

**ALTERNATIVE REPORT OF THE NGOs FEDERATION FOR CHILDREN
to the United Nations Committee on the Rights of the Child – Geneva
on the Fourth Progress Report of the Government of Romania for the 2009-2013 period**

Alternative report on the implementation of the UN Convention on the Rights of the Child in Romania between 2009 and 2013

The NGOs Federation for Children - FONPC

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The report's methodology is derived in large measure from the UN Convention, adopted by the Romanian Government in 1992. This Alternative Report is based on the information collected by FONPC and on data presented in the analytical report on children's rights in Romania; it was drafted under the projects carried out by FONPC. Therefore, the data collected between 2009 and 2015 by FONPC are reflected in the Analysis Report of the situation of children's rights in Romania for 2009 - 2013. The Alternative Report represent a compressive analysis of the previous one. The chapters follow the clusters of rights, as classified by the reporting guidelines for NGO, provided by the UN Committee in Geneva through Child Rights Connect.

Over 90 NGOs and professional associations, FONPC members and non-members, have taken part in drafting this report, as well as over 160 professionals in the field of child protection and welfare; they participated directly in working groups, in the data collection process and in the drafting of the analysis and monitoring reports, and of the final product, the Alternative Report. Also, 300 professionals participated in roundtables and advocacy activities organized by FONPC and over 100 professionals were involved in pre-testing and implementing the guidelines for monitoring children's rights. In total, over 550 professionals have been directly involved in the drafting of the Alternative Report. Working groups, document reviews, field data collection and round tables have all contributed to the production of the monitoring guides.

From 2009 to date the FONPC, with UNICEF Romania support developed five instruments for monitoring the observance of the child's rights. These concern the following categories of rights: The right to life, survival and development – The Poverty Item; Education, cultural and leisure activities; Family environment and alternative protection; Special protection; Basic health and welfare. Within the same period, the FONPC also produced the "Assessment of children's rights monitoring, promotion and protection structures", which states the roles and types of national and international institutions and makes recommendations on the children's rights monitoring system of Romania. A large part of these guidelines have been applied by FONPC members, and monitoring reports have been produced.

The SERA Romania Foundation and Hope and Homes for Children Romania played an important role both in elaborating and funding the Alternative Report.

The "Strategic development for protecting children's rights" project and "A stronger Federation for promoting children's rights", a projects financed with EEA grants 2009 - 2014, under the NGO Fund in Romania, (www.fondong.fdsc.ro) and several projects run in partnership with UNICEF Romania has been instrumental for mobilizing of FONPC members to promote a monitoring mechanism for children's rights in Romania and for completing the Alternative Report.

Since 2010, FONPC has been actively involving children in the monitoring process. Thus, a group on 28 children have drafted the monitoring guides for four categories of rights: the rights to education, health, a family environment and alternative care and special protection measures. This group of children also produced two monitoring reports following the guides' implementation. Children's involvement continued throughout the years within the Children's Rights Festival, the projects implemented by FONPC in partnership with the World Vision Foundation, as well as the. The International Society for the Prevention of Child Abuse and Neglect (ISPCAN) European Regional Conference, where a Youth Forum was held, attended by over 100 children and youth. Given the information collected by children, the FONPC will also submit the children's report to the UN Committee.

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1. GENERAL IMPLEMENTATION MEASURES (Art. 4, 42, 44(6))

Legislation

Legislation on the protection of children's rights, as well as the system at large, has undergone major changes in recent years. However, despite considerable progress over previous years, many issues remain unresolved.

The legal framework defined by Law 272/2004 appears to be fair, correct, efficient and applicable, but in practice, its provisions are applied differently by different administrative units¹. The reason for the inconsistent application of the legal framework is the lack of resources (financial, human, and the administrative capacity to cope with situations covered by the law) needed to comply with legal provisions.

The report² points out that, while the forms of organisation required by law are generally implemented to a rate of over 80%, the methodologies for the law application either do not exist, or are not known and applied. Because of the varying methodologies in each administrative unit, the handling of individual cases is profoundly uneven, thus breaching the principle of equity.

GDSACPs, the main providers of social services in counties, are found to be unevenly and sometimes poorly organised: only 59,60% of GDSACPs have approved up-to-date strategies, plans, procedures and methodologies; only 52,95% of GDSACPs use the case management method or have procedures on this regard; the Compartment for the Prevention of Social Marginalisation is organized in half of GDSACPs (57,69%); the Compartment for the Quality Management of Social Services exists in 65,38% GDSACPs; only 50% of GDSACPs have working methodologies for domestic violence.

Legal provisions on the appropriate budget allocations, especially for preventing the separation of children from their families, need to be revised and improved. Allocating special budgets, standardising a methodology and implementing modus operandi for preventing the separation of children from their families would improve the system's efficiency³.

Human and Financial Resources

Romania provides the lowest and least diversified financing for social services. In 2005, Romania was spending only 0.3% of GDP, compared to the average of 2.2% of GDP provided by EU Member States for social services. Despite legal provisions and the argument that social services should prevail, social benefits continue to be financed preferentially, although they do not improve beneficiaries' social inclusion or limit their dependence on state aid. In total the Ministry paid around 993 million euro in social benefits, of which 33.6% were child benefits. Conversely, the amount paid by the Ministry for social services in the same period of 2012 was 3,9 million euro, namely 0.34% of the social benefits amount⁴.

Although legislation stipulates that the social services system should be cofinanced at county level, in 2010 and 2011 it was fully financed by the state budget, with no financial contribution from the community.

According to current estimates, the public social services providers (GDSACPs) and the private social services providers (NGOs) each take a roughly equal share of beneficiaries (about 50% each). Despite that, 94% of the state budget is allocated to the public providers, while the

¹The Government of Romania, The Ministry of Labour, Family, Social Protection and the Elderly – Conclusive Study, based on a National Assessment of DGASPC, SPAS and other Institutions and Organisations Involved in the Child Protection System, July 2013 - <http://www.copii.ro/NAPCRA-content/uploads/2014/12/Raport-final-studiu-conclisiv.pdf>

² The Government of Romania, The Ministry of Labour, Family, Social Protection and the Elderly – Conclusive Study, based on a National Assessment of DGASPC, SPAS and other Institutions and Organisations Involved in the Child Protection System, July 2013 - <http://www.copii.ro/NAPCRA-content/uploads/2014/12/Raport-final-studiu-conclisiv.pdf>

³ Hope and Homes for Children Romania – Audit on the Social Services for Children in Romania, 2012 - <https://drive.google.com/file/d/0B3UFn1Xvp24mRXI3NUpZzVsUDg/edit?pref=2&pli=1>

⁴ Statistical report of activity of the MMFPS regarding social inclusion, first semester 2012, <http://www.stiriong.ro/actualitate/politici-publice-in-incluziunea-sociala/raport-statistic-privind-activitatea-mmf>

private ones received only 6 % of state budget sources. NGO work is funded mainly through donations, EU Structural Funds or other internationally funded programs. This causes deep discontent among private providers and infringes national legislation which states that the social services system is financed from the state budget nondiscriminatively for all providers, public or private.

Even though, at county level, the GDSACPs are the main social work employers and they largely concentrate the specialised human resources, they are facing difficulties in providing the proper staffing, structure, qualifications and competences for these services. Official figures point to an average 30% staffing deficit in GDSACPs, some of which operate with just 50% of the staff they need. The absence of performance indicators makes it impossible to truly assess the performance of GDSACP staff⁵.

Understaffing has led to the existing staff being overloaded. Intervention time per case has shortened, most dramatically for case managers.

Only 28% of GDSACP staff, to a total of 50,837 employees, underwent training in 2010⁶. Training expenditure out of total expenditure is insignificant (0.02% nationally). Currently, the cost standard introduced by GD 23/2010 does not cover training costs.

It has been found that GDSACPs have insufficient experts appointed for case management. The workload per Case Manager already greatly exceeds the current standard of 30 cases per CM, with the national average being 2.5 times over (more than 75 cases), as shown by a survey conducted by Sera Romania.

In terms of service quality, HHC Romania points out that some GDSACP Directors state that many hires are made on nepotism and that staff quality has steeply declined in recent years. Directors also say that more rigorous hiring criteria and specialist training are absolutely needed for social services managers.

Around 12% of placement centres have damaged structures and need to undergo capital repairs. In addition, less than 20% of residential or recovery centres for children with special needs comply with legal standards. In addition, there are more than 80 old style residential centres in need of urgent reform⁷.

The National Action and Coordination Plan

A single structure to coordinate the monitoring of children's rights observance at national level does not yet exist in Romania. Nor is there an institution to coordinate public policy on children's rights. The General Directorate for the Protection of Children's Rights has neither the capacity nor the legal framework to coordinate such policies. There are inconsistencies in the Romanian child and family strategies developed in recent years (Children's Rights Strategy, Education Strategy, Inclusion Strategy, Strategy for Romanian Citizens Belonging to the Roma Minority, Health Strategy etc.). A joint action plan could support the coordination of these strategies and role-taking by each individual actor. It would also aid in allocating the appropriate budgets. An inter-sectorial, integrated and multi-actor approach is still an issue in all fields: child protection, education, health, justice and police. Although the legal framework allows and stipulates collaboration among institutions, this does not actually occur.

Independent Monitoring

So far Romania lacks an independent mechanism to protect and promote the implementation of the UN Convention on the Rights of the Child.

Proposed legislation have been discussed in Parliament for setting up a Child's Ombudsman as an independent institution or within the People's Ombudsman institution, but they

⁵ The Government of Romania, The Ministry of Labour, Family, Social Protection and the Elderly - Conclusive Study, Based on a National Assessment of DGASPC, SPAS and other Institutions and Organisations Involved in the Child Protection System, July 2013 - <http://www.copii.ro/NAPCRA-content/uploads/2014/12/Raport-final-studiu-conclisiv.pdf>

⁶ Hope and Homes for Children Romania – Audit on the Social Services for Children in Romania, 2012- <https://drive.google.com/file/d/0B3UFn1Xvp24mRXI3NUpZzVsUDg/edit?pref=2&pli=1>

⁷ Hope and Homes for Children Romania – Audit on the Social Services for Children in Romania, 2012- <https://drive.google.com/file/d/0B3UFn1Xvp24mRXI3NUpZzVsUDg/edit?pref=2&pli=1>

have all been rejected on various grounds. Currently, the role of the Child's Ombudsman is played by the deputy of the People's Ombudsman, having duties pertaining to the protection of children's rights, among other tasks.

According to People's Ombudsman reports, enquiries referring to children are very few (for example, 1-2 focussing exclusively on children's rights in 2010-2012); there is no information for such cases between 2013-2014. Recommendations are not broken down by distinct categories, making it hard to identify which are directly focused on child's issues. Since 2013, there have been three special reports on children's rights. However, it is worth less because there is no special mechanism for children to file referrals or complaints and many cases go unreported.

Given the current duties of the People's Ombudsman, it is difficult to believe that, by amending the law to enhance the role of the deputy, without granting them specific duties, in line with ENOC standards will fully work., This institution, the way how it is now, would be unable to fully perform the functions of processing complaints, hearing children and monitoring children's rights.

FONPC has developed a set of indicators and guidelines for monitoring children's rights. FONPC has also produced monitoring reports on various clusters of rights.

Data Collection

Children represents one fifth of the Romanian population (19.56% as of 1 July, 2010, source: INSSE). Different data from various public institutions or NGOs, and public cases reported by the press or NGOs, suggest that child welfare in Romania has decline significantly in reported years. Cutting public expenditure for primary services in communities, including those for children, has affected negatively the quality of services and children's access to needed services and institutions, aggravating children's rights violations. However, the absence of reliable data providing a real and comprehensive picture of the situation of children's rights, it makes it nearly impossible to put children's rights issues on the public and, implicitly, political agenda. Despite repeated recommendations from the UN Committee regarding the use of CMTIS, Sera Romania reported that GDSACPs use CMTIS discretionally.

Due to the lack of reliable statistical data, the public policies implemented are not totally correlated with current facts and assessed needs.

Convention Dissemination and Training

School curricula currently contain no classes discussing children's rights, not even within civic education.

The FONPC report on the right to education reveals that teachers neither know children's rights, nor do they promote the Convention. Most teachers responded "We don't talk to them about rights because they already do only what they want. They are well aware of their rights; it is their obligations that they don't know". Sadly, some of the parents and professionals working with children share this mentality.

Reports from the Centre for Legal Resources show that minors deprived of liberty are not informed about children's rights and rights in general.

In recent years, the People's Ombudsman has neither organised any training, nor developed any project to promote the Convention. The Convention should be promoted especially among members of Parliament, who propose and vote laws affecting children. In 2012, FONPC produced a document for politicians to promote children's rights (Children's Rights Problems and Priorities Identified for Governance Plans and Election Programmes). FONPC also signed a "Pact" with the main political parties on this regard.

Cooperation with Civil Society

Although the nongovernmental sector has played a pivotal role in preparing, launching and implementing reform in the field of child welfare and protection, the government's measures

for supporting NGOs have so far proven to be insufficient. Fund raising is insufficiently regulated and developed, and CSR policies, whereby companies who could financially support NGO programmes benefitting children, are insufficiently applied. Hence, NGOs face increasing funding problems.

The situation of NGOs in Romania is now particularly complex. In 2010, there were over 62 000 organisations registered in Romania, out of which over 21 000 were active (“left fiscal traces”) in various fields⁸ Despite NGOs being relatively numerous in Romania, the capacity to influence public policy is still reduced.

Huge efforts have been made by Romanian NGOs along the years to influence public policy, but consultation process was poor. Local and central public authorities acknowledge NGOs’ availability, experience and expertise, but they don’t truly consult them.

NGO consultation and involvement requires no budget allocation. Moreover, using their competences and expertise would streamline legislation process, local strategies and especially providing services at local level.

The state discretionally allocates itself funds for developing public social services without community needs assessments, without a real and efficient monitoring of the services, without an economic cost/benefit analysis and, above all, without any real competition with private providers. This persisting situation runs against European practice, economic efficiency and good management of public funds.

Recommendations

- All methodologies in the child protection system of the central and local public administration of Romania must be unified, as this is the only way to gradually reach system consistency.
- Unblocking job positions and hiring professionals in the public social system must be based on professional criteria and competence.
- All service providers demand that budgeting should be based on needs assessment and be result-oriented as a precondition for efficient public service provision.
- Improving cost standards based on the children’s real needs; introducing training costs for professionals.
- Including private social service providers (NGOs) as recipients of public budget is mandatory for service diversification, improved quality and covering the needs.
- It is mandatory to correlate national strategies; it is extremely important to have a joint action plan (White Paper) comprising concrete activities, responsibilities and resources.
- Ideally, the Child’s Ombudsman or Children’s Rights Commissioner should be set up as an independent institution. As a short term measure however, the Child’s Ombudsman as a component of the People’s Ombudsman should enhance its capacity of promoting children’s rights at national level. The Ombudsman institution should be more accessible to the citizens, should receive more petitions, act more on own initiative, run more enquiries and address more petitions, and should make more recommendations to the Parliament, Government and other authorities.
- In terms of disseminating the Convention, the Ministry of Education should introduce topics for promoting human rights, and implicitly children’s rights, in the school curriculum.
- The Convention needs to be promoted at all levels and among all professionals working with children and families. Training for members of the Parliament is necessary and should be mandatory, as they decide the country’s laws on children’s rights.
- It is recommended that CMTIS become mandatory for all Directorates. To become fully operational at central and local level, more specialists need to know how to use it, especially

⁸ The survey “Romania 2010. The Nongovernmental Sector – Profile, Trends, Challenges” produced by FDSC

the technique of generating reports using different variables. It should also be extended to local public administrations based on available resources.

- An integrated data collection system is needed; it should be known by all actors involved in the protection of children's rights: education, health, justice, police and social assistance.
- There should be a comprehensive law on the financing of social services, based on real needs.
- There should be a transparent system whereby the money follows the beneficiaries, so that they may access quality services that truly help them integrate into society and become independent of state aid.
- The public subsidising/financing of private social services is an absolute emergency, not just from an NGO viewpoint, but for the better social results that can be achieved compared to the current situation. There should be passed a law on contracting social services and setting up contracting offices in each county. There should be clear legal provisions on procurement. NGOs and the public sector staff should be trained on procurement.
- Cooperation with civil society is a pivotal point of public policies and service provision in all fields having to do with children's rights. There should be enhanced collaboration nationally and locally.

2. THE DEFINITION OF CHILD (Art.1)

As defined by the UN Convention on the Rights of the Child, as well as by the Romanian legislation, a child is a person under the age of 18. However, in order to take affirmative measures for the youth in the protection system, (Education Law No. 1 of 5 January 2011 and Law 272/2004 on child protection) a large number of youth are kept within the special protection system until the age of 26, on condition that they continue their studies. Often, the label "youth under the protection system" entails negative consequences on the professional and school integration of this category of children and youth. The development of independent life skills and autonomy is also seriously impacted.

Recommendations:

A series of measures are needed to support this category of children and youth, so that they benefit from adequate services toward their autonomy and social inclusion. They need to be removed from the system of special protection and be provided homes and services to further support their development and social insertion/inclusion.

3. GENERAL PRINCIPLES (Art. 2, 3, 6, 12)

Non-discrimination

Discrimination against children continues to affect several vulnerable groups, including disabled children, children from poor families, children in institutions, children with chronic diseases, children from rural areas, street children or Roma children. The most obvious forms of discrimination occur in the educational process of children from vulnerable groups. Parents are those who discriminate the most. They believe that a child from vulnerable group in a class would negatively affect the educational process and school performance.

"If you are a Roma child, you are 6 times more likely to drop out of school than if you were non-Roma." 64.1% of pupils having stated that they didn't like school ended up dropping out⁹. Recent studies on Roma children show a correlation between discrimination and Roma children's perception of school.

Studies show that the Roma are the most discriminated ethnic group in the EU. Mainstream perception focuses on stereotypes of crime, violence, indifference to school, etc.

⁹ "Early School Leaving – Causes and Effects" by Roma Education Fund Romania, 2013

Although the study shows that Romania has the lowest level of discrimination against Roma among the countries included in the survey, discrimination against Roma children is still a real problem. 40% of Roma children in Romania suffer from severe undernourishment, 45.7% have never been vaccinated and only 20% attend kindergarten¹⁰.

Though there are no studies on the situation Roma children/youth in penitentiaries or re-education centres, NGOs active in this field have noticed significant differences in representation between Roma and mainstream children, with the Roma children being more frequently subjected to discrimination and abuse in these institutions.

The Best Interests of the Child

The best interests of the child, publicly invoked by politicians, is almost totally ignored when it comes to public policies, parliament's initiatives or public administration. Leaving aside specific legislation on children's rights, in Romania there is no assessment of the impact of the children's quality of life on which the administrative or legislative decisions should be based on. . The arguments of acts regulating fields of major interest for children, including education, health, social protection or urban development, bear witness to that.

Serious violations of the best interests of the child are also recorded in relations with parents. The recording of birth has more to do with lineage and parents' rights or the family's social status (home residence) than with the best interests of the child. As will be shown later, the rights of many children are thus inapplicable in the absence of identity documents. The process of late recording of birth, somewhat simplified in recent years, is still cumbersome and lengthy. The child's right to health is denied by the parent's decision not to vaccinate the child, just as the right to education, enshrined in legislation, is denied by the parent's unilateral decision to no longer send the child to school. Social benefits bestowed upon families with children, if unaccompanied by social services, are inefficient in ensuring that the child's interests are given primary consideration.

When a child is separated from the family and placed under the residential protection system, it is not in the child's best interest to spend an average of 7 years in an institution instead of being placed in foster care or entrusted for adoption. In 2001, Romania introduced *de facto* a moratorium on international adoption following serious allegations of abuse. Law 273/2004 on the legal status of adoption sets strict limits on international adoption to preclude such cases of abuse. The exceptions are adoptive parents who are relatives of the child up to the fourth degree of kinship, Romanians having their permanent address abroad, or the husband/wife of the natural parent.

Factors such as: insufficient and unfair financial allocations for children's basic services (health, education and protection), which drastically reduces children's access to quality services; not consulting children when making decisions that affect their lives' the absence of mechanisms for enforcing legislation with regard children's right, the state's administrative incapacity to monitor children's rights and to act toward correcting and improving the current situation are all crucial factors in the systematic violation of the child's best interest, as detailed in separate chapters.

The Right to Life, Survival and Development

Sadly, Romania ranks top in many bleak European statistics. Romanian children are the poorest in Europe, and poverty is the cause of undernourishment and, implicitly, high mortality rate. The rate of teenage abortion is extremely high, while counselling and family planning services have low priority.

Frequent discontinuities have been reported in the administration of vaccines and treatments for chronic diseases, including cancer. This is a permanent threat to children's lives, health and development. When the state budget is elaborated, there is no prioritisation of

10 National Report on the Roma Inclusion in Early Childhood Development Services (IRSRTC) for Romania, John Bennett, 2010

vaccination according to the mandatory scheme, iron or vitamin D supplements for countering anaemia and rickets, two major public health issues signalled by the Institute for Mother and Child Care.

Respecting the Child's Views

In 2010, a group of 40 children co-organisers of the Children's Rights Festival – FONPC sent an open letter to public authorities stating: "We demand that by 20 November 2011 children have a representative in: Local Councils, County Councils, schools and school inspectorates, Parliament, Government, Presidency; one councillor = one child, the representative of children. We demand that there should be a Child's Ombudsman in Romania by 20 November 2011, to represent and support children together with professionals (lawyers, prosecutors, psychologists, judges, social assistants, etc.)." Unfortunately, the letter did not have the expected impact. Apart from the President of the Chamber of Deputies, who wrote he was willing to collaborate with the children, there was no reaction.

One example of children's involvement is Takeover Day – "Now I decide" "project an initiative of Terre des Hommes Foundation Romania and its partners. The project acknowledges children's extraordinary potential, their rights to participate in society and to freely express their views on all situations that affect their lives. Children choose what they want to become and have the chance to play that role for one day such as pilot, lawyer, cook, etc. FONPC has so far had two children who were Executive Director for a day, and their messages to society were invaluable.

Unfortunately, in Romania there are neither legal responsibility for involving children in decisions that affect their lives, nor sufficiently promoted mechanisms for notifying violations of their rights. The way in which minors are heard, either as victims or perpetrators of a crime, clearly shows that children's opinions are not listened to.

Recommendations:

- Giving all children access to early education programmes and providing sufficient resources (teaching staff and teaching aids) for the school integration of vulnerable children. The authorities as well as companies should take into consideration diversity and interculturality while producing toys and materials for children.
- Including in the compulsory school curriculum topics such as children's rights, intercultural education and diversity. Applying immediate sanctions on those who discriminate or instigate discrimination. Implementing projects to raise awareness among politicians, so that they understand and promote diversity, interculturality and non-discrimination. Taking concrete measures, nationally and internationally, to change mentalities on Romanian Roma ethnics, by promoting Roma history, culture and values, among other means.
- Raising awareness among public authorities and politicians on the best interests of the child. Integrating this principle in all public policies related to children's rights: education, health, social protection, environment, justice, home and foreign affairs.
- Developing integrated programmes to support children from the most disadvantaged families in accessing basic services. Taking urgent measures to put the best interests of the child before lineage or parental rights with a view to birth registration and promoting children's right to health and education.
- When developing the budget, give priority the costs of basic services for children at local level (health, education, protection), the costs of medicine, vaccines, materials and activities needed for improving children's quality of life.
- Children's rights must be placed on the highest level on the public agendas of the Romanian Government and Presidency. Every year, these institutions should nationally report the measures taken to improve children's quality of life.

- The involvement of children in promoting the general principles of children's rights at all levels: family, school and society. Representatives of local public authorities (county councils, town halls, GDSACPs, schools) need continuous training programmes to correctly understand the importance of involving children.
- It is necessary to watchdog the children's associations supported by central authorities in order to avoid the political manipulation of the associations.

4. CIVIL RIGHTS AND FREEDOMS (Art. 7, 8, 13-17 and 39)

Birth Registration

Law 272/2004 on the protection and promotion of children's rights, Art. 11 and 12, contains provisions on birth registration and the duties of the Public Social Assistance Service (PSAS) in whose jurisdiction the birth occurs. There are, however, serious shortcomings regarding the approval by the PSAS of specific working methodologies on the birth registration of children without identity found abandoned in maternities or other medical facilities¹¹. Thus, only 1% of PSAS in communes, 8% of PSAS in cities and 28% of PSAS in municipalities have such approved methodologies. The study also points out that only 9% of PSAS in communes, 20% of PSAS in cities and 55% of PSAS in municipalities have appointed staff to register the births of found or abandoned children without identities or to work with the police in order to register the births.

In rural areas, there, still, are cases where the mother and new-born are undocumented, and as a result, cannot be registered by the family doctors. Therefore, there is no monitoring of the pregnancy and of the new-born's development, no vaccinations, etc. Though the rate has decreased, there are still thousands of undocumented children countrywide. In 2011, UNICEF¹² identified around 169 undocumented children in 96 out of the 2850 communes of Romania. The procedure for late birth registration is difficult and costly for the poor population. As these children are absent from authorities' records, they remain invisible and prone to exclusion from services and support.

Protection of Privacy

This right is most often violated by the press and state institutions. Although the audio-visual laws clearly stipulate the protection of the child's image, the press and television give the real names of children and parents and therefore the law is totally ignored. This violates the protection of the child's privacy. Even if the child's face is hidden, there are images of the house, family and neighbours of the child in a vulnerable situation.

The deficient organisation of old-style residential institutions allows another serious violation of children's right to privacy is. Studies carried out by HHC Romania and Sera Romania show that classical institutions breach children's right to privacy: rooms are not customised, children don't have free access to the kitchen and therefore cannot pick a customised menu, garments are common property, so they cannot customise their clothing, toys are shared, bed linen is shared, etc. The CLR's studies reveal that the situation of disabled children in institutions is even more serious, and the protection of children's privacy is by far a topic neglected by public child protection services.

Access to information

It is extremely important to note that compulsory education is not free of charge, as stipulated by legislation. Parents must pay for school supplies, as well as textbooks and auxiliary

11 Conclusive Study, based on the National Assessment of DGASPC, SPAS and Other Institutions and Organisations Involved in the Child Protection System, by MMFPSPV and the SERA Romania Foundation, 2013

12 The UNICEF "Helping the Invisible Children" project, 2011

materials for the optional courses. This is a significant barrier toward access to education and it is a factor for marginalisation and stigmatisation affecting children coming from poor families. The right to proper information is also breached by the fact that materials for children (books, games, etc.) are extremely expensive, while libraries are poorly equipped, especially in rural areas.

Children have easier access to websites and web pages with improper content. This is not controlled neither by parents, or by the school or internet providers. This right is also breached by shops selling magazines and newspapers showing pictures that are inappropriate for children.

Another concern is children's access to social media (Facebook, Twitter, etc.). Unfortunately, neither the school nor the family is prepared to prevent online child abuse.

Recommendations:

- Strengthening PSAS's capacity to monitor and grant the rights of all children. The methodological coordination of PSASs by GDSACPs, so the working methodologies for birth registrations are approved and implemented. Appointing PSAS employees responsible for registering births and continuous training so that these duties are fulfilled.
- Conducting studies and awareness campaigns on protecting children's privacy. Taking concrete measures to ensure that the child's right to privacy is respected in the family, in public space, in the institution and in society.
- Taking measures to provide children with access to proper information. Facilitation of vulnerable families' access to school textbooks, books and toys for children are ensured by public authorities.
- Drastic measures against newspaper and magazine/book shops exposing children to information that can harm their development should be taken. Educating parents on protecting the children when online. Online parenting needs the involvement of the whole society: public authorities, NGOs and companies.

5. VIOLENCE AGAINST CHILDREN (Art. 19, 39, 24(3), 37(a), 28(2) and 34)

Sadly, 16% of parents believe that "you sometimes need to beat your children if you are to educate them properly", even though the majority (90%) state that they explain to children what they did wrong rather than resort to beating. The child's emotional abuse or humiliation is also admitted as educational practice by a similar percentage of parents as those who beat children to discipline them, namely 15%¹³.

Even though corporal punishment was abolished in Romania by Law 272/2004, parental practice (and school practice) is different. The use of punitive methods is part of education; 3.6% of parents deem beating useful in disciplining children, and 12.4% do not firmly reject it.

The annual number of abuse, negligence and exploitation cases reported to public authorities has remained fairly constant in recent years (from slightly over 11,000 cases in 2010-2011 to 12,000 cases in 2012). Every year, over 11,600 cases of various forms of violence against children are recorded by child protection authorities (according to NAFCRP), while criminal procedures against perpetrators are only initiated in 3% of these cases. Most of the time, violence against children occurs in the family, according to DPC data from 2013 (in over 11466 cases). After negligence (around 70% of cases recorded in 2009), physical abuse (over 11%) and emotional abuse (almost 10%) are the most widespread forms of violence against children in Romania. Next comes sexual abuse (almost 5% of cases), mostly occurring in rural areas (66% of cases of sexual abuse of children occurred in this environment).

The UNICEF social census of 120,000 households shows that at least one out of ten children is the victim of some form of violence. Domestic violence is seen as normal. 60% of the population condones violent behaviour in the family.

¹³The World Vision Study „Child Welfare in Rural Areas”, 2012

It must be stressed that in Romania violence against children is yet another hidden phenomenon, meaning that the number of cases recorded by authorities is just the top of the iceberg, whereas the actual number of children falling victim to violence on a daily basis is much higher. This is supported by the figures recorded every year by the Child Helpline Association: up to seven cases of abuse against children recorded daily in 2013.

Most of the issues reported by children in 2013 by calling 116111 are psychological: need for communication, arguments with parents or a deficient parent-child relationship (76.12% of all calls).

Specific work methodologies for dealing with abused children have been developed recently. They have been approved through Government Decision 49/2011, but proper support is needed for implementation. As they are not accompanied by concrete implementation measures, these methodologies are not sufficiently known, and therefore, we might say they are not applied either.

Recommendations:

25 years after the UN Secretary-General's Study on Violence against Children, the state must step up violence-preventing measures:

- Make sure that the law on countering violence and corporal punishment is enforced. Intensify penalties for law violations.
- Make sure that strategies to eliminate violence against children and corporal punishment are reflected in child-related strategies (protection, education, justice, health, inclusion, etc.).
- Promote positive, non-violent forms of child-rearing and resolving conflicts. Educate parents, future parents and other child carers, teachers and the general public.
- Ensure children's access to confidential counselling and adapted protection and justice services (lawyers, prosecutors, judges trained to work with children), as well as to therapy and social insertion services.
- Provide efficient and adequate forms of protection for children prone to be subjected to harmful or humiliating punishments.

6. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Art. 5, 9-11, 18, 20, 21, 25, 27(4))

Preventing the Child Separation from the Family

It is worth noting that there still are GDSACPs that provide no services for preventing the separation of children from their families. Out of a total 45 GDSACPs audited by HHC, 20 provide no prevention services. However, 42 GDSACPs directors mention prevention services as being the most useful services¹⁴.

Local prevention services continue to be primarily attached to financial benefits (minimum guaranteed income, heating aid, child benefits, single parent and complementary benefits), to the detriment of developing and implementing social services centred on prevention and counselling, development of life skills, job-seeking assistance, etc. Of all the (children) beneficiaries of PSASs in 2010, only 24% were service beneficiaries, while the rest received benefits, whereas 21% of all beneficiaries are children at risk of being abandoned by their parents¹⁵.

The legislation on the parental leave allowance and monthly incentive has been amended to encourage parents to return to work once the child has reached the age of 1. However, this legal amendment has not been accompanied by a development of child day-care services.

The legal initiative for developing a system of child day-care services mentioned in the previous report has not been adopted. Thus, we cannot say that local authorities have been stimulated and encouraged to develop services in support of parents.

¹⁴ "Audit on the Social Services for Children in Romania", Consolidated Report, Hope and Homes for Children Romania, 2012

¹⁵ Conclusive study, based on the national assessment of DGASPCs and other involved institutions and organisations, by MMFPSPV and the Sera Romania Foundation, 2013

Local Public Social Assistance Services (PSAS)

More than 7 years after the entry into force of the specific legal framework (Law 272/ 2004 on the promotion and protection of children's rights), local authorities have only managed a 50% implementation rate¹⁶.

In rural areas, which is where most cases originate, PSASs are unprofessionalised; their staffing needs are underestimated or the hired staff has no education in social assistance, and most employees lack the proper training to provide the services needed by children and their families. According to the same study, the workload and tasks of PSAS employees are increasing, while human and financial resources are diminishing. It has been found that the increasing number of beneficiaries entails a reduction in the number of visits performed by social assistants to the families in difficulty. This implies a decline in service quality and less time spent on case management, prevention, evaluation and monitoring children in difficulty.

Social assistance work in PSAS follows no clear procedures or beneficiary eligibility/admission criteria and no methodology for evaluating or monitoring children's situations or for the early identification of risks potentially leading to the child's separation from the parents. PSAS social assistants are unfamiliar with the services available within the county child protection system.

There is a low presence of Community Consultative Structures (CCS) within PSAS, at commune level. Only 38.13% of communes have such structures: 43.01% set up by Local Council decision and 29.54% by mayor's order. 29.41% of cities have such structures within PSAS, and 34.15% of municipalities have CCS¹⁷.

There is no functional collaboration relationship between GDSACPs and PSASs, in many cases because GDSACPs have insufficient resources to fulfil such coordination tasks.

Evaluation and Database

FONPC has repeatedly requested that central authorities provide a database of all the beneficiaries and all the forms of social assistance (benefits and services) that each of them receives. It seems that no institution holds full information on the number and type of services and benefits granted to a person. The database could be used both for keeping clear and up-to-date records of this information, and for analysing risk types and the route of each beneficiary through the various types of services (level/service provider/cost).

Parenting Education

Children's rights are little known and applied in rural areas¹⁸. Though parents say they have heard about children's rights, almost 20% of them believe that an excessive promotion of their rights would make children forget their obligations.

Almost 1 out of 10 children feel they are treated worse than the other children in the household, 13% go to bed at night on an empty stomach (up two percent from 2012), and 23% feel tired (occasionally or always) because they have to work before or after school. The percentage of children who always feel fatigued from work has risen significantly from 4% to 7% since 2012¹⁹.

Apart from running some national parenting education programmes with the Our Children Foundation, Holt Romania, Step by Step, Save the Children, the Government gives little importance to parenting education and keeps the National Strategy for the Development of Parental Skills "in a drawer" since 2009.

16 Conclusive study, based on the national assessment of DGASPCs and other involved institutions and organisations, by MMFPSPV and the Sera Romania Foundation, 2013

17 Conclusive study, based on the national assessment of DGASPCs and other involved institutions and organisations, by MMFPSPV and the Sera Romania Foundation, 2013

18 „Child Welfare in Rural Areas” Study by World Vision, 2012

19 „Child Welfare in Rural Areas” Study by World Vision, 2012

Only 6 of the GDSACPs have reported parenting education programs, which clearly indicates the lack of concern for the matter at local public authorities level²⁰.

National parenting education programmes have ambiguous training and practice standards, and the accreditation of parenting skills educators is not a general practice.

Families Affected by Migration

7.9% of households have at least one family member abroad²¹. According to respondents, around 13% of families with members abroad receive no contribution from them for covering costs at home.

When one or both parents are absent, grandparents are an important child-caring support. Almost a quarter of respondents (24.3%) said that (also) grandparents care for the children left at home²².

There is no improvement of the services provided to children whose parents are working abroad. The parents' absence is reflected, among other things, in the child's poorer school record and suicidal behaviour.

Local authorities do not even have the needed mechanisms to assess and monitor the phenomenon, let alone the ability to develop community services²³.

There has been a rise in the number of returning migrant children in the last four years. In the 2008-2012 period there have been over 21 thousand applications for readmission into the Romanian school system for children returning from Italy and Spain. 30% of these children face readaptation and social integration problems: emotional, behavioural, attention or relational difficulties²⁴.

The Professional Foster Carer

The foster care system has become rigid, and the service continues to be long term/permanent. There has been an 18% drop in foster carer numbers, from 15023 at the end of 2008, to 12263 by the end of September 2013. The drop in the number of children placed in foster care is smaller, just 8%. The smaller decline in the number of children compared to that of the number of foster carers shows that the average number of children per professional foster carer has risen. In some situations, foster carers had to accept a larger number of children (2-3).

The drop in foster carer numbers can be matched against data from the Directorate for Child Protection (DCP) for the January – September 2010 period, showing that 921 of the 1,051 children abandoned in maternities and medical facilities were discharged as follows: 385 returned to their families, 7 placed with extended families, 391 placed in foster care, 47 in residential care, 27 in emergency placement and 64 in other situations. These figures indicate that 130 probably remained in medical facilities.

The occupational standard for the professional foster carer and the methodological guide adopted in 2003 are no longer relevant.

Special Protection Measures

The reform of the Romanian child protection system is far from finalised. Data point to a rise in the number of children arriving in residential care from their natural and extended families. To be noted that 20% of children entering residential care come from foster care²⁵.

According to Ministry of Labour data, the number of recipients of the special protection system is decreasing (from 71798 children at the end of 2008 to 62050 in September 2013 –

20 „Parenting Education in Romania”, 2011, Study by the Holt Romania Foundation

21 „Child Welfare in Rural Areas” Study by World Vision, 2012

22 „Child Welfare in Rural Areas” Study by World Vision, 2012

23 Socio-economic analysis for the 2014-2020 programming of European Funds in the field of social affairs and social inclusion – MMFPSPV, page 23

24 Research “The Remigration of Romanian Children”, Alternative Sociale (Social Alternative Association), 2012 <http://www.antitrafic.ro/publicatii/remigratia-copilor-romani--p256.html>

25 Consolidated Report “Audit of Social Services for Children in Romania”, Hope and Homes for Children Romania, 2012

16%), but this does not automatically show an improved efficiency of the prevention services, as the total number of children in Romania is declining, and the number of children receiving prevention services increased, within the same period, from 36971 to 45887 (24%), according to DCP data.

The arguments to back up this statement are provided by the results of a project implemented by a partnership between the SERA Romania Foundation, the County Council of Vaslui and GDSACP Vaslui. The project was implemented between May 2012 – October 2013 and concerned reassessing the situation of 537 children. By the end of the project, 184 children left the special protection system and were reintegrated into their families or placed with families/persons. Of these, 128 were reintegrated with material support, at an average cost of 1160 euro per child. The help provided under this project was material support for the biological families of the children who received protection measures, as well as psychological counselling throughout the reintegration process. The project was based on statistical data showing that the Vaslui local authorities' prevention services did not function, hence the huge number of entries into the protection system (in 2009, 1006 children entered the protection system; in 2010, 963 children; in 2011, 816 children; in 2012, 906 children, and in the period January – October 2013, 724 children entered).

As regards children's quality of life in residential systems, the study conducted by HHC Romania points to playing conditions and nutrition. The study reveals that a third of residential centres do not have appropriate toys for each age group, and that in most centres, toys are kept in the playing area so that children cannot reach them. 15 residential centres were identified where the children had last eaten fresh fruit three weeks or even two months earlier. A quarter of residential centres do not have separate toilets for boys and girls, and in half of the centres toilets are not equipped with consumables (toilet paper, soap). In more than half of the residential centres bedrooms are not customised.

Deinstitutionalisation

The Romanian child protection system still relies on institutional care. According to MLFSPE data, at the end of September 2013 there were 62,050 children in the special protection system, of whom: 22,124 children (35.66%) were receiving a special protection measure in residential-type services within 1528 institutions, of which 110 old-type residential centres.

Out of the residential centres (old type institutions) reported to exist by the 45 GDSACPs, 132 shelter children and youth with special needs. This shows that closing down old-type residential centres for children and youth with special needs is still a challenge²⁶. Disabled children of any age are also more likely to be placed in institutions and have limited access to family-type care: only 20% of children in foster care have disabilities, while more than 60% of the children in the old type remaining institutions are disabled, according to MLFSPE data.

Institutionalisation of children under two years of age

Despite the ban on placing children under two years of age in residential centres, DCP statistics show that in January – September 2013, 246 children under 1 and 477 children aged 1 to 2 were in institutions – residential-type services. In addition, there are 2,072 children aged 3 to 6 not benefitting from family-type care.

Although legislation forbids the placement in residential centres of children under 2 years old not suffering from any severe handicap, 18 children without special needs were declared institutionalised²⁷.

The institutionalisation of small children leads to changes in the brain structure. They develop difficulties with discernment, impulse control and retaining memories, as well as a low IQ

²⁶Audit on the Social Services for Children in Romania", Consolidated Report, Hope and Homes for Children Romania, 2012

²⁷Audit on the Social Services for Children in Romania", Consolidated Report, Hope and Homes for Children Romania, 2012

if there is no early intervention. In terms of brain and behaviour development, there are big differences between children institutionalised early and children who have not been institutionalised or were placed in foster care. Children in foster care have fewer emotional disorders and anxieties than those who continue living in institutions. The moment of intervention is crucial in the child's development. The sooner the placement in a family environment (be it biological family, placement family or foster carer), the faster and the more complete the child's recovery²⁸.

Adoption

The number of children declared adoptable has remained relatively constant in recent years (1730 in 2009, 1921 in 2010 and 1736 in 2011), while the number of children in state care is extremely high (62 955, as of 30.06.2013, DCP).

The average age of children for whom adoption has been permitted remains, however, low (3 years and 3 months). The profile of the Romanian adoptive family is age 38 to 40, urban area, above-average income, with a medical issue (especially infertility) and wanting to adopt a Romanian (not Roma) child of a small age (up to age 3) without disabilities or having lived in an institution²⁹. "The children in the system have health issues and that scares potential adopters. The prospect of a serious handicap scares the most, as you cannot provide the care needed!" (Fam. G., Cluj).

So adoption is not seen as a social measure; parents don't adopt to help a child but rather to fulfil their desire to have a child.

Families complain of tedious bureaucracy depriving the child of a lot of time. Reports by "Ador Copiii (I adore children)" Association point to a series of aspects that can be improved to stimulate adoption: improving legislation and its implementation – the situation of children registered of unknown parents; unified and efficient practice in courts and GDSACPs; allocation of human and financial resources for proper post-adoption monitoring and a better coordination between GDSACP case managers; better collaboration between GDSACPs and NGOs active in the field; campaigns for changing adopters' mentalities and promoting the adoption of children from the hard-to-adopt category.

One aspect often brought by NGOs to public attention is the process of theoretical matching of children. Children's fates are actually decided by a procedure that has not been standardised or at least discussed with authorised professional groups. The software used throughout the years by ROA for theoretical matching has no scientific grounds.

Recommendations:

- Revising legislation to have a fair budget allocation, especially for implementing legislation/methodologies/rules on preventing the separation of children from their families.
- Setting a minimum compulsory package of state-guaranteed services for children, to ensure the observance of their basic rights.
- Developing an institutional mechanism for identifying and evaluating all cases of social risk; defining all social risks and an effective way of measuring them on site.
- Creating a database of all beneficiaries and all forms of social assistance (benefits and services) that each of them receives.
- Necessity to redirect social policies so that financial benefits are accompanied by social services for children and families.
- Local authorities need to make a thorough assessment of all PSAS staff responsible for the prevention of the separation of children from families, in terms of training, qualification and skills.

²⁸Bucharest Early Intervention Project (BEIP), a study launched in 2000, Nathan Fox, from the University of Maryland, Charles Nelson, from Harvard University and Charles Zeanah, from Tulane University.

²⁹The Profile of Romanian Adoptive Parents and the Motivation to Adopt Hard-to-adopt Children" by Doru Buzducea and Florin Lazăr

- The immediate revision of the foster care standards and methodological guide, followed by a rigorous verification of their implementation.
- Implementing the specialised educator standards; training and, above all, supervising them.
- There is a need to draft special diversified programmes for children whose parents are working abroad.
- Approving and implementing the National Integrated Strategy for Developing Parenting Skills and developing professional standards for parenting education.
- Extending the reach of parenting education programmes to categories of parents with broad social networks.
- Revisiting deinstitutionalisation policies for children under special protection: banning the placement of children under the age of 6 in residential institutions, without exception.
- Chances for closing down old type institutions by creating family-type services are low, due to lack of funding for the development of a family-type infrastructure. Although many projects implemented by NGOs were focused on closing traditional type institutions and helped local authorities on this process, the desinstitutionalization process requires support from both local and national level, including allocation of funds.
- Training foster carers to care for disabled children and creating a network of services to support the recovery and integration of these children.
- Finalising the reform of the Romanian child protection system with a shift towards family-type services, family reintegration, adoption, etc. in the child's best interest.
- The family-type care model of SOS Children's Villages is a viable niche solution for certain categories of children, namely large broods (3 - 6 biological siblings) and older children standing a weak chance of foster care placement or adoption, once family reintegration has proven impossible. The occupation of social parent has to be entered in the occupations classification or an adapted labour contract has to be drafted.
- Creating a financing line through Structural Funds for finalising the closure of old-style institutions in Romania, by developing a family-type infrastructure.
- Practice varies among European countries, from allocating a percentage of GDP for children to granting a minimum income for children. The standards can be developed under European projects by experts authorised by public authorities. The money must follow the beneficiary; this will streamline the costs of the system.
- On one hand, media coverage for the adoption of children from residential institutions (older children, with disabilities/health issues). On the other hand, having more flexible legislation granting more children a chance to live in a family. Measures are also needed to allow more children to be declared adoptable, given that in recent years the number of potential adopters has steadily exceeded the number of adoptable children. Advocate for changing mentalities on social mission of adoption.
- In order to ensure process integrity, the Federation advocates for transparency in all stages leading to the decision to declare a child adoptable, that is, in all procedures aiming to reintegrate a child in the natural family or to identify an adoptive family nationally.

7. DISABILITY, HEALTH AND WELFARE (Art. 23, 6(2), 24, 26, 18(3), 27(1-3), 33)

Children with disabilities

According to DPH³⁰, in Romania there are 60.993 children with disabilities in 2013, that is 8.8% of all people with disabilities. Of these, around 50% are severely handicapped children, 20%

³⁰Developments in the Protection of Persons with Handicap as of 30 June 2012", Directorate for the Protection of Persons with Handicap, 2012

are children with advanced handicap and 28% are children with moderate handicap. Of these, 29.700 persons are aged 10 to 17 and the vast majority are in families. But only 12 children aged 0 to 17 are institutionalised, according to DPH³¹. According to the DCP data at 31st of December 2013, there are 7891 children with disabilities in 373 residential care (in institution).

The main problems faced by disabled children in terms of their right to health and welfare, according to FONPC³², are the following: extremely poor access to public spaces or services, including transportation, schools; insufficient rehabilitation programmes or specialised services in the area where the child lives, or these are inaccessible because of the cost or distance.

Health and healthcare

Although infant mortality (age 0-1) dropped from 2250 cases in 2009 to 1812 cases in 2012, it is still high, way above the EU27 average (9.01 in Romania compared to 5.95 in EU per 1000 live-born)³³, with significant differences between urban (6.6%) and rural areas (11.8 %)³⁴. Likelihood of death before the age of 5 is also high, 11.74 per 1000 live-born compared to the EU average of 7.2³⁵.

The benefits of exclusive breastfeeding are not widely known, as shown by the study “Assessing the Efficiency of Interventions Included in the National Programmes on the Nutrition of Children under Two Years of Age”³⁶.

Though access to healthcare for children in rural or disadvantaged areas has improved, serious inequalities persist. Some of the causes are: a shortage of family doctors; the closure of hospitals without first ensuring primary healthcare services and the transfer of healthcare services from the hospital system to family doctors and ambulatory care. This led to precarious primary healthcare services and low access.

Nutrition is another problem that is superficially reflected in the public policies of recent years. In 2010, a third of the children under the age of one, notably in rural areas, had a precarious and minimally diversified diet³⁷. Only 45% of children aged 6 months to 2 years in rural areas and 53% in urban areas have a minimum diversified diet, according to WHO. Thus, the malnutrition index has risen from 4.4% in 2004 to 10.4% in 2010.

Vaccination, as reported by the National Centre for the Supervision and Control of Communicable Diseases, was below the country target (95%) in 2013. Possible causes are: nonappearance or refusal of vaccination due to parents’ lack of information, lack of vaccines or prejudice against vaccination.

Mental health

Early diagnosis and early intervention in the case of autism are difficult³⁸, although the early diagnosis programme was included in legislation in 2010 through Law 151 on the integrated specialised health, education and social services for people with autism spectrum disorders and associated mental health disorders.

According to GDSACP countrywide data, there are 4000 registered cases of ASD in Romania, more than in previous years, and there are estimates that the actual figure is higher, as not all persons are registered with GDSACP. As an example, the Psychiatric Clinic for Children and Adolescents within the “Prof. Dr. Alexandru Obregia” Hospital diagnosed 10-15 new cases every week in 2010³⁹.

³¹Directorate for the Protection of Persons with Handicap within the Ministry of Labour, Family, Social Protection and the Elderly (Statistic bulletin 2012, Chapter 6: Protection of persons with handicap, p. 9)

³²Position Document «Break barriers, open doors: for an inclusive society for all», FONPC, 2013

³³National Institute for Statistics

³⁴Infant Mortality in Romania, 2012, National Centre for Health Statistics and Information

³⁵Health for All Database 2011, World Health Organization and the National Health Strategy 2014-2020

³⁶Institute for Mother and Child Care and UNICEF, 2010, Assessing the Efficiency of Interventions Included in the National Programmes for the Nutrition of Children under Two Years of Age

³⁷“Child Welfare in Rural Areas”, 2014, World Vision Romania

³⁸Sera Romania Foundation –Activity Report

³⁹The project “They Should Have a Chance!”, run by the Romanian Angel Appeal Foundation (RAA)

Assistance and recovery services are insufficient and are not reimbursed by the state. There is also a major shortage of staff specialised in the recovery of children with autism. There is also the problem of integrating children with autism in mainstream schools; inclusive education is yet another big challenge for the education system.

Adolescents and « teenage mothers »

As of 1 July 2011, there were 2,012,709 adolescents living in Romania⁴⁰, of whom 46.68% in urban and 53.32% in rural areas; 51.22% were boys and 48.78% were girls.

Ministry of Health data show, however, that the age at which minor girls start being sexually active and become pregnant has greatly decreased. Thus, 47,295 minor girls gave birth in the 2009 – 2011 period. The most cases were recorded in 2009: 17,219 girls, of whom 12 of 12 years of age, 124 of 13 years of age and 622 of 14 years of age. In 2012, 16,101 girls under 19 years of age became pregnant during the period mentioned, and 10,224 of them had abortion⁴¹.

As regards the special protection system, between January 2012 and May 2013, 165 minors gave birth, and 19 terminated the pregnancy⁴².

Some of the causes for the spreading phenomenon of “teenage mothers” are: parents’ mentalities and their difficulty to communicate with children about sex; insufficient and inefficient prevention measures; insufficient dissemination of information; health education classes, which include reproductive health classes, are still optional or absent. In addition, all this contributes to a rise in the early school leaving of young mothers. Despite seeming to be well-known topic to everyone, the prevention of unwanted pregnancy continues to be a serious problem.

Children with cancer

Although cancer in children has an over 70% cure rate, in Romania it is still the second biggest cause of death in children and teenagers⁴³, and there are big discrepancies in access to treatment. Some of the causes are: low awareness of the initial signs of the disease among parents and some medical staff; late diagnosis; difficult access or lack of treatment or care; unaffordable treatment; a precarious healthcare system; discontinued treatment.

Use of drugs, tobacco, alcohol and other substances

In 2009, the prevalence of lifelong illegal drug use was 10.7% among twelfth-graders, according to NADA⁴⁴, and it was 2.5 times more frequent in boys than in girls. According to experts, there is a high risk of contagion with regard to the spreading use of “ethnobotanical” substances, because these can be ordered online.

As regards alcohol use by children and teenagers, the OECD report published in 2011 shows Romania among the leading positions, with 47% of boys aged 15 admitting to having consumed alcohol at least twice in their lives. Other studies show that four out of five 16-year-olds have consumed alcohol at least once in their lives⁴⁵.

A study by World Vision Romania from 2012⁴⁶ shows that 12% of respondents aged 12-18 state that they have consumed alcoholic beverages at least once.

The services offered are few, and the vast majority are offered by private providers. Parents have difficulty calling support services, as alcohol consumption is still a delicate topic for Romanians, entailing judgment or stigma. Thus, parents ignore or hide such problems.

40 “ The State of Adolescents in Romania”, Final Report, UNICEF 2013

41 Iulian Boldea, Globalization and Intercultural Dialogue. Multidisciplinary Perspectives, Arhipelag XXI Press Publishing House, Tirgu-Mures, 2014, p. 108

42 From DGASPC and MMFPSPV data

43 « National Report on the Health of Children and Youth » Ministry of Health, 2011

44 ANA, 2010, Teenage Barometer 2009 “Attitudes and Lifestyles of Twelfth Grade High school students”, the Faculty of Political Sciences, SNSPA

45 ESPAD – European Research Project in Schools on the Use of Alcohol and Other Drugs in Romania

46 World Vision Romania, Child Welfare in Rural Areas, 2014

Children and teenagers with HIV/AIDS

In the last 10 years, the main transmission route of HIV to children has been maternofetal. Thus, 237 children (0-14 years of age) have seropositive mothers. The rate of HIV transmission from mother to foetus has risen from 2% to 5% between 2007 and 2010, mainly because 35% of seropositive mothers do not receive prevention services and/or treatment⁴⁷.

Statistical data from the National Anti-AIDS Committee (CNLAS) as of 30 September 2013 reveal 409 cases aged 0-19 years old, of whom 329 are children aged 0 to 14 years old.

Living standards – Poverty among children and youth

Developments after 2009 show that economic recession has seriously impacted children and youth. In 2010, the absolute poverty rate for children was 3.5% in urban areas and 12.4% in rural areas. The absolute poverty rate in urban areas is 2% for Romanian ethnic children compared to 27.3% for Roma ethnic children, while in rural areas, it is 10.6% compared to 41.1%, respectively⁴⁸.

There are childcare shortcomings in rural areas due to lack of information aggravated by deep poverty. Thus, “2/3 of adults treat their children at home when they’re ill, without taking them to a doctor”⁴⁹.

The absence or insufficiency of crèches, kindergartens or home-care services allowing parents to work, especially in rural areas, is a problem worth taking seriously.

Recommendations:

- Amending Law 272/2004 on the protection and promotion of children’s rights to outlaw the institutionalisation of children under 6 years of age, without exception;
- Early diagnosis and intervention for children with disabilities and autism should be available and functional;
- Setting up specialised services for children and their families in all communities, for full social, school and professional inclusion;
- Developing and diversifying social services in support of families to prevent institutionalisation;
- Financing medical and psycho-social services per child in accordance with the recovery plan;
- Continuous training of experts/teachers/medical staff directly working with children with disabilities, autism and educational requirements with a view to applying advanced methods and therapies;
- Increasing the incomes of families caring for children with disabilities and autism by providing new (and timely) benefits;
- Simplifying/eliminating bureaucracy in evaluating and assigning persons to degrees of handicap;
- Family doctors to inform and counsel parents on available local/county services;
- Strengthening the capacity of, and increasing collaboration between community nurses, health mediators and the social assistance network, notably in rural areas;
- Increasing the capacity of primary healthcare, including community nurses, to inform, guide and counsel mothers and pregnant women;
- Promoting vaccination through national platform and information campaigns together with NGOs; securing the needed stock of vaccines;
- Prophylactic services for children to be included in the school health structure according to current legislation;
- Health (including sex) education should occur in all schools and all grades;
- Improving primary assistance, notably in rural areas;

47 United for Children, Quarterly Information Bulletin of UNICEF Romania – No.12, 2012 Looking back – Looking ahead

48 Ministry of Labour, Family, Social Protection and the Elderly, Directorate for Social Assistance, 2013, "Socio-Economic Assessment for Programming European Funds 2014-2020"

49 World Vision Romania, 2012, Child Welfare in Rural Areas

- Conducting studies on the knowledge, attitudes and behaviour of adolescents in order to develop specific policies and programmes;
- Continuous training of staff working with adolescents, especially vulnerable adolescents, on health, education and social protection;
- Establishing partnerships locally between NGOs, schools, local authorities and community leaders to answer the needs of adolescents;
- Adolescence should be a priority in national strategies promoting and protecting children's rights, health and education strategies and the National Youth Strategy for the 2014 -2020 period; the National HIV/SIDA Strategy, the Reproductive Health Strategy and the Anti-Drug Strategy should contain sections dedicated to adolescence; drafting a strategy on alcohol and tobacco control, with a focus of adolescents;
- Taking the «evolving capacities» approach, Art. 5 of UN Convention on the Rights of the Child, for adolescents aged 15 to 19, to help them make life decisions.
- Drafting economic and social development programmes to alleviate poverty, especially in rural areas;
- Improving the process of public consultations with NGOs and academia;
- The priorities of using EU funds in the 2014-2020 period should support the needs of vulnerable groups of children and youth;
- Promoting and extending programmes and good practice models; the state/local budget should also cover the services provided by NGOs within those programmes;
- Increasing availability of social services and recreation opportunities for adolescents, to encourage healthy choices like education and sports, and reduce vulnerability to poverty, tobacco, alcohol or drugs.

8. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (art. 28, 29, 30, 31)

Education, including professional training and guidance

Despite the legislative progress made by the Government, and within the framework of maintaining the initiatives already mentioned in the country report, the lack of coherence and vision for the primary and lower secondary education reform has continued to be manifest since the previous report. Frequent changes of ministers (in 2008 - 2013, no less than eight ministers took turns at the helm of the Ministry of Education) influenced both the functioning of the Ministry as such and the educational policies; this is proven, among other things, by the large fluctuations of budget allocations from year to year⁵⁰. Another consequence was the haltering of some initiatives due to political changes; for example, the schools of arts and crafts have been disbanded de facto, with no assessment of the value-added by this form of education and with no forecast of the negative impact of this measure (a considerable increase in the rate of early school leavers since 2009, which now is among the highest in the EU)⁵¹.

In this period, the education has been continuously underfunded; between 2009 and 2012, national expenditure for education was maintained at 4.1% of the GDP (the lowest in the EU) although the law provides that it should have been 6%. Moreover, in the same period, the funds allocated per student decreased by 20-25%, given that the share of total public expenditures for education decreased from 10.3% to 8.3% between 2007 and 2010⁵². Consequently, the salaries of the teaching staff were also lowered in this period. One result of the measures taken under the national education reform, was the decrease in the number of schools by 1017 (12.4%) in 2008-2011.

50 "Funding of Education in Europe, 2000-2012. The Impact of the Economic Crisis" - Eurydice Report

51 Education and Training Monitor 2013

52 „Funding of Education in Europe, 2000-2012. The Impact of the Economic Crisis" - Eurydice Report

School attendance, school dropout /early school leaving

In the 2009/2010 school year, the overall school population was 4,176,866 students, with the following distribution by educational level: preschool – 666,123; primary education – 845,679; lower secondary - 873,997; vocational education - 115,445; high school - 837,728; post-secondary (non-tertiary) and foremen education – 62,575 and higher education – 775,319⁵³. Between 2008 and 2012, school cohorts declined steadily (due to lower birth rates) but, on the other hand, various indicators related to school attendance, early school leaving and school dropout also had negative trends. Thus, the gross enrolment rate (for compulsory education) decreased by 3% from one school year to another in 2011-2012; at the same time, the average duration of school attendance and school life expectancy for a 6-year-old pupil decreased⁵⁴. On the other hand, the positive trend of preschool education indicators is worth noting; a trend that could extend later to primary education, as cohorts who attended kindergarten and the "preparatory class", since 2012-2013 school are advancing.

Access to education for vulnerable groups of children

The official school dropout rate adds to the percentage of children who have never attended school (3.68% in primary education and 3.75% in secondary education), with a total of over 44.000 children of primary school age and over 48.000 of secondary school age who are outside the education system⁵⁵.

It should be noted that these trends were recorded for both girls and boys and that the negative trends are more pronounced in rural areas, and for Roma children. It is estimated that the attendance rates of Roma children in pre-school education range between 4% (3 year olds) and 23% (6 year olds)⁵⁶, which is well below the national averages (61.7% and 79.7% in 2011, according to NIS). The percentage of Roma children aged 7-13 years who have had no contact with school is twice as high as for the non-Roma members of the same community; for children aged 14-17 years, it is more than three times higher. In addition, the proportion of Roma children who do not complete secondary school is more than 10% higher than non-Roma children from the same community⁵⁷. Almost every third Roma pupil (29.2%) has gone to school hungry at least once over the past month because there was nothing to eat at home - according to their own statements⁵⁸.

About 85.7% of the parents whose children have interrupted their education have reported that the dropout was due to poverty-related factors (lack of resources for collateral costs of education or the fact that the child had to attend household income-generating activities) and only 14% said that it was due to lack of valuing the education.

NAPCR data show that more than 2,700 severely disabled children aged 7- 10 years do not attend school; furthermore, in the absence of available data, it is impossible to analyse the school dropout rate among disabled children of primary or secondary school age, broken down by gender, residence or welfare level⁵⁹.

For rural areas, early school leaving is an alarming phenomenon, as 35% of parents and children in rural areas stated they are not interested in continuing their education after the eighth grade⁶⁰.

The NGOs analyses and reports show that a good school mediator can have a great influence in maintaining school attendance and good relationships between the school and the authorities, in the case of Roma children. However, the mechanism is currently showing certain

53 National Institute for Statistics

54 "Report on the situation of the pre-university education in Romania", by the Institute for the Sciences of Education (2012, Bucharest)

55 "Children who do not go to school: an analysis of the education participation in primary and lower secondary education". (2012). Bucharest / Buzău: UNICEF Romania / ISE / Alpha MDN

56 Laura Surdu (ed.), "Participation, low school attendance and discrimination of Romanian Roma", Romani Criss, UNICE, Bucharest 2011

57 Fleck, G. and Rughinis, C. (2008). „Come Closer: Inclusion and exclusion of Roma in the Romanian society of today. The Romanian Government

58 "Early school leaving" research report drawn up by Roma Education Fund Romania – the data are applicable only for the schools where the study was conducted

59 All children in schools by 2015. Global initiative for children outside the education system. National Study – Romania (2012). Bucharest / Buzău: UNICEF Romania / ISE / Alpha MDN

60 "Dialogue on the quality of education. The school seen through the eyes of students and parents", World Vision Romania, 2014

weaknesses; out of the 150 mediators trained by 2009, only about 70 are currently working as mediators. The county/local councils should allocate resources and employ mediators; however, although the profession of mediator has been officially included in the list of occupations, the rules for hiring on and the continuity of these positions are still unclear, and local authorities participate in this process at a slow pace. The mediators' selection process is based on the recommendations of Roma leaders (political leaders, school inspectors for minorities, ethnic relations advisors within the Prefectures). This intervention in the education policy often restricts the selection process and undermines the objectivity of mediation interventions. A significant obstacle in the training of effective mediators is that remuneration is only slightly above the minimum wage. Most mediators are paid from the local budget, with little prospect of receiving financial rewards for good performance.

School transportation remains an issue, although the country report mentions an improvement in this regard. Currently, according to Ministry of Education, there is a shortage by almost 700 buses, 90% of which are required in rural areas. In localities where transport is provided, poor families reported that they cannot cover the costs, and thus they refuse to send the children to school. Also, the distance from the school and the precarious state of most roads in remote rural settlements make school attendance of children be less constant, especially in winter⁶¹. Almost a quarter of the children (23%) take an hour or more to get to and from school.

Another important problem facing kindergartens and schools, especially in rural areas, covers sanitary conditions. One in three rural schools fail to meet the hygiene standards set by the health care authorities, but continue to function, regardless.

The findings of two research papers underline that the „hidden costs” of education continue to be problematic, especially for the vulnerable groups already mentioned⁶².

World Vision Romania Foundation's research report⁶³ shows that school dropout is influenced by the lack of services to support children at the local level, such as "after school" services. World Vision underlines the need to generalize access to services for all children, with support from the central and local authorities and based on minimum quality standards.

Youth in placement centres are also subject to discrimination, particularly by school teachers (e.g. in meetings with parents the focus is primarily on the problems generated by of youth in orphanages, even if they are the same as those of young people from regular environments)⁶⁴. Youth in protection systems continue to face difficulties in integrating on the labour market; a fundamental error of the institutional system is that, upon leaving the system, youth are not prepared for independent living, and staff members who interact with them are not trained to help them in this regard⁶⁵.

Inclusive education for children with disabilities

The position paper that FONPC sent to the Government, the Parliament, the media and the entire community stresses that the process of equalizing opportunities for children with disabilities should be accelerated.

Romania's different national strategies and policies (education, health, social protection, labour market inclusion) lack unity and shared vision, as far as disabled persons are concerned; discrimination, disrespect, lack of empathy towards children with disabilities are still prevalent. The potential of disabled persons is not acknowledged and thus their access to kindergartens and schools is reduced, due to the lack of adapted transportation and accessible schools. Teachers

61 All children in schools by 2015. Global initiative for children outside the education system. National Study – Romania (2012). Bucharest / Buzău: UNICEF Romania / ISE / Alpha MDN)

62 Free education is not free! Research concerning the "hidden costs" in education (Grădinaru and Manole eds, 2010) and All children in schools by 2015. Global initiative for children outside the education system. National Study – Romania (2012). Backrest / Buzău: UNICEF Romania / ISE / Alpha MDN)

63 Research on the quality of education in rural areas. World Vision Romania

64 "Resources and support needs in the social integration of children and youth protected in residential child protection centres". Report drafted by the Centre for Resources and Information for Social Professions (CRIPS) and the Romanian Social Development Fund for (RSDF)

65 Hope and Homes for Children Romania – Audit on the Social Services for Children in Romania,

are insufficiently trained to work with disabled children, and classrooms are not being equipped in an adequate manner. Too little time is allocated by support teachers to disabled children, as the number of teachers is insufficient and the curricula are not adapted to the needs of children with disabilities. The classmates, classmates' parents and teachers' intolerant attitude toward these children often leads to the decision to keep the child at home. There is still a prevalent mentality that children with disabilities "make troubles in the classroom." The "troubles" have to do with the fact that the teacher could allocate less time to the non-disabled children and affect their school performance.

Discrimination and segregation in education / intercultural education

No consistent solutions have been found to the of school segregation issues in Romania. Overall, 60% of the segregated schools are located within 1-3 km from the mainstream and/or mixed schools of similar level; 8% of them have no running water; 57% have no central heating, 56% don't have any specialized laboratory. There is no medical room in 87% of the segregated schools; 37% have no school library; 87% have no school transportation; the furniture state is unsatisfactory in 50% of them. In segregated schools every fifth teaching staff is a substitute teacher, while in schools with segregated Roma classes every seventh teacher is substitute teacher⁶⁶.

Sometimes segregation happens within the class, as more Roma pupils are seated in the last row, compared to non-Roma; while 32.6% of non-Roma students are seated the first bench, only 23.8% of Roma students in the class have the same position and only 8.7% of students who have left school/have a high risk of school leaving are placed on these seats⁶⁷. Discrimination occurs not only in terms of positioning of students in the classroom, but also in organizing classes in school.

The lack of intercultural education courses or intercultural activities, as well as the lack of concrete actions aimed at changing the mentality of majority towards Roma, leads to severe consequences on the development of Roma children, as shown by the study mentioned above: every seventh Roma student (13.9%) still feels embarrassed to mention their ethnic background, and to declare different background; also, more Roma students than non-Roma reported that they feel misunderstood by their teachers⁶⁸.

Quality of education

Only 60% of students aged 10-11 years can read fluently and without mistakes and only 50% of them can understand what they read. A quarter of children drop out of school because of poverty and poor school performance⁶⁹.

Romania's PISA 2009 reading literacy score was among the lowest in the EU. More than four in 10 students (40.4%) were classified as level 2 on the PISA reading literacy scale, compared with the average of 19.6% of the EU 25, which means that it is estimated that a significant percentage of students Romanian have low reading skills. Romania obtained an equally low score in math and science. Almost half of Romanian students (47%) were classified as level 2 on the PISA scale in mathematics, compared to the average of 22.2% of students with poor results in the EU 25⁷⁰. In the field of sciences, the percentage of students with low performance is slightly lower than in mathematics (41.4%), but far from the EU average of 17.7%.

It should be noted that these assessments are carried out according to European standards, and Romanian students were not "acquainted" with them, especially with the testing format; this is very important for increasing the level of performance, as effect of the "adaptation

66 "Monitoring the implementation of measures against segregation in Romanian schools". Research report. Romani Criss, 2008

67 "Early school leaving- causes and effects", Cerasela Bănică, Caludiu Ivan and Iuliu Rostaş, 2013

68 "Early school leaving- causes and effects", Cerasela Bănică, Caludiu Ivan and Iuliu Rostaş, 2013

69 "Wellbeing of children in rural areas". World Vision Study, 2014

70 OECD PISA Programme for International Student Assessment – PISA. National Centre Report. 2008-2009 testing cycle. and OECD -PISA 2006

effort" is to be considered. The low level of skills and qualifications of Romanian students, measured in national and international assessments, is also correlated with the generally poor quality of education and its dependence on limited sources of funding⁷¹.

Early education

In 2011, only 2% of children aged 0 to 3 years were enrolled in nurseries; the overwhelming majority of them were in the care of the family or in the alternative care system. According to Eurostat (UOE) data published in 2013, Romania registered a slight decline of attendance to education and childcare among preschool children with ages between 4 years and the age for starting compulsory primary education (4-5 years), from 82.8% in 2008 to 82.1% in 2010 (significantly below the average of 92.3% in the EU 27); Romania is one of the countries with the lowest percentage of children aged 4-6 years enrolled in preschool education.

Violence in schools

According to data centralized by the Ministry of Education, more than 14,000 cases of verbal and physical violence were reported in schools in the 2011-2012 school year.

IFEC Romania, which has implemented various projects, points out to the magnitude of the phenomenon of violence in schools and measures to be taken, through a coherent violence prevention strategy. The phenomenon of bullying has been growing in Romania. The Child Helpline Association's project "Stop Bullying" draws attention to a problem faced by many children and adolescents, either in schools or in the circle of friends. Thus, in October 2011 - October 2013, Child Helpline Association recorded a total of 2907 cases of bullying in Romania. Some of the effects of bullying are depression and behavioural disorders (33.15%), exclusion, difficulty in relationships (29.78%), suicidal thoughts (15.17%), fear and anxiety (12.92%), identity crisis (4.49%) and loneliness (4.49%).

Victims of bullying were mainly teenagers (girls aged 12-17 years - 28.58%, boys aged 12-17 years - 57.14%), and pre-adolescents (girls aged 8-11 years - 6.67%, boys aged 8-11 years - 7.61%).

Studies have shown that at least one in four students in VII-VIII grades are afraid that they could be attacked or become the victim of violence in schools. Almost 70% of Romanian students are in this situation, and they are afraid to go to school⁷².

Correlating education with labour market

As required by all international standards, school should foster the development of independent living skills. This is an unmet goal of the Romanian education, as students reported the lowest scores (61%) in their ability to apply the knowledge acquired in schools to real-life situations⁷³.

Intersectoral approach

The collaboration methodology between the Public Social Services (PSAS) with the School Inspectorate on ensuring equal opportunities for participation in education of all school age children in their territorial administrative unit is almost non-existent: only 2.68% to 2.65% of PSAS in cities and 15% PSAS in municipalities have developed such procedures. The average number of complaints from educational institutions on the non-participation of children in education recorded by PSAS in 2009 - 2010 was: 0.42 PSAS in communes in 2009 and 0.64 complaints in municipalities⁷⁴. In other words, the cooperation between prevention services of the local public

71 "Partnership agreement proposed for 2014-2020". Ministry of European Funds

72 "Violence in schools: epidemiology, history and prevention". Study by WHO, World Psychiatric Association, International Association for Child and Adolescent Psychiatry and professional associations

73 Research on the quality of education in rural areas. World Vision Romania, 2012

74 Research report drafted by the SERA Romania Foundation and the Ministry of Labour under the programme "Improving the organisational effectiveness of the child protection system in Romania". 2013

authorities and the education ones is underdeveloped, and cooperation mechanisms are inefficient.

Safeguarding the right of students to leisure and non-formal education are big challenges⁷⁵ of the education system. The FONPC report shows that, apart from the number of hours spent at school, children spend a considerable number of hours with homework. Education about time management, in particular free time, is limited to sentences such as "hurry home because you have to study!", "start doing your homework!" The same study shows that in most schools FONPC did not find any offer for non-formal education programmes (sports, student clubs, thematic circles etc.).

Recommendations:

- Allocating 6% of the GDP for education; this percentage is provided under the National Education Law.
- Targeted allocation of resources for improving the education for children in rural areas and for Roma and disabled children.
- Facilitating access of the public institutions and civil society to European funding programs for the 2014-2020 period and allocating funds for investments in education, skills and lifelong learning, and especially the education of children in groups at risk of exclusion.
- Financing activities carried out under the "school after school" initiatives, through national programs. Various NGOs, which are already providing such programs, should receive public funding, as they have the relevant expertise and proven results.
- Rethinking education programs aimed at children with disabilities, so that schools adapt to the needs of children, and not vice versa.
- National awareness campaigns for the rights and special needs of disabled children so as to encourage their inclusion in society and to prevent their discrimination and institutionalization;
- Increasing awareness concerning school discrimination of children coming from the protection system and taking measures aimed at preventing discrimination and helping children integrate. Financing national programs for educational and vocational guidance.
- Interventions aimed at ensuring equal education opportunities for Roma children, as intervention supporting the Roma community.
- One of the criteria for school evaluation should be the inclusion of vulnerable groups of children, not just the school performance and other criteria related to the school management.
- Intervention aimed at supporting the education of Roma children should also focus on their economic situation; supporting families through collaboration between the social services and education services is required.
- Increasing the quality of education so that the school's role is defined as an entity primarily responsible in meeting the needs of all students and providing the necessary conditions so that school performance of pupils can depend mostly on talent and individual work and less on factors outside personal control of the students (financial status, ethnicity, education level of parents, etc.).
- Eliminate hidden costs, so that all children have equal opportunities to education and the disparities created by these hidden costs are reduced.
- Promoting intercultural education and including it in school and pre-school curricula. Promoting and implementing the standards, tools and recommendations on intercultural education of the Council of Europe, European Parliament, European Commission, UNESCO, and the United Nations.

⁷⁵Analysis report on the implementation of the provisions of the International Convention on the Rights of the Child in the educational practice in Romania, FONPC 2013

- Continuing and strengthening early education initiatives - extending the activity of nurseries and providing their funding.
- Concrete nationwide measures for awareness raising, prevention and intervention: including the subject bullying in the national curriculum, training teachers to identify the phenomenon of violence and intervene, involving parents in prevention programmes and developing programs for children. Directly involving children in awareness programs is mandatory; working with teams of children trained to report and to intervene in such situations is an urgent need. National level funding for such prevention and intervention projects, and developing mechanisms in schools, aimed at reporting bullying and intervention, through training centres for counselling and intervention are required.
- Involving parents and the community more actively in organizing school and pre-school education, in developing programs aimed at integrating all children, promoting equal opportunities and high quality education.
- Correlating children's right to rest and leisure with the right to education by reducing the amount of homework.
- Improved media coverage and increased awareness of children and families with regards to educational and leisure services and programmes are required; schools have a special importance in facilitating the access of children and families to these services.

9 – SPECIAL PROTECTION MEASURES (art. 22, 30, 32, 33, 35, 36, 38-40, 37(a)b d))

Foreign children, asylum seeking and refugee children

According to statistics received from the General Inspectorate for Immigration, in 2012, a total of 2,511 people, including 43 unaccompanied or separated minors applied for asylum in Romania. In the same year, a total of 161 men and women (from Algeria, Morocco, Pakistan, Syria and Afghanistan) were granted refugee status, while 117 of them received another form of protection.

Regarding the right to identity of foreign children in Romania, the Association for Organization Development - SAH ROM (ADO SAH ROM) has analysed the particular case of children of Syrian citizens who were born in Romania, or those whose travel documents (passports) had expired. The Embassy of the Syrian Arab Republic stopped issuing passports in 2011 and the legislation provides that children who hold no valid passport can only receive the status of "tolerated stay", even if the parents have lawful residence in Romania. The status of "tolerated stay" is granted for (successive) periods of 6 months and restricts children's access to certain rights (they do not receive a personal identification number, access to free healthcare, to a family doctor, free vaccinations, child benefit, etc.).

Although foreign children and children of asylum seekers and refugees are guaranteed the right to free health insurance, on 31 December 2012 only 21 foreigners with a form of protection were included on the list of family doctors⁷⁶.

The challenges in exercising certain rights, in accessing certain services and benefits is due to civil servants' lack of knowledge of legal provisions relating to foreigners, their rights as provided under the law, and to cultural and language barriers.

Economic exploitation of children, including forced labour

This phenomenon is related to working in the informal sector, especially in agriculture and constructions, but also in other sectors of the economy; however, there is no consistent monitoring of the phenomenon.

76 Barometer for the Integration of Migrants 2013, drafted by the Romanian Association for Health Promotion in partnership with the Soros Foundation

It should be noted that community members have too little information to identify and to report instances of child labour. Even when they admit they know that a child works more than it would be socially accepted for their age, community members are reluctant to notify the social services because of the deep-rooted principle that one should not interfere in family matters and that every family should raise their children as they see fit. According to World Vision Romania's report on the wellbeing of children in rural areas, 3,3% of the children reported that they work for neighbours, while 12% of the children admitted that they had to skip school because they had to work with their family or care for younger siblings.

Even if official data are still not available, the phenomenon of begging is visible, in particular in major cities in Romania. Children are sometimes forced to beg right under the eyes of public authorities, in front of churches, public institutions buildings or in tourist spots.

Street children

The data analysed by Parada Romania Foundation point out that a significant number of street children come primarily from public institutions; the main cause for this is their failure to adapt and the lack of a family to keep in touch with the child.

It is worth noting that the attitude of failing to acknowledge the seriousness of the phenomenon of street children continues; local public institutions deny the existence of the phenomenon, its importance and consequences.

Another notable aspect noted by Parada Romania Foundation is the use of psychotropic substances, widespread among street children, from glue, heroin and psychoactive substances. There is no public funding, no dedicated harm reduction services for underage substance users, there are no substitution services and treatment services.

Another aspect that should be mentioned is the emergence of the second, and in some cases of the third generation of street children; this stands proof to the failure to address the phenomenon, which has entered a chronic stage.

The STEA Association has found, over the five past years, a constant growth in the number of homeless children in Satu Mare. They are faced with challenges that threaten their development and sometimes even their life: cold, hunger, disease, misery, lack of the most elementary hygiene conditions, sexually transmitted diseases (hepatitis C is of particular concern), marginalization by the community and so on. Such living conditions have serious effects on the mental and emotional balance of street children and youth, and on their education and health. Many of them are often exploited, forced to beg, to commit criminal acts or to engage in prostitution, thus becoming victims of social exclusion.

Helplines

The Children's Helpline Association provides a helpline with national coverage (116 111) for children and parents, free of charge in the Romtelecom and Cosmote networks. Calls made to Children's Helpline are answered by social workers and psychologists, most of them employed, but also by trained volunteers. This is an instrument for identifying problems faced by children, but also a first step towards solving these problems, through psychological and legal counselling.

We should also mention that, although many children call this number, thus being helpful to public authorities, state funding is inexistent.

The GDSACPs have, in their turn, such children's helplines, free of charge, but there are no national statistics concerning the number of children who call these numbers, and no other data concerning their functioning. The data analysed by FONPC show that these free telephone numbers vary from county to county, and that they are not visible on the webpage of the respective directorates.

Trafficking, exploitation and sexual abuse

In 2010, for the first time since 2005, trafficking in human beings, in all forms, had an upward trend (1154 victims, compared to 780 recorded in 2009), according to the National Authority against Trafficking in Persons - NATIP. The critical age for children is adolescence, 14-17 years, which is characterised by the desire for independence, rebelliousness, naivety and lack of experience. Most minors come from rural areas, have poor school performance, from families at risk, affected by domestic violence, poverty, negligence of children, or they are homeless children, who initially had come from placement centres or shelters for vulnerable persons.

These developments are the result of the economic crisis, which has led to a decrease in the quality of life; the population segments most affected by job cuts have become more prone to undertaking high risks. Equally, the growth in recorded figures is the result of implementing policies aimed at countering trafficking, in particular with regards to training specialists who can identify, investigate and prevent trafficking in human beings.

Sexual exploitation has remained one of the main purposes of trafficking in human beings. The significant majority of victims of sexual exploitation are women aged between 14-17 and 18-25 years, with lower secondary and upper secondary education, from both rural and urban areas. Unlike trafficking for purposes of forced labour, sexual exploitation has a high percentage in the domestic trafficking, as almost half of the victims are trafficked in Romania; 77% of the victims are juveniles (NATIP, 2011).

Apart from a lack of services for the victims of trafficking, Romania is also facing legislative confusions; the definitions of the trafficking in human beings and its interpretation, both in the Law against trafficking and in the Criminal Code, pose certain problems.

Administration of juvenile justice

NGOs participating in the working groups set up by FONPC as part of the “AUDIS: for better hearings for juveniles” project have underlined that only some judges had been trained for working with children. The FONPC reports show that the funds allocated by the state for training specialists have been insufficient; consequently, many cases with juveniles are not investigated by properly trained specialists. Setting up networks of professionals and multi-disciplinary teams and the integrated approach of cases involving juveniles is still a challenge.

Romania hasn't got an adequate juvenile justice system, adapted to their needs. Thus, civil and criminal proceedings follow, for the most part, rules and procedures applicable to adults; there are only few special provisions for juveniles, mostly not enforced properly (as they are not mandatory) and they only apply to some categories of juveniles. The language and the rules used during procedures are not accessible to children and there are no adapted materials to this end⁷⁷.

Hearings of juveniles

Although the Romanian legislation (Art 77 index 1 of the Criminal procedure code, para 1) contains provisions on juvenile hearings, these provisions are seldom observed during the hearing of the minor victims of various crimes.

The AUDIS project of FONPC underlines that the juvenile hearings in Romania do not protect children's rights, and the services for children do not comply with the guidelines for adapting justice to children, and with the recommendations of the Council of Europe and of other international documents.

In order to exert their right to be heard, children should receive relevant information and support to this end. Various problems have been identified, such as repeated hearings (which have re-traumatising effects on children), inadequate hearing venues (unfriendly, cold, which do not ensure safety and privacy), public hearings (which expose the juvenile victim or witness to the

77 Report by the Romanian Centre for Legal Resources - "Justice in the best interest of the child – views and experiences of Romanian specialists 2012 – Summary of results", as framework material for a comparative analysis conducted by the EU Fundamental Rights Agency (FRA)

contact with the wrongdoers; hearings carried out through video and audio means are an exception, rather than common practice), the lack of dedicated specialists and of support services⁷⁸.

In civil procedures, children aged below 10 years are seldom heard. Hearings are generally considered unpleasant for children, and their opinion weighs more or less heavily, depending on what the judge sees as the superior interest of the child in the respective case. Several participants in the research have underlined the need to use the services of a psychologist for juvenile hearings⁷⁹.

Children whose parents are in prison

Over 16,764 children have at least one parent in prison; specialists have found that these minors have a very low self-esteem, as they often hide the situation of the respective parent, are marginalised and at risk of developing (pre)delinquent behaviours and of dropping out of school. According to data centralised from 34 prisons, 814 of these children are in the protection system⁸⁰.

Unfortunately, Romania has no specialised systems for children whose parents are in prison, and this category is not among the strategic priorities of the county directorate general for child protection.

*Toto and his sisters*⁸¹ film highlights part of the terrible consequences of parent imprisoning on children such as dropping out of school, use of narcotics, violence, emotional and behavioural problems. This film underlines the fact that the parents of these children do not receive support from the authorities in charge so as to maintain contact with their children, and neither family counselling or support for family and social reintegration.

Children deprived of freedom

According to data made available by the National Administration of Penitentiaries (NAP), on 25 September 2012, there were 1967 children and youth in the four Romanian penitentiaries, and 154 in re-education centres. Also, at the time, there were 80 children in other penitentiary units.

There are flagrant violations of the elementary rights of children detained in the Romanian penitentiary system. Upon undertaking the first investigation of the child, in the police arrest centres, social workers are present in only 2% of the cases, and lawyers are present in only 6%. Even more serious, more than half of the children interviewed reported that they had been handcuffed publicly or handcuffed together with an adult. Many of the children hadn't been informed of their rights or that they can submit a complaint if they are abused or if their rights are violated.

Even worse, in the police arrest centres, some of the children had shared rooms with adults and had been physically abused by police officers, wards of prosecutors. This is also where two of the most serious types of abuse are committed – physical and psychological pressure during the investigation and inadequate legal assistance. Almost three quarters of children reported that they got sick during detention, that they contracted frequent infections due to bedbugs and scabies. Almost 30% of the children interviewed reported that they had been victims of physical abuse (including rape), most of which committed by other children detained. Some say that the “tough ones” make the rules in penitentiaries, and no one intervenes⁸².

78 Report by the Romanian Centre for Legal Resources – “Justice in the best interest of the child – views and experiences of Romanian specialists 2012 – Summary of results”, as framework material for a comparative analysis conducted by the EU Fundamental Rights Agency (FRA)

79 Report by the Romanian Centre for Legal Resources – “Justice in the best interest of the child – views and experiences of Romanian specialists 2012 – Summary of results”, as framework material for a comparative analysis conducted by the EU Fundamental Rights Agency (FRA)

80 Investigation report drafted by Social Alternatives in February-April 2015

81 Film directed by Alexander Nanau together with Policy Centre for Roma and Minorities and their partners and Valeriu Nicolae

82 “On safeguarding the rights of children deprived of freedom”, People’s Advocate and UNICEF experts. 2013

Some children were unable to use the public telephone or the toilet; some did not receive medical assistance and were unable to see a doctor. Other 18 children reported that they had to share their bed with someone else, which is a breach of the legislation.

As part of the AUDIS project, professionals working in the penitentiary system pointed out to the impact of the release from detention on the continuation of education and/or professional training of children and youth. Furthermore, in detention, services and activities aimed at social re-insertion of youth and children are provided by the specialized structures and staff of the Ministry of Justice, but after release, these tasks are no longer the prerogative of this ministry⁸³.

Children of minorities – Roma children

After a decade of attempts to address the problems faced by the Roma minority, the Romanian government has prepared a new policy document, against the wider background of the EC Communication (April 2011) concerning the drafting/adoption of National Strategies for Roma Inclusion. The new public policy document is the Romanian Government Strategy for Roma Inclusion for 2012-2020. However, there is no periodical assessment of the implementation of this strategy up to present.

Romania is facing a lack of data concerning the situation of the Roma, as data collection outside the census tends to ignore ethnicity, based on the argument that doing otherwise would be a breach of the legislation in the field of personal data protection. However, the data collection legislation allows sensitive data to be collected, for clear statistical purposes (Law no 677/2001 for the protection of persons concerning the processing of personal data and the free movement of these data)⁸⁴.

As a result of Roma related policies and practices employed in Romania over the past years, two thirds of the Roma population live in poverty and half of them are exposed to extreme poverty⁸⁵.

The perception of the majority on the Roma minority continues to be marked by stereotypes such as crimes, violence, lack of interest for school etc. 72% believe that the majority of Roma break the law and 20% of them believe that the access of Roma to certain stores and bars should be forbidden⁸⁶. On the other hand, the ADF report shows that Romania has the lowest level of Roma discrimination, of all the countries covered by the report.

There is no information about the wrongful placement of Roma children in special education institutions. Subsequently, no measure has been taken to address the potential problems related to this phenomenon.

Early marriage

Specialists consider that early marriages are a violation of the individual rights of the respective children and youth, in favour of the collective rights of the community they are part of.

The Family Code provides clearly that statutory age for marriage is 18 years. In this regards, public institutions with prerogatives in the field should take note of early marriages and act in compliance with the legislation. Unfortunately, authorities invoke „tradition and cultural freedom” and fail to intervene in a concrete and efficient manner to prevent and eliminate the violation of children’s rights through early marriages; they motivate that these marriages are not concluded officially, in municipalities’ buildings.

Early marriages entail, for the children involved, a denial of their childhood and adolescence, a violation of their rights and forced maturity; they go directly from children to adulthood, which impacts their physical, mental and emotional development.

83 " On safeguarding the rights of children deprived of freedom", People's Advocate and UNICEF experts. 2013

84 Report of civil society on the implementation of the National Strategy for Roma Inclusion and of the Decade National Action Plan in 2012

85 Data from the Partnership Agreement between the Romanian Government and the European Commission on programming structural funds 2014-2020

86 Inclusion of Roma in Early Childhood Development Services. Report for Romania, 2010, John Bennett

Another issue that child protection authorities should be concerned with is the change of domicile; the young girl leaves her parents' home, but the change of domicile is not notified to the authorities.

Missing children

The 116 000 emergency hotline, as well as the internet one (www.safernet.ro), managed by the Romanian Centre for Missing and Sexually Exploited Children - FOCUS, have registered a total number of 13840 calls, a significant decrease from 47994 in 2011. Just as in the previous year, the explanation has to do with the lack of resources for the publicity of this toll-free number in the first half of 2012, which has also impacted FOCUS' ability to work together with the authorities and the families of the missing children.

Although during its five years of existence FOCUS has succeeded in becoming a fully-fledged member of prestigious international organisations, to manage thousands of cases, the Romanian state does not provide any sort of funding for this service. Also, it should be mentioned that there are no similar state-funded similar services.

Unfortunately, there has been a growth in the number of missing children, with lower ages. The percentage for missing children aged 9 to 13 is 24.7%, an alarming figure. In the majority of cases (91.3%), children leave voluntarily; voluntary leaves from the family environment represent 63.8% of the cases, while 27.5% of voluntary leaves are from the protection system⁸⁷.

We can thus conclude that the local mechanisms for prevention, supporting families in raising their children and early detection of risks for children are still lagging behind.

Recommendations

- In order to safeguard foreign children's right to identity, the default issuance of a personal identification number for all children in Romania is required, so as to enable them to access medical services and child benefit.
- In order to safeguard foreign children's right to education, special places should be allocated in regular classes, and measures should be taken for helping them integrate.
- The authentic monitoring of the phenomenon of forced labour in children is required, as well as setting up a national level data base, where authorities in charge could input real information; furthermore, concrete measures aimed at preventing a decreasing the phenomenon of children forced to beg are required.
- Collecting data and monitoring the phenomenon and the real situation of homeless children, through a joint consistent effort, by allocating human and material resources, and by improving the services for these children and youth. The issuance of identity papers should be facilitated for this vulnerable population segment.
- The Child Helpline 116 111 should receive state funding, and free helplines for children should be promoted, so that children could be aware of these services and use them.
- In order to protect victims of trafficking, the following measure are required: informing victims of their rights; escorting victims and protecting them during the meeting with the criminal investigation authorities and in court; helping the victim prepare for and providing psychological support throughout the procedures and after the hearing; mediating meetings with lawyers and law enforcement authorities; preparing the psychological assessment in courts with trained and accredited psychologists; training specialists in the field.
- In order to avoid repeated hearings and re-victimising children, we need standardised hearing procedures for minors, in compliance with the recommendations and instruments of the Council of Europe and of the European Commission concerning adapting justice to children.

⁸⁷ According to official statistics of the Inspectorate General of Romanian Police (IGRP)

- Juvenile hearings should only be conducted once, in special hearing rooms, by a team of specialists trained in hearing techniques. Audio-video recording should be used in court, in order to decrease the number of hearings.
- The situation of children whose parents are in prison should become a priority for authorities, so as to provide services adapted to their needs.
- The Ministry of Justice should provide funds for setting up child-friendly areas for visits in order to enable interactions that support the relations between the visiting child and the parent who is in prison.
- In order to safeguard the rights of children deprived of freedom, increased state funds are required for the centres of retention and pre-trial arrest, re-education centres and detention centres, in order to bring the level of living conditions and of physical and psychological care at acceptable standards. Also, allocating human resources and implementing specialised programmes for helping minors' insertion into the labour market, family and society after release.
- Informing children and youth of their rights and safeguarding their right to express their opinion and to submit notifications and complaints, if necessary.
- The government should improve anti-discrimination legislation, so as to increase the level of sanctions applied in cases of discrimination, should define racial segregation explicitly and sanction it as a grave form of discrimination and should counter institutional discrimination through all means.
- Public authorities should undertake responsibility for preventing and intervening in the case of early marriages. Awareness should be increased concerning the serious consequences of this phenomenon on children's rights and on their developments.
- The state should finance services for missing children and their families.

ACRONYMS

ADHD - Attention Deficit Hyperactivity Disorder
 CDPEC – Centres for Drug Prevention, Evaluation and Counselling
 CMTIS – Central Monitoring Information System
 CRC – Convention on the Rights of the Child
 CLR – Centre for Legal Resources
 CM – Case Management
 CSR - Corporate social responsibility
 CCS - Community Consultative Structures
 DCP – Directorate Child Protection
 DPPD – Directorate Protection of Persons with Disabilities
 EEA Grants - and Norway Grants represent the contribution of Iceland, Liechtenstein and Norway
 EC - European Commission
 ESF – European Social Fund
 FOCUS – Romanian Centre for Missing and Sexually Exploited Children
 FONPC – Federation of Non-Governmental Organizations for the Child
 CSDF - Civil Society Development Foundation
 GDSACP – General Directorate for Social Assistance and Child Protection
 GDP – Gross Domestic Product
 GII – General Inspectorate for Immigration
 GIRP - General Inspectorate of Romanian Police
 DPH – Direction for Persons with Handicap
 HCCJ – High Court of Cassation and Justice

HHC - Hope and Homes for Children Foundation
IMCC – Institute for Mother and Child Care
IOM – International Organization for Migration
ILO- International Labour Organization
IPEC - International Program for the Elimination of Child Labour
ISPCAN -International Society for the Prevention of Child Abuse and Neglect
IFEC Romania - The International Federation of Educational Communities, Romania
MAI – Ministry of Administration and Interior
MLFSPE - Ministry of Labour, Family, Social Protection and the Elderly
MNE - Ministry of National Education
MH - Ministry of Health
MJ - Ministry of Justice
NAC – National Audio-visual Council
NADA – National Anti-Drug Agency
NAFCRP – National Authority for Family and Child Rights Protection
NAPCR – National Authority for the Protection of Children’s Rights
NAPCRA - National Authority for the Protection of Children’s Rights and Adoption
NAPD – National Authority for Persons with Disabilities
NAR – National Agency for the Roma
NATIP – National Authority against Trafficking in Persons
NCC – New Civil Code
NCCD – National Council for Combating Discrimination
NCPHSI – National Centre for Public Health Statistics and Informatics
NGO – Non-Governmental Organisation
NIM – National Institute of Magistracy
NIP – National Interest Programme
NIS – National Institute for Statistics
NMHADC – National Mental Health and Anti-Drug Centre
NMRAC – National Managing and Regulatory Authority for Communications
NPA – National Prison Administration
NPS – New psychoactive substances
NSC – National Student Council
NSPHMPD – National School of Public Health Management and Professional Development
OHCHR – Office of the High Commissioner for Human Rights
OMERYS – Order of the Minister of Education, Research, Youth and Sport
PISA - Programme for International Student Assessment
PM – Public Ministry
PSAS – Public Social Assistance Service
PFC – Professional Foster Carer
ROA – Romanian Office for Adoption
ROOPSS – Rules of organisation and operation of primary and secondary schools
SCM – Superior Council of Magistracy
SGG – Secretariat-General of the Government
STI – Sexually transmitted infection
UNHCR – United Nations High Commissioner for Refugees
WB – World Bank
WHO –World Health Organization