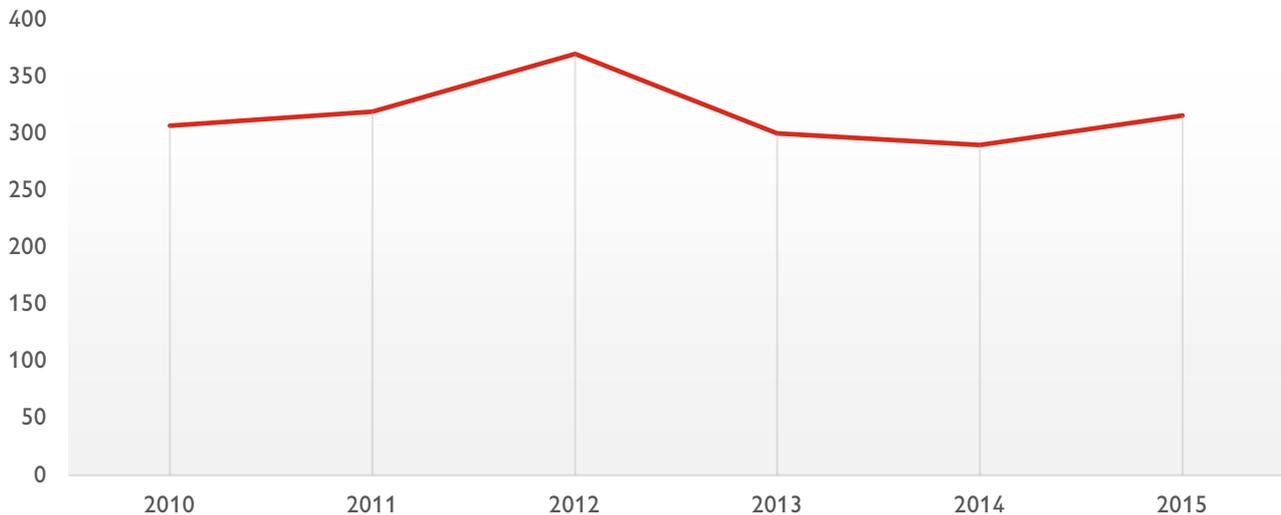
Traffic in children is a substantial component of human trafficking in Romania – about 35% of all victims of human trafficking are under age¹²⁶. From this underage category of victims, the majority are girls, who are victims exploited in the sex industry.

The Annual Report of the US State Department¹²⁷ warns about the vulnerability of girls to the risk of human trafficking for sexual exploitation. The same document points out that protection and recovery services for underage victims of human trafficking are inexistent. They are declining even for the adult population, but they are completely unsuitable for the needs of the children. The authors of the report highlight that child victims of traffic were referred to non-specialist services, to protection facilities or facilities for children with disabilities. The report points to cases when child victims were referred to their families for reintegration and they ended up by being trafficked again by relatives.

¹²⁶ NATP – reply to info request.

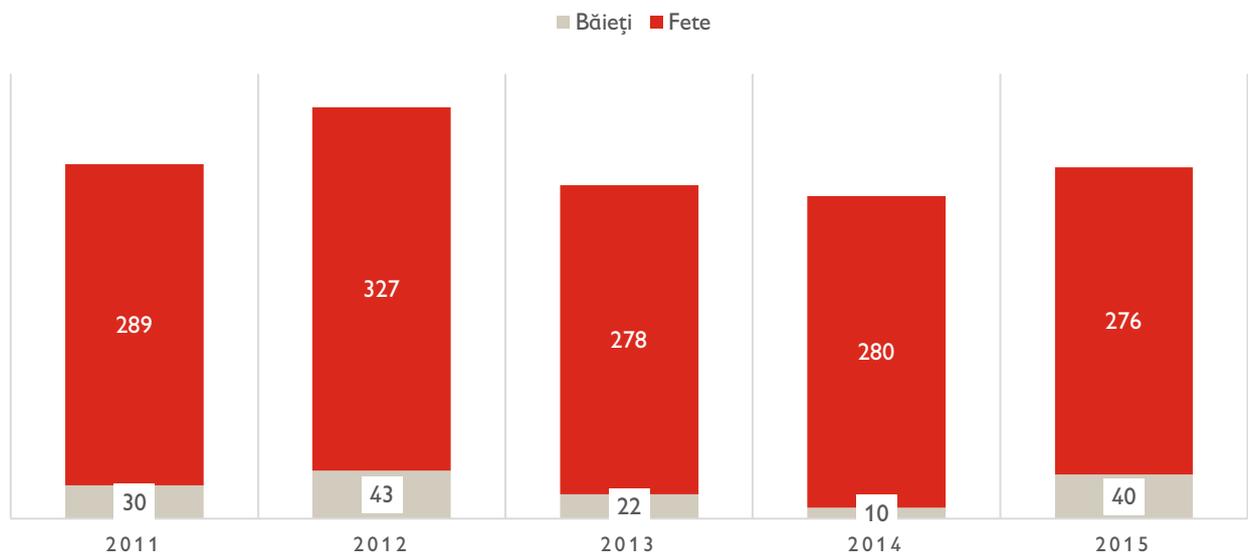
¹²⁷ *Trafficking in Persons Report* (US Department of State, 2015).

