

Annex 3: Complementary Information to the Alternative Report

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

The data provided by ANPDCA shows that, in 2013, nationwide, 12,192 child abuse situations were reported, out of which 94% in the family. Out of the total number of cases, 6,671 (that is 55%) were in rural and 5,521, in urban areas. Emergency placement with DGASPC was ordered in the case of a quarter of the reported cases; prosecution was ordered in the case of 544 children victims of abuse, and the court ordered emergency placement in the case of 144 children. Out of the total number of children abused, 68% were subject to neglect, 12% to emotional abuse, 9% to physical abuse and 370 to sexual abuse.

NGOs' reports show that a significant percentage of children live in violent environments, where adults also report to have been abused in childhood.

Children seem to be better informed and more capable to identify the contents of their rights, but also abuse or breach of such rights.

Both children and parents say that they would react, if they saw a child being abused, yet a quarter of the adults admit that they don't know what to do and who to report to, in such situations.

The Local Advisory Groups – established for the purpose of contributing to the protection of children – are not known in the community, except by the authorities or professionals. In this context, 22% of parents believe that their community is not safe for children. Alongside traffic accidents, parents list the lack of safe playgrounds (38%) or possible involvement in physical aggression (11%)¹ as the main risk factors confronting children.

“Most NGOs' representatives state that, overall, they are satisfied (62%) or very satisfied (13%) with child protection developments over the past year, whilst 15% are dissatisfied or not so satisfied. The generally high levels of satisfaction should be interpreted in relation to the perception of the child protection reform in the past 10 years, where 53% of the respondents believe that the reform was rather successful, compared to 14% who believe it was more of a failure. Looking at more specific child protection areas, in many cases, there are more unsatisfied than satisfied persons. One such specific area is “protection of child victims of violence, abuse, neglect, traffic, exploitation and migration”, where 47% of the respondents are dissatisfied or not too satisfied, compared to 25% who are satisfied or very satisfied. Also, when it comes to “protection of disabled children”, there are more unsatisfied (43%) than satisfied (32%) respondents, same as in the case of “protection of juvenile offenders” (28% totally unsatisfied or not too satisfied, compared to 17% satisfied or very satisfied) or to “preventing

¹ World Vision Study „Child Welfare in Rural Areas”, 2012

separation of children from parents” (42% are totally dissatisfied or not so satisfied, compared to 40% satisfied or very satisfied)²”.

Domestic violence seems to be a concept known to all respondents, the main source of information being the TV and printed media. School and workplace rank last as sources of information on this topic³. Some 3% of the respondents believe that, in particular situations, domestic violence is acceptable and about 5% believe that, though it is unacceptable, it should not be incriminated. Men are identified as the main perpetrators and children and women as potential victims. Therefore, domestic violence impacts directly on children’s development.

According to the UNICEF Study, more than 11,000 abuse, neglect and exploitation cases were reported in 2011. However, it is estimated that only a small part of the total number of violence and abuse cases are reported, with some 100 unknown cases for each reported one.

In 2013, the Children's HelpLine – 116111 – received 106,885 calls, out of which 5,039 (18.56% more than in 2012) required the relevant authorities’ intervention, in addition to counselling and continuous monitoring by the Association’s experts. Furthermore, 48.28% (2,433) of the total number of reported cases that required the authorities’ intervention involved child abuse and domestic violence. Some of the most serious forms of abuse reported were: physical assault (35.80%), neglect (33.61%) and emotional abuse (12.39%).

The Association’s statistics show that 73.68% of the abuse cases occur in the natural or extended family, and the main abusers are the mother (27.09%), both parents (22.40%) and the father (19.41%).

The Children's HelpLine Association also registered an increase in the number of reported sexual abuse cases. 325 cases of sexual abuse, work exploitation, beggary and traffic of minors were reported last year, that is 12.85% more than in 2012.

79% of the sexual abuse cases were reported by girls or women, and in most cases the aggressors were known to the children victims. In 65.05% of the cases, the victims were girls aged 10 to 12 (17.95%), 13 to 15 (27.00%), and 16 to 17 (11.96%).