NUMBER OF CHILD VICTIMS IN CASES OF HUMAN TRAFFICKING



Human trafficking – child victims (National Agency against Trafficking in Persons)

CHILD VICTIMS IN HUMAN TRAFFICKING



A serious reason of concern are also the cases when the identity of the victims of human trafficking or data that can lead to their identification (full name and address of the parents, as legal representatives of the child) are published on the webpage of the courts¹²⁸, which makes them easy to access. Such situations occur when the victims make their minds to take part in the criminal case and file a claim against the defendant, which makes them part in civil proceedings attached to the criminal case.

¹²⁸ www.portal.just.ro

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CASE STUDY

In 2015, a criminal case was prosecuted in a court in Romania. The defendant was B.T., charged with traffic in children, drug traffic and possession or high risk drugs for personal use. The name of the victim (harmed party) was made public on the webpage of the court. The court sentenced the defendant to 2 years in prison (for traffic in children), 2 years in prison (for drug trafficking) and 3 months in prison (for possession of illegal drugs). By merging the penalties, the sentence in court became 2 years and 9 months on probation. During probation time, B.T. was to do 100 hours community work. The court even instructed that community work should be performed in the city hall or the secondary school from the locality.

Art. 37 Children deprived of liberty

We welcome the approach in the new criminal code which abolished all criminal penalties for children and replaced them with correctional measures (custodial/in detention or non-custodial). In relation to the enforcement of the new criminal legislation, we also welcome the drop in the number of juvenile offenders found in detention facilities.

	2009	2010	2011	2012	2013	2014	2015
Overall no. of juvenile offenders in detention	431	468	458	444	512	316	316

Overall number of juvenile offenders in detention facilities subordinated to the National Penitentiary Administration (NPA). Source: NPA, annual activity reports

OPINIONS

However, the interviews that Save the Children conducted with children serving a custodial sentence showed worrying aspects: preventive detention does not always involve separation from the adults kept in police custody, there are many cases of violence inflicted by law enforcement agents (most often policemen, penitentiary wards only in very rare cases), a high level of violent behaviour among children in detention (the members of staff, guards especially, do not possess the skills, the abilities and the necessary open-mindedness to prevent and manage such violent incidents).

Precious time, which could be used for juvenile offenders to resume their education, is still being wasted. Enrolment in courses is only allowed at the end of the judiciary proceedings (conviction, allocation to a custodial facility, quarantine). It is the more so important for them to start or to resume their educational pathway, as many of the juvenile offenders have either never been to school (10%) or dropped out from school (over 80%).¹²⁹

Art. 40 Juvenile justice

Despite the amendments brought to the legislation, of the tools developed and the programs implemented by the relevant authorities, the judiciary system in Romania is not child-friendly enough.

Numerous professionals from the most relevant categories do not have the needed expertise, abilities and training to provide adequate support to children when they come in contact with the law. Problems

¹²⁹ Szabo, Anamaria, Lorena Tarlion, Petronel Dobrică, Mirabela Mălăescu, Carla Cozma, Eugen Ciobotă, and others, *Special report on the respect of rights of children deprived of their freedom in Romania* <<http://www.avp.ro/rapoarte-speciale/Raport%20special%20AvPop%202014%20FINAL%20IUNIE.doc>> [accessed 17 June 2016].

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between children and the police were signalled out both by professionals¹³⁰ and children¹³¹. Under the circumstances when there is no specific structure to deal with child offenders within law enforcement agencies nor personnel to manage exclusively such cases¹³², we cannot speak of child-specialised police forces.

There is only one specialised court in Romania dealing with child offenders (The Tribunal for Minors and Family from Brasov), whereas the juvenile courts provided in the new codes have not been set up yet, though it has been more than two years and a half since the new Civil Code and the Civil Procedure Code came into force.

As for first instance courts, whose jurisdiction applies to most of the juvenile cases, there is no data available showing a distinction between judges sitting in civil cases or in criminal cases, neither is there data to show whether all first instance courts have put in place formations or sections specialising in juvenile offenders or domestic cases.¹³³

Data provided by the Superior Council of Magistracy¹³⁴ confirms the shortage of speciality judges as none of the 179 first instance courts has a specialist section for cases of juvenile offenders and family cases. Out of the 42 county courts, only one (Court of Dolj) has a specialist section for such cases, i.e. the section for minors and family, made up of 6 judges. At the level of appellate courts, only one (Appellate Court of Alba) has a separate section specialising only in minors and family, made up of 3 judges.

Most of the appellate courts have partly specialist sections for minors and family. They can be either civil law sections that sit in minors and family as well as in other types of cases, such as labour and social welfare cases, or criminal law sections that, among other cases, also sit in cases of minors and family cases. Two appellate courts (Brasov and Targu Mures) have partly specialist sections both in civil and criminal law, 11 appellate courts have only one partly specialist section for minors and family cases (either in civil or criminal law) and there is one appellate court (Pitesti) that has no specialist section dealing with minors and family cases.

All in all, in the appellate courts where there are partly specialist sections dealing with minors and family cases there are 41 judges specialising in minors and family cases under civil law and 135 judges specialising in juvenile and domestic cases under criminal law.

Moreover, lack of adequate space that would allow to hear the child in adequate conditions can only make the situation worse for the children that come into contact with the law. Though, according to the legislation, proceedings involving children should take place in the court council room, the fact that many courts do not have such a room (only one third of the courts had a council room in 2001¹³⁵) makes it necessary to hear a child in less adequate places (the courtroom, the office of the judge)¹³⁶, irrespective of the nature of the case and the trial standing of the child (e.g. victim, witness, etc.).

In criminal proceedings, a child is not heard in court from the perspective of the rights of the child, but rather from the procedural perspective. Both the studies¹³⁷ and the information collected from the

¹³⁰ European Union and Agency for Fundamental Rights.

¹³¹ *Results of consultation with children and youth* (Bucharest: Save the Children Romania, 2012) <http://www.salvaticopiii.ro/upload/p0006000600040001_Rezultatele%20consultarilor%20copiilor%20A5.pdf>.

¹³² General Police Inspectorate, HR Department, Letter no. 76061/5/DP/31.08.2010 (reply to info request).

¹³³ Final report of the project "Technical assistance for the implementation of the new civil code, penal code, civil procedure code, penal procedure code" (Beneficiary – Ministry of Justice), 2011.

¹³⁴ *Report on the status of Justice* (Bucharest: Superior Council of Magistracy, 2011) <http://www.juridice.ro/wp-content/uploads/2012/04/Raport-privind-starea-justitiei-2011-30-03-2012_.pdf> as well as *Nominal evidence and repartition of judges at 1st of January 2012*.

¹³⁵ Final report of the project "Technical assistance for the implementation of the new civil code, penal code, civil procedure code, penal procedure code" (Beneficiary – Ministry of Justice), 2011.

¹³⁶ European Union and Agency for Fundamental Rights. Child-Friendly Justice.

¹³⁷ European Union and Agency for Fundamental Rights. Child-Friendly Justice.

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children consulted by Save the Children Organisation point to major problems: numerous hearings (traumatising the child), inadequate rooms for hearings (unfriendly and cold, they feel unsafe and distant), public hearings (potentially exposing the child victim or witness to contact with the perpetrator; hearings through video-conference is rather an exception than common practice), lack of speciality professionals (causing an unfriendly and inadequate treatment of the victim) and lack of support services.

Children may sometimes spend hours in court before they are heard, both in civil and criminal cases.

CASE STUDY

C. (16 years old) and M. (15 years old) are victims of sexual abuse. In the prosecution stage, C. was examined by the prosecution 4 times and M. was examined 3 times. All the investigations took place in the office of the police officer/prosecutor. A psychologist assisted each of them only once and so did each of the attorneys ex officio of the two victims.

During trial, C. took part in three of the hearings (she did not come to others though she was summoned to court), whereas M. took part in 7 (on the date of the interview her case was pending). Both of them were heard in the courtroom, in the presence of the judge, prosecutor, their attorneys ex officio, the defendant and his lawyers, as well as the other (harmed or liable) parties and their lawyers. Court examination took 3 hours for C and 2 hours and a half for M. The appointed lawyers asked no question in cross-examination. During her examination, C was directly addressed by the perpetrator.

"I started to cry, I left the room, I felt cold and I was shivering" (C., 16 years old, victim of sexual abuse)

Neither of them know whether their attorneys ex officio or the prosecutor required their examination though video conference.

When they were asked that they would like to change in the proceedings, they answered:

- To remove the perpetrator from the room, *"It was strange because he (the perpetrator, our note) was there and it somehow scared me"* (M).
- To see more commitment from the attorneys ex officio, *"Ex officio or not, attorneys should try harder. We are children and life must continue for us"* (C.)
- To make examination shorter, *"You are standing there for 3 hours, you recall your experience to make a statement and then you have one other hour to recall it, when you read your statement"* (C.)
- The role of the child victim in the procedure, *"The procedure sucks, they ask everyone in the room whether they have any more questions, but nobody asks us. They should ask us whether we have any questions, not our attorneys"* (M.)
- to limit the number of examinations and hearings in court, to make the trial last shorter, *"I did not go to all of them, I would rather have attended 3-4 hours of maths in a go. The bad part is that it does not seem to end"* (C.)

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Recommendations

General implementation measures

- Developing unitary procedures, to provide inclusively for the consultation of children on all draft laws with direct or indirect impact on securing the rights of the child (e.g. through a unitary IT system to enable all stakeholders be informed in a timely manner on the drafts and facilitate the dissemination of viewpoints).
- Securing monitoring, periodical evaluation and amendment depending on necessities for the new Strategy in the field of the rights of the child, as well as the related operational plans.
- Defining responsibilities at the local, county and national level with regard to the implementation, coordination and monitoring of the compliance with the Convention, strategies and legislation concerning the rights of the child.
- Reflecting the relevant strategies for the rights of the child in the course of the development, debate, adoption and execution of public budgets at all levels.
- Improving communication and inter-institutional collaboration, both vertically (national – county – local), and horizontally (between institutions at the same level, with different responsibilities, but relevant for the rights of the child).
- Increasing the transparency and detail of public budgets, to enable thorough analysis of the children's budget and implementing periodical undertakings to analyze the children's budget to track and measure the impact of the public policies and legislation
- Establishing the Children's Ombudsman.
- Collecting segregated data, to enable the identification of children's situation in respect of all the relevant dimensions and collecting segregated data in key fields (education, health) to reveal the situation of children in vulnerable groups (ethnic minorities, rural area, disability)
- Introducing the rights of the child in the mandatory curriculum, in both mandatory education system, and initial and ongoing training of professionals in key fields, such as education, health, public order and justice.

General principles:

- Providing the children's access to procedures before NCCD
- Particularly in the case of the Roma minority, prioritizing those inclusion measures which focus on the children, under the circumstances in which children below the age of 15 accounts for almost a third of the Roma population.
- Securing better monitoring of segregation in education, so that less obvious segregation forms are also eliminated (segregated classrooms in the same school).
- Introducing education for tolerance and diversity in the mandatory curriculum
- Implementing a mechanism to secure impact analysis and pursuit of the child's best interest in the development and approval of all legislative and administrative acts.
- Disseminating General Comment no. 14 to all professional categories working with children.
- Analyzing all causes which lead to the high rates of death among infants and children below the age of 5 and developing programs that are sustainable, sufficiently and transparently financed, as well as constantly assessed and monitored, in view of reducing such phenomena.
- Appointing a person at the level of the county school inspectorates to facilitate the dialogue with the pupils and ensure the proper functioning of pupils' councils

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- Training the professionals in the legal system to make sure that children are listened to in proper conditions and establishing clear rules and responsibilities to make sure children are informed before the hearing and supported throughout the legal procedures they take part in.

Civil rights and liberties:

- Securing general gratuity of forensic expertise to establish age and forms of legal and financial support (to cover the indirect costs) in cases of late declaration of birth.
- Amending the civil legislation, so that children are able to establish and lead organizations that represent their interests.
- Monitoring the media appearances on the topic of children's situation by NAPCRA and referring the cases when such appearances breach the child's best interest to the line authorities
- Preparing a best practice guide for journalists on the protection of children's privacy and image and promoting it in collaboration with the civil society, NCA and professional journalists' bodies.
- Introducing the notions of children's online safety in the new school curriculums for secondary education and securing the training of the educational staff in the field of children's protection in the online environment.
- Securing the implementation of the provisions of the new criminal legislation (such as video monitoring of hearings or the presence of parents and attorneys to the hearings of children), in view of preventing torture and other cruel, inhuman or degrading treatments or punishments.

Family environment and alternative care

- Adopting a parental education strategy, ensuring efficient financing mechanisms and quality standards for parental education services; developing occupational standards for the parental educator profession and including parenting programs in the basic package of services provided to the future parents.
- Ensuring at all levels of the public budgets a full transparency on the allocation and expenditure of funds earmarked for preventing the separation of the children from their family as well as to the special protection
- Monitoring the expenses in the local budgets and supporting the development of welfare measures for children, particularly those in poor areas, providing the necessary resources for their protection.
- Supporting the public administration authorities at the local level, in view of developing educative and care services for children between 0 and 2 years of age and the network of prevention services for vulnerable children and families.
- Taking measures to develop the family-type services (houses and apartments) in order to care for the children separated by their parents and closing down the residential institutions with high number of beneficiaries.
- Improving the collection of data and information about children with parents left abroad to work; creating local support services for these children, particularly in the communities where the phenomenon of migration is stronger; training specialists to efficiently and unitarily enforce the new legislative framework in the field and increasing the number of professionals who come to the support of these children (school counsellors, social workers, psychologists)

Health

- Improving prenatal care by ongoing training of family doctors and obstetricians; establishing, particularly in vulnerable communities, community centres to gather together all relevant specialists (medical doctors, midwives, social workers and community nurses) and provide free services;

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granting transport facilities for pregnant women and mothers from the rural area to access the specialized investigations available only in urban medical units.

- Improving the permanent access to medical investigations (including during night time and non-working days) in all the departments of gynaecology, obstetrics and paediatrics and supporting hospitals in small and medium-sized towns in having specialized medical services (especially anaesthesia and intensive care).
- Securing the necessary equipment for hospital units of gynaecology, obstetrics, neonatology and paediatrics.
- Developing a strategy on breastfeeding and nutrition of children below the age of 5, with proper provisions including for disadvantaged and vulnerable groups.
- Preparing and implementing efficient policies to improve vaccine coverage.
- Supporting the local authorities to develop health services in the rural area and financially stimulating the medical staff conducting their activity in this area.
- Introducing education for health (including sexual and reproductive health and mental health) in the mandatory curriculum.

Children with disabilities

- Aligning the terminology used in legislative acts and at the administrative level, in conformity with the provisions of the UN Convention on the rights of the persons with disabilities.
- Establishing a unitary system for the collection of data and monitoring of the rights of children with disabilities.
- Fully compensating the costs of investigations, medicines, orthoses, prostheses and recuperative interventions necessary for the child with disabilities.
- Facilitating inclusion by the implementation of national programs in view of making educational units, transport and public spaces properly accessible.
- Increasing the number of recovery, rehabilitation and day-care services centres (including respite care centres) for the child with disabilities and his/her family.
- Eliminating the legal exception which enables the institutionalization of children with disabilities below 3 years of age.
- Introducing the necessary information on disability in the initial training of the teaching and medical staff and ongoing training/specialization of other relevant categories of professionals (jurists, architects, forces of order).
- Financially motivating the schools and teaching staff that include children with disabilities in mass education.

Living standard

- Securing a minimum guaranteed income for families above the threshold of relative poverty
- Securing support services for children affected by poverty, in view of providing them with equal opportunities in having access to quality education

Education

- Revising the formulas and values used for financing computation based on the standard cost per preschooler/pupil, so that basic financing is truly sufficient to provide normal educational conditions for all children.

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- Significantly increasing the cost per pupil/preschooler for expenses with “goods and services” and introducing a minimum level of allocation, intended exclusively for the goods required in the teaching-learning process (teaching and lab materials, school supplies, books, etc.)
- Supplementing the computation criteria, so as to reduce the disadvantages faced by various categories of vulnerable children. For instance, a new computation criterion should refer to the economic development of the area (with correction coefficients for the areas affected by poverty).
- Promoting complementary interventions (educational and social) in the process of school integration/reintegration of children not included in the educational system.
- Analyzing the current situation of the school infrastructure and coordinating the necessary remediation measures, thus facilitating the targeted interventions to ensure the access of all children to education.
- Training the teaching staff and providing the necessary specialists to ensure inclusive education (school counsellors, support professors, speech therapists, school psychologists, etc.).
- Identifying and implementing solutions which lead to the elimination of the hidden costs of education (including by providing gratuity or full compensation of transport, uniforms and school supplies, increase of the access to free school canteens, etc).
- Extending the “School after School” services and providing free access to these services for vulnerable children.

Abuse, traffic and exploitation of children

- Developing campaigns to increase the awareness level among the population on the negative consequences of the use of corporal punishment in the psycho-social development of the child.
- Encouraging the ongoing training programs for the teaching and medical staff in view of early recognition and proper reporting of child abuse and neglect cases.
- Encouraging school counsellors to obtain screening competences in mental health and intervention in the case of children victims of violence in the family and in school.
- Improving the intervention and case management skills of social workers within PSAS and GDSACP.
- Developing specific programs addressing children at risk, victims of abuse and violence in school and in family.
- Developing mechanisms to notify violence and abuses from the teaching staff on children, as well as bullying acts between pupils, child-friendly mechanisms which protect their identity.
- Developing independent studies and research on the abuse, exploitation and neglect of children in protection institutions.
- Ensuring independent monitoring and reporting mechanisms for abuses against children in the protection system, to ensure anonymity and be easily accessible to children.
- Disseminating information regarding the rights of the children victims of abuse and exploitation and ensuring direct access of children to protective legal procedures.
- Developing informative campaigns on the risks and legal sanctions related to early marriages, teenage pregnancies or involvement of girls in the commercial sex industry.
- Developing specialized services for the different forms of violence on children in the community which are easily accessible, preventing secondary stigmatization related to certain types of violence and providing the possibility for children to emotionally and socially recover after violent experiences.

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Juvenile justice

- Ensuring special training of all professionals working with children in contact with the law (including law enforcement staff, attorneys, psychologists).
- Ensuring, whenever necessary, educational recovery interventions for children deprived of liberty, including during pending trial detention (literacy courses for instance).
- Monitoring the situation of children with parents deprived of liberty by the local social services and securing the necessary prevention services.
- Developing specific support services for children released after custodial educative measures.
- Creating, at the level of the structures maintaining public order, of specialized structures for working with children in contact with the law.
- Creating guardianship courts and, at the level of superior courts, establishing specialized sections for minors and family.
- Ensuring, at the level of all courts, the necessary infrastructure and equipment for the children's participation in legal procedures in proper conditions.
- Ensuring full anonymity of children victims of crimes who participate in the legal procedures (including on the portal of law courts).

ANNEXES

Annex I. Progress following the final observations of the Committee on the Rights of the Child regarding the 3rd and 4th Periodical Report

We will further analyze those recommendations of the Committee which, in our vision, have not been transposed by the authorities, with serious consequences on the securing of the rights of Romanian children.

National Action Plan: The impact of the National Strategy in the period 2008 – 2014 and of the related operational plan was strongly limited by not having the necessary resources defined, and the lack of any monitoring and updating.

Independent monitoring: The Child's Ombudsman institution was not established, three draft laws in this regard having been rejected since 2009 to the present. The Deputy Ombudsman, who is in charge of the rights of the child, does not have a specialized mandate, other (very numerous) categories of vulnerable persons falling under his/her responsibility: families, youth, retired persons and people with disabilities.

Resource allocation: Scarce resources allocated from the central level for education, health and social protection make children in disadvantaged areas extremely vulnerable – financing formulas make the budgets allocated in these fields be strongly influenced by the good will of the local authorities or their financial capacity, and not the needs of the community. Decentralization of budgetary resources has worsened the difference between the amounts per capita at the local level in these fields, which shows that, in Romania, children are not provided equal opportunities in accessing education, health and protection services.

Data collection: There is still no wide-scope system to collect data from all fields of interest for child rights. NAPCRA collects only certain categories of data (particularly related to vulnerable children), and the data collected by different authorities regarding the same category of children or rights differ. Certain sets of statistical data are not segregated, so as to enable the illustration of the children's situation (participation in labour, teenage mothers, drug consumption, etc.).

Convention dissemination and training: There are still major categories of professionals for whom the rights of the child are not part of their initial training – medical doctors, educational staff, journalists, law enforcement.

Non-discrimination: The development of non-discriminatory attitudes and practices is neither encouraged by school (through curriculum and practices within the scope of segregation), nor as effect of the (much too mild) sanctions applied by NCCD in the discrimination cases subject to its decisions.

Best interest of the child: The child's best interest is rarely called forth directly in the practice of courts and almost never analyzed and reflected upon as such in the development of policies and legislation with direct or indirect impact on the rights of the child.

Right to life, survival and development: The infant mortality and the mortality of children below 5 years of age continue to have alarming levels, while the disparities between the urban and rural environment in terms of the access to health services, poverty and educational level are also reflected in the much higher rates of these phenomena in the rural area.

Respect for the child's opinion: The judicial and educational systems remain fields where the principle of respecting the child's opinion is by far not well implemented.

Privacy protection: There are still many cases when the media does not protect the children's privacy, and obtaining the parents' agreement per se doesn't ensure in all cases the child's best interest.

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Access to proper information: The marketing practices targeting children as consumers are still not legally regulated.

Torture and other cruel, inhuman or degrading treatments or punishments: There are still cases notified when children under police custody are subject to bad treatments and physical abuse from the law enforcement staff, while children in psychiatric institutions lack the access to efficient complaint mechanisms.

Recommendations based on the UN Study on violence against children: the discrepancies between the number of physical and sexual abuse cases in the records of the child protection system and the number of cases investigated by the Prosecutor's Office lead us to the idea that the practice and culture of impunity subsist.

Family environment: Public welfare services at the local level have to a small extent the capacity to prevent the separation of children from the family, a large part of their activity being represented by the granting of social benefits. The restricted capacity (human and financial) and the lack of support from the central level, particularly for the communities in the areas affected by poverty, limit the power of intervention of the local level.

Families affected by migration: Even though the legal framework was improved, the enforcement of the new regulations is still not uniform, while the capacity of the support services is far from meeting the needs of all children affected by parents' migration.

Alternative care: the maternal care system has been seriously affected by the measures implemented by the authorities in view of managing the effects of the economic crisis.

Abuse and neglect: the educational and medical staff does not benefit from unitary training, and victims are not provided with the necessary support from the authorities, the specialized services being insufficiently developed.

Children with disabilities: few of the relevant professionals benefited from training (particularly in the case of the educational and medical staff), inclusive education is far from being achieved (many children with disabilities being out of school or in the segregated special educational system), while terminology alignment and harmonized data collection were not put into practice.

Health: inequalities persist in the access to medical services, the health network being poorly represented in the rural area, few hospitals have the status of "Friend of the Child", the house call service does not exist in practice, less than half of the hospitals have a social worker, while the marketing of breast-milk substitutes is not regulated.

Health of adolescents: health education (including reproductive and mental health education) is not part of the compulsory curriculum, school medicine is poorly developed and underrepresented in the rural area, while the free access to family planning services and contraception is not possible.

Living standard: at EU level, Romania has the highest rate of children at risk of poverty or social exclusion, social transfers have a very low impact, while the Roma minority is much more exposed to poverty compared to the general population.

Education: the hidden costs of education subsist, approximately 1 of 10 children at the age of compulsory education does not go to school, education for tolerance and intercultural education are not in the compulsory curriculum, the results of participation in education are poor, while segregation persists.

Economic exploitation: there is no monitoring of exploited children and data collection.

Street children: in the absence of any concerns of the authorities for this category of children, some of the recommended measures were implemented only by the civil society (evaluation of the phenomenon, school reintegration and provision of assistance services).

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Exploitation and sexual abuse: there are still high differences between the number of cases reported and those under criminal prosecution and the procedures related to the participation of victims in the criminal procedures do not provide protection and anonymity for child victims.

Annex II: Methodology and children's participation

In the development of this alternative report, specific attention was paid to the consultation and participation of children, as well as to reflecting the opinions and experience of the representatives of other non-governmental organizations active in specific fields of child rights protection.

Thus, a major component of the project **“Participation and transparency for a better implementation of the rights of the child”**, implemented by Save the Children Romania from 2014 to 2016, **was the preparation of this report, in respect of the consultation of children and the representatives of relevant NGOs.**

In February 2016, our organization held a four-day meeting with 48 children from Bucharest and 10 counties of the country, aimed at collecting the children's opinions about the observance of their rights, in view of including these opinions in the alternative report to the UN Committee for the Rights of the Child. By adapted methods (role-play, brainstorming, discussions in small working groups, drawing, individual interviews, etc.), the participating children provided the information, opinions and recommendations included in this document.

In addition to the consultation of children and starting from its results, in March 2016, Save the Children Romania also organized a consultation with the representatives of the NGOs active in specific fields of child rights protection (education, disability, health, protection against violence, participation). The event was attended by 63 persons: children and youngsters, representatives of Save the Children and other 16 non-governmental organizations (National Pupils' Council, Association of Support for Physically-Disabled Children in Romania, SOS Children's Villages Romania, World Vision Romania, Sensiblu Foundation, Terre des Hommes Romania, Partnership For Equality Center, Youth for Youth, “Step by Step” Center for Education and Professional Development, ALIAT, Association of Family Doctors in Bucharest, “Necuvinte” Association, “Parada” Foundation, Romanian Association for Therapies in Autism and ADHD, “Mame pentru Mame” Association, E-Romanja). The expertise and issues identified by these peers in the civil society are, also, reflected in this alternative report.

In addition to these consultation efforts made expressly for preparing this Alternative Report, the great majority of analyses and studies referred to in the document have a major component based on information provided by children, either as part of qualitative research undertakings (interviews, focus-groups), or qualitative research undertakings (applied or self-administered questionnaires). By giving due priority to children's participation in its analysis and research undertakings, Save the Children is succeeding, through its studies, to raise awareness among the specialists and public opinion in general on a complex and fair image of the reality of children in Romania.

Thus, the nationwide sociological study **“Knowledge, importance and observance of the rights of the child in Romania – pupils' opinion –”** is based on the information provided by 1152 children who filled in the questionnaire. The children who supported us in developing this analysis were thus selected so that their opinions are representative for the situation of all pupils in Romania. Thus, the participants in the study were lower and upper secondary school pupils, from all of the eight development regions of the country, in both urban and rural area. To ensure the smallest possible tolerated error (+/-3%) at a trust level of 95%, the selection of localities, educational units and classes was random, and the questionnaire was self-administered, to avoid any potential influence on the answers by adults' intervention. The data was gathered from November 2012 to February 2013.

The analysis on child abuse and neglect (**“Child abuse and neglect, nationwide sociological study”**) had a double research approach. The quantitative research consisted of an investigation among

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parents from 58 localities from all the areas of the country (1,436 households with at least one child), as well as an investigation among children (1,120 children from all the regions, through self-administered questionnaires). In preparing the questionnaires and analysis of the quantitative data, particular care was given to making an analysis of the phenomena from a double perspective: parents' as well as children's. In addition, the analysis was also qualitatively made, aimed particularly at outlining the perceptions, attitudes and behaviors of children in relation to the phenomenon of abuse and neglect, as well as to identify, starting from the children's opinions, those social contexts where such phenomena occur and any potential solutions. In order to achieve these qualitative analysis objectives, the study is based on the results of six focus-groups made with children from the following counties: Argeş, Caraş Severin, Constanţa, Dolj, Hunedoara, Iaşi, Mureş, Neamţ, Suceava, Timiş and Vaslui. In view of providing a proper framework for the children attending the group discussions to express their opinion, the participants were separated based on the educational cycle: primary, lower secondary and upper secondary.

The analysis of the general measures of implementation of the UNCRC at central and local level in Romania (**"Governance fit for children"**) is also based, amongst others, on the opinions given by the children. Thus 7 focus-groups were organized with 56 children aged between 12 to 17 years, in both the urban and rural area, from Bucharest and Alba, Constanţa and Iaşi counties. In addition, in view of making a thorough analysis at the local level, interviews were taken of the representatives of 12 NGOs active at this level: Alternative Sociale Association, Association for the Development of Social Programs Iaşi, "O Rază de Lumină" Association Mangalia (member of UNOPA Federation), "Şi Eu Pot" Association, Centrul Diecezan Caritas Iaşi, "Alături de Voi" Association Romania, Baylor Marea Neagră Foundation, COTE Foundation, Bethany Social Services Foundation – Zonal Office Iaşi, Save the Children Association – Constanţa Branch and Save the Children Association – Iaşi Branch.

Each of the three studies conducted by Save the Children about the children's activity and safety in the online environment were based on the children's participation in the research undertakings. The data of the most recent of these studies (**"Study on the use of the Internet in the family"**) were gathered between June and August 2014, and the approach was a complex one: from the perspective of parents (1214 questionnaires filled in by parents), as well as children (1214 questionnaires filled in by children).

In addition to these research efforts, two of the programs of Save the Children Romania have particular relevance for the development of this report, as the opinions and recommendations received from the children who participate in these programs on an annual basis have underpinned many of the observations and recommendations put forth in this document: Annual Children's Forum and the Global Campaign for Education.

The National Children's Forum is an annual event of Save the Children Romania, at its 16th edition this year. Every year, the forum aims at representing, for the 100 participating children, an ideal framework to analyze issues relevant for the observance of their rights, as well as to put forth solutions and recommendations which are presented by children to high-level representatives of the relevant authorities (the President of Romania, ministers, secretaries of State, members of the Parliament). Over the past years, the children who attended the Forum have debated topics such as: violence and discrimination against children, access to quality education for all children, hidden costs of education, rights of children with disabilities, children's participation, right to health, etc).

The Global Campaign for Education has been taking place in Romania on an annual basis, starting with 2001, under the coordination of Save the Children, with the support of the Ministry of Education and of a coalition of institutions and organizations active in the field of education (National Pupils' Center, Center of the Municipality of Bucharest for Resources and Educational Assistance, World Vision Romania, Roma Education Fund Romania, "Step by Step" Center for Education and Professional Development, National Federation of Parents' Associations, Agenţia Împreună, European Center for the Rights of Children with Disabilities, OvidiuRo Association and Federation of Free Trade Unions in Education). The number of children, teachers and parents participating in the activities organized within

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the Campaign has increased year by year, exceeding 190,000 in 2015. The information and opinions received from the participants in the Campaign enable Save the Children to have a proper vision on the general or specific problems encountered by the beneficiaries of the Romanian educational system and develop relevant dialogue and advocacy undertakings which can contribute to overcoming some of these difficulties.

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Annex IV: Abbreviations

ADHD – Attention Deficit Hyperactivity Disorder

ASD – Autism Spectrum Disorder

CMTIS – Child Monitoring and Tracking Informational System

CRC – Convention on the Rights of the Child

GDSACP – General Directorate for Social Assistance and Child Protection

ICU – Intensive Care Unit

IPMC – Institute for the Protection of the Mother and the Child

MLFSPE – Ministry of Labour, Family, Social Protection and the Elderly

MH – Ministry of Health

NAA – National Antidrug Agency

NAC – National Audiovisual Council

NAPCR – National Authority for the Protection of the Children's Rights

NAPCRA – National Authority for the Protection of Children's Rights and Adoption

NAPD – National Authority for Persons with Disabilities

NCCD – National Council for Combating Discrimination

NCM – National Council of Magistracy

NCSCCD – National Centre for Surveillance and Control of the Communicable Diseases

NCPH – National Centre for the Promotion of Health

NGO – Nongovernmental Organisation

NIFM – National Institute of Forensic Medicine

NIS – National Institute of Statistics

NPA – National Penitentiary Administration

NPS – New Psychoactive Substances

PSAS – Public Social Assistance Service