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

The analysis of the data submitted by the MMFPSPV does not show any step-up of the support provided to families in the period from 2009 to 2014. The social assistance funding has been decreasing, such that, in 2010, it amounted to 8,958,469,196 Lei, and in 2012, to 7,956,198,040 Lei (11.2% cut back). The

² Government of Romania, Ministry of Labour, Social Protection and the Elderly, the SERA Romania Foundation – Conclusive Study based on the National Assessment of DGASPC, SPAS and other institutions and organisations involved in the child protection system, 2013

³ Summary of the Research Report of the Public Awareness and Sensitisation Campaign on the prevention and fighting of domestic violence, prepared by CPD in 2013

reduction was caused by the cancellation of some social services (newborn benefit and layette and financial support for starting a family – Law no. 482/2006 on granting layettes for newborn babies was repealed by Law no. 118/2010), restructuring the complementary allocations for single parent families and including them in the family benefits, and amending certain benefits (child benefit and monthly back-to-work allowance). Unlike in 2010, in 2011 and 2012 the appropriations for social services are detailed. Thus, in 2011, the appropriation was in amount of 37,336,517 Lei, and in 2012, it increased to 42,621,997 Lei. The social services take up some 0.4 – 0.5% out of the total appropriation for social assistance. In 2012, child benefit accounted for 35% of the total social assistance appropriation.

The money required for financing local social services need to be provided from local taxes and dues, this being the main barrier to the development of this area. According to the Association of Romanian Villages, the local taxes and dues collection rate in 2011 was only 30%.

According to the Social Assistance Bulletin of Statistics published by the Ministry of Labour, Family, Social Protection and the Elderly, “Out of the beneficiary families with children born after the 1st of January 2011 that had the opportunity to opt, according to EOG no. 111/2010, 48,845 individuals (52.4%) chose to receive the 600 Lei benefit for raising the child up 2 years of age, meaning that, despite the lower amount granted, the beneficiaries preferred to take longer parental leave”.

It is to commendable that the rules for the organisation and operation of crèches include early education elements and that, in 2014, a national programme is to be launched intended to “promote gender equality and work-life balance”. In 2013, a similar programme was successfully implemented in Bucharest, with 10 care and early education centres being set up for children aged 0-3. In parallel, a network of professional babysitters and nannies started to develop (in 2012, a National Association was established), though without the support of specific regulations.

PSAS are insufficiently developed in cities, towns and villages, resulting in the beneficiaries – children and their families – being deprived of services suited to their needs:

- PSAS in cities – organised as Social Assistance Department (37.26%), Social Assistance Service (56.86%) and Social Assistance Unit in the city hall (5.88%);
- PSAS in towns – organised as Social Assistance Department (1.94%), Social Assistance Service (50.49%) and Social Assistance Unit in the town hall (42.72%), and town hall personnel with social assistance responsibilities (4.85%);
- PSAS in villages – organised as Social Assistance Service (5.36%), Social Assistance Unit in the village hall (56.09%), village hall personnel with social assistance responsibilities (37.86%), and village halls with no social assistance provision (0.69%);
- only 28.56% of the PSAS in cities, 4.09% of PSAS in towns and 3.09% of PSAS in villages have developed specific child protection procedures and work instructions;

- 57.89% of cities, 16.39% of towns and 8.20% of villages have developed evaluation criteria. Not only that no special measures have been taken to encourage their development, but the work of the PSAS has been negatively influenced by decisions taken in other areas: suspension of employment by OUG no. 34/2009, leading to the existing staff being overloaded with work or social assistance responsibilities being discharged by other employees, lacking specific training; significant fuel cut backs (OUG no. 55/2010); lack or ineffective use of funds for employees' training; lack of funds for the development of local social services; clients' eligibility/admissibility for social services⁴.

In January 2014, 443 social workers were enlisted in the National Register of Social Workers of Romania and employed in PSAS's, accounting for 10% of the total registered social workers. The largest number of social workers registered in 2007, followed by a gradual decrease in numbers (data provided by the National College of Social Workers of Romania).

The figures provided by Survey carried out by Sera Romania show that the two main reasons for children being registered with the PSA services in villages/towns/cities are: insufficient family income (parents on low income, receiving benefits), single-parent families (where one income only is not enough to support the family). Given that cases are not identified proactively, but only from applications made by the potential beneficiaries, it is likely that the latter may not know of any other solution to their problems, and the local PSAS do not have any other means available. Either way, the local PSAS in villages/towns/cities have not developed support services, so that the needy are usually directed to DGASPC when the situation is already too serious.

The working groups set up by FONPC to review compliance with children's rights in Romania pointed out that examples exist of functional structures, such as in Counties Botosani, Bacau, Iasi and Buzau. In most cases, the consultative community structures (CCS) are mobilised in projects implemented by NGOs or UNICEF.

The CCS organisation is regulated by Article 103 of Law no. 272/2004 for the protection and promotion of children's rights, which provides for the local authorities' duty to involve the local community in the process of identifying the community's needs and dealing locally with the children's social issues. The consultative community structures include, but are not limited to, local employers, priests, teachers, physicians, local councillors, policemen. The mandate of the consultative community structures is defined by regulations issued by the local authorities.

The system for preventing the separation of children from the families is far from being organised such as to operate efficiently. The proof is that "invisible" children exist. A project funded by UNICEF and implemented in 96 localities from 8 counties, over only 4 and ½ months, identified 3,041 "invisible" children, in 1,244 households. Some of them became "visible", as an outcome of the project,

⁴ Government of Romania, Ministry of Labour, Social Protection and the Elderly, the SERA Romania Foundation – Conclusive Study based on the National Assessment of DGASPC, SPAS and other institutions and organisations involved in the child protection system, 2013

whilst others were already “in the attention of the government”, though new vulnerabilities were identified by the project⁵.

5.34% of the local village authorities interviewed in the Sera Romania’s Survey have a methodology for the cooperation between the PSAS’s and the consultative community structures, and only 7.09% of the interviewed towns’ and 25.35% of cities’ PSAS’s have such structures, this being indicative of a very low level of professionalism in these organisations. Corroborating the individual cases analysed by CCS’s with the number of early detected risk situations that may result in the child being separated from his/her parents (cases registered with the PSAS’s in villages/towns/cities, in 2009 and 2010), we find that 5.34% of the village, 7.09% of town and 28.21% of cities PSAS’s have in place procedures for social workers working together with the CCS’s.

A number of recent studies reveal significant differences in the quality of life in rural and urban areas, in favour of the former, as well as high rates of children from Romanian villages who live in poor conditions. The World Vision Study revealed a number of important aspects of the child’s welfare in rural areas: a high number of children exist whose families find it difficult to provide for their basic needs; two thirds of the adults surveyed say that, when their children are sick, they treat them at home, and do not take them to the doctor (only 41% of the children below 2 years of age are seen by doctors; lack of access to crèches and difficult access to kindergartens and schools etc.⁶

In terms of family separation risk, an extremely vulnerable group is comprised of disabled children. In this area, two large national projects have been implemented, aimed at supporting the local authorities to develop social services⁷. However, at the time of preparing this Report, no detailed information was available of the projects’ outcomes and impact. From the data we have, at least two mobile teams set up in the projects are now confronted with operating difficulties (Bistrita-Nasaud and Galati). The scarcity of financial resources impacts on the sustainability of the services created by central or local authorities, as part of national programmes.

Parenting Education

Several attempts were made to adopt public policies in the area of parenting education, but none of them had materialised at the time of preparing this Report. It should be noted that the Study carried out by the Holt Romania Foundation shows that out of the 2,670 suppliers licensed to provide social services, only two deliver parenting education programmes accredited by the Ministry of Labour, Family and Social Protection as independent services. These two organisations

⁵ The Project « Support for Invisible Children » is part of the “Community-based Services” Programme, implemented by Unicef in Romania

⁶ World Vision Study „Child Welfare in Rural Areas”, in 2012

⁷ The Project “Community Services to prevent separation of children from their families and training of relevant personnel ” and the Project “Romanian Local Authorities’ Capacity Building to support disabled children in their own families”, developed by MMFPSPV

are the Holt Romania Foundation and the Our Children Foundation. This means that the other organisations include parenting education as complementary or additional service, provided in family and children counselling and support centres.

Accordingly, despite the obvious needs demonstrated by the number of children abandoned, abused, neglected, drinking alcohol, taking drugs, or left back home by parents working abroad and despite other problems indicating the need of parenting education programmes, this necessity is all but ignored and totally under funded by the Romanian authorities.

Families Affected by Migration

The most frequently mentioned destinations are Italy, Spain, Germany, England and Belgium. The data on the length of time spent abroad by family members over the past three years show that most stayed away for one year or six months. About one third of the migrants spent between one and six months abroad, 28% between 7 months and one year, 18% between one and two years, and some 22% were away for longer than 2 years⁸.

A quarter of the families staying back home receive remittances that cover less than a third of the household expenses, and almost 62% of the families receive support covering more than one third of current expenses. Out of the total number of households included in the sample, 7% of adults say that they know children with one or both parents abroad.

The parents continue not to inform the relevant authorities of their going abroad, yet we welcome Law no. 257/2013 amending Law no. 272/2004 on the protection and promotion of children's rights that includes specific regulations for the protection of children whose parents work abroad. Thus, it is mandatory to notify the public social assistance services on one's intention to leave abroad for work, not less than 40 days before leaving Romania. The PSAS's are required to provide advice and information to the child's caregiver over a 6 months period, are encouraged to implement parent information campaigns and develop special counselling services for children returning to Romania.

Professional Foster Carer

Lately, several initiatives have been undertaken, but not finalised, to reform the foster care system, including programmes aimed at improving the training provided to foster carers.

Furthermore, the reporting period is characterised by the scarcity of funding for continuous training and insufficiency of support services (counselling, respite care, support groups etc.) provided to foster carers. In some counties, these support services are provided by NGOs.

Special Protection Measures

Despite all the recent efforts, the estimates show that, in 1997, 98,872 children were separated from their families, out of a total population of 5,940,000 children,

⁸ World Vision Study „Child Welfare in Rural Areas”, 2011

whilst at the end of 2013, 62,050 were separated from the family (Ministry of Labour), out of the total population of 4,076,917 (NIS) children. This means that, whilst in absolute figures, the number of children included in the special protection system decreased by 36,822, their rate in the total children population changed insignificantly (1.66% in 1997 and 1.52% in 2013).

Official data of the Child Protection Department – MMFPSPV show that, during January – September 2013, 1,051 abandoned children were registered, out of which 688 children abandoned in maternities, 310 in paediatric wards and 53 in other hospital wards. Given that this figure only covers the first 9 months of the year, this phenomenon remains constant, despite the year-on-year decrease of the birth rates in Romania. For comparison, 1,500 children were abandoned in maternities or other hospitals in 2012, 1,432 in 2011 and 1,315 in 2010.

Family houses and apartments are seen as sustainable alternatives to placement centres, yet this solution is not provided for by Law no. 272/2004, as amended. Furthermore, a great variety of nationwide models exist for the organisation and provision of such services, yet no review has been undertaken of their efficiency and effectiveness.

Adoption

Since 2001, Romania has instated a de facto moratorium on international adoption, following serious abuse allegations. Consequently, at the time when Law no. 273/2004 on the legal status of adoption was developed – regulating this sensitive area in Romania – a number of limitations were imposed, in view of avoiding potential abuse.

From the moment the Law was adopted, the Federation has maintained that, through the limitations imposed, the law protects more the interest of the state, rather than those of the children deprived of parental care. These regulations affect the right of children included in the special protection system to a permanent family, as meant by the Convention on Children's Rights and The Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-Country Adoption, ratified by Romania by Law no. 84/ 1994.

Almost one third of the placement centres have no procedures for maintaining connections with the family and a quarter have no special designated areas for visits to the centre. Out of 8,721 children, only some 1,478 receive monthly family visits and only 3,796 keep in touch with their families by phone or letters, weekend or holiday visits. On the backdrop of the state neither encouraging family reintegration, nor national adoption, children remain in the protection system, as shown by the statistics, many of their rights being violated⁹.

In 2011, the number of children entrusted in custody in view of adoption has increased to 678 from 571, in 2009. In 2012 – 2013, 1,351 persons/families received approval to adopt.

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

⁹ HHC Romania Study «The Audit of Social Services»

1.57% (16 schools) do not meet one or more accreditation criteria (as mandatory minimum standards), the most significant of which are: insufficient qualified teaching staff (at least 85%), in particular in pre-school education; insufficient tenured teaching staff (at least 50%) in private education; insufficient qualified auxiliary teaching and non-teaching staff, as required by the applicable regulations. This situation is caused by the restrictions introduced in state owned entities during the general economic troubles occurred, lack of design, planning and implementation tools (IDP and operational plans) suited to the schools' operating context¹⁰.

Moreover, OECD deems that the countries where a strong correlation exists between the PISA results and students' social and economic environment do not sufficiently develop their human capital (in reference to students from disadvantaged groups), in the context whereby "basic reading skills are essential for life-long learning, improve employability and personal gain capacity." [OECD (2010), PISA 2009 Results: Overcoming Social Background – Equity in Learning Opportunities and Outcomes (Volume II)]. This is also demonstrated by the small percentage of students from disadvantaged groups who get good results in the PISA tests („resilient students"): less than 10% (Romania ranks 57th among the countries participating in PISA and 47 overall) (OECD (2010), PISA 2009 at a Glance).

The PISA results variation within schools was lower than the OECD average (45% vs. 65%, in 2009, and 42% vs. 63%, in 2012). Nonetheless, the results variation between schools in 2009 was higher than the OECD average (almost 50% vs. 42%) and close to the OECD average in 2012 (36% vs. 37%). In other words, similar to other poor performance education systems, the schools are also segregated by students' achievement. In general, in performing education systems a higher variation of PISA results is found within, rather than between, schools (OECD (2010), PISA 2009 Results: Overcoming Social Background – Equity in Learning Opportunities and Outcomes (Volume II),).

Romanian students' results are above the OECD average in terms of difference in the performance between children who have and children who have not attended kindergarten. This difference doubles, when the social and economic environment is also considered, shows the above-mentioned study. This may be indicative of a stronger impact of pre-school than of other levels of education (also confirmed by other research), but also of a decrease in the quality of education, as the children advance in education – this also being indicated by the fact that the PIRLS results (on completion of IVth from) are comparatively better than the results in TIMSS and PISA (end of VIIIth grade).

NGO's interventions produced a number of outcomes/outputs, of which a few are listed below:

- One of the most important outputs of FONPC's work is the Platform for Education www.pentrueducatie.ro, through which the NGO's coordinate themselves and liaise with local authorities, schools, school inspectorates and social assistance services, with the aim of preventing school drop-out and

¹⁰ Report on the status of quality in pre-university education in Romania, developed by the Romanian Agency for Quality Assurance in Pre-University Education - ARACIP

promoting sustainable models. The platform approaches prevention of school drop-out from a cross-sector perspective, and has succeeded in attracting the attention of the authorities and civil society to the cross-sector approach to education.

- Roma Education Fund – Romania, Romani Criss, World Vision Romania, Community Development Agency "Together" „SOS Children’s Villages” and many others.
- “Multi-regional partnership aimed at preventing early school drop-out”, a project implemented in 2010-2013 by the Peoples' Development Foundation.
- “I too want to finish school!”, a project initiated by the Romanian Foundation for Children, and aimed at facilitating access to education for students from disadvantaged groups and/or at risk of school drop-out or failure, in view of their subsequent inclusion on the labour market.
- “Choose School!”, implemented by the Romanian Patriarchy in partnership with the World Vision Romania Foundation, aimed at preventing and fighting early school drop-out and juvenile criminality.
- The “School after School” Programme, developed by the World Vision Foundation, and aimed, in particular, at supporting vulnerable children.
- “Support services for dealing with early school drop-out”, implemented by the Vaslui County Council and the Association “Good Morning, Children of Romania”, aimed at providing financial support and facilitating access to kindergarten/school for children from disadvantaged families.

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

Foreign, Asylum Seeking and Refugee Children

It should be pointed out that the National Health Insurance House’s web page section tagged “What should a foreign citizen do?” is only in Romanian, incomplete and has not been updated since 2006! There are no sections providing information on children’s rights, in general, or foreign children, asylum seekers or persons granted refugee/subsidiary protection status, in particular.

All in all, public agencies do not have clear data on the number of foreign children receiving national benefits¹¹. However, it is worth mentioning that the child allowance may only be paid retroactively for one year and only if the child was in Romania throughout this period, the families being deprived of significant support, in the case of foreign children aged below 2, for lack of information or because of the difficulties in accessing such entitlements. The above-mentioned issues – caused by the lack of personal identification number – are equally applicable in the case of child allowances. The amount and duration of financial support provided to refugees are very short/low. According to Article 20(1)(m) of Law 122/2006): on his/her request, the asylum seeker shall be entitled to food, within the limit of 3 Lei/person/day, accommodation, within the limit of 1.8 Lei/person/day and other expenses, within the limit of 0.6 lei/person/day.

¹¹ Barometer of migrants’ integration 2013

Furthermore, foreigners who have been granted the refugee status may be entitled to an allowance. The allowance shall be in amount of 1.08 SRI, payable for a period not exceeding 6 months. For just cause, the support may be extended for not more than 3 months. The person granted international protection in Romania may apply for the allowance if and when, for objective reasons, he/she has no means of subsistence. For minors below the age of 14 and under a form of protection, the allowance shall be granted to their legal representative.

Though the Romanian law provides that third country residents (TCR) and persons granted international protection in Romania are entitled to free Romanian Language classes, the number of participants in the training programmes delivered by the school inspectorates is very low. The figures provided by the Bucharest School Inspectorate show that: in the 2011 – 2012 academic year, 125 children were enrolled, and in 2012 – 2013, the number of children enrolled went down to 143.

Economic Exploitation, Including Forced Labour

An alarming diagnosis resulting from data reviewed by the Children's HelpLine Association is indicative of the lack of information among children: less than half of the interviewed children spoke to anyone about begging and the associated risks. Poverty is the main triggering factor in the decision to take up begging, indicated by 85.4% of the adults, whilst family pressure was indicated by 40.6% of the adult respondents as the main cause for some minors begging or working. The perception that the family influences the decision to beg is even stronger among children – 75.2% believe that the parents send them to beg.

A comparative assessment carried out by the Children's HelpLine shows that, in January - August 2012, 54 cases were reported. Most cases were registered in the Region of Bucharest (40.74%), followed by Transilvania (33.33%), Banat (7.41%), Muntenia (7.41%), Dobrogea (7.41%), Oltenia (1.85%), Moldova (1.85%). By county, most cases were reported in Bucharest's Sector 2, Sibiu, Bucharest's Sector 1, Hunedoara, Timiș, Constanța and Argeș. The least numbers of cases were reported in counties Bacău, Bucharest 6, Dolj, Bucharest 3 and Mureș.

In January – August 2013: 80 cases (48.15% up on the same period of 2012), distributed by county thus: most cases were reported in Bucharest Sector 1, Bucharest Sector 6, Bucharest Sector 3 and in counties Prahova, Covasna, Neamț. The least number of cases were reported in Bucharest Sector 2 and counties Buzău, Caraș-Severin, Iași, Hunedoara, Brăila and Gorj.

Street Children

The experience shows that the life expectancy among street children is extremely low. Very few individuals survive past 40 years of age. The data presented by the Parada Foundation identify the following reasons: widespread lack of identification documents; ID's showing the place of birth as the residence, and not the place where the child effectively lives; admittance to hospital requires parents' or legal representatives' agreement (inexistent, in this case).

The analysis carried out by the Star Association at the beginning of 2013 shows that most of the street children in Satu Mare live on the streets together with their families (more than 80%). It was found that these persons do not have access to conventional social and economic strategies that might support them to lead a normal life. The lack of decent living conditions is worsened by the lack of educational and social resources and presence of risk factors, such as disease and disabilities. The main reason for these children ending in the street is the extreme poverty they are confronted with in Satu Mare or neighbouring villages, not allowing them to have minimum decent living conditions. Among other, the main reasons for becoming homeless are: family abuse, conflicts with the parents, abandon by the parents.

The street children who appeared in Satu Mare in the period 1999 – 2000 are now adults who have children, as indicated by the data provided by the Star Association. Whereas, before becoming homeless, their parents experienced life in society, we are now witnessing the birth of a new generation, directly in the street environment. These children entirely lack basic social skills, given that, from the earliest stages, their education is influenced by the street life and most of the parents have no intention of integrating them in any form of education, for various reasons: lack of ID's, lack of resources (food, decent housing, clothes), the parents' low level of education and lack of interest.

It should be mentioned that over 90% of the Satu Mare street children are Roma, with all the issues associated to this minority, in particular high levels of discrimination, with their living in the streets further strengthening this attitude of the majority population. An important factor in the discriminating attitude is associated with the children's lack of education. Given that no sound national strategy exists to ensure these children's access to education, we are confronted with a vicious circle. More than 80% of the street children are illiterate. Meeting these children's basic needs is an essential prerequisite for their efficient integration in education.

Living conditions seriously impact on the street children's mental and physical balance, education and health, frequently causing developmental delay and emotional problems. Given that their parents cannot provide an environment that encourages emotional and intellectual development, a large majority of these children show more or less pronounced mental and emotional retardation. No centre exists in Satu Mare specialising in working with such cases. Only one special needs school exists in the jurisdiction of the school inspectorate, but the distance to the school discourages regular attendance.

In 2013, the Star Association managed to enlist more than 90% of the street children it worked with at family doctors. However, since medication is not 100% subsidised, children cannot afford to buy the prescription drugs. Consequently, these children, in particular the young ones, end in very complicated situations. On the other hand, most parents only go to the doctor's when the condition becomes very serious.

Serious problems are also present in fighting sexually transmitted diseases and unwanted pregnancies. Girls have their first baby when they are very young (from 14 years of age). These persons' access to contraception is difficult, in

particular because of the costs. In partnership with the Family Planning Office, our Association provides free contraceptive coils, but we could not identify and physician in Satu Mare prepared to perform the medical procedure free of charge. Thus, more and more children are born in the streets, given that no strategy is in place to support young mothers in difficulty.

A serious shortage of public services for street children exists in Satu Mare. No multidisciplinary field teams provide support and advice to these children and their families. Frequently finding itself in the position of facing alone the highly complex problems confronting the street children, since 2004, the Star Association has gradually developed three main types of social services, aimed at bridging the gap between these children and the society, and supporting the permanent improvement of their social inclusion:

- a mobile unit, allowing the development of a trust-based relationships with street children and youth, in the attempt to meet their urgent needs (access to health care and identity documents) and direct them to the day care centre;
- a day care centre, allowing the educational team to constantly intervene on the main risk factors associated to living in the street, by introducing the children and youth to a stable environment of education, social and health care, practical hygiene routines, development of life skills, manual work, literacy programmes and social-educational stimulation;
- a social apartment, providing daily residential, educational and support services, aimed at the social and professional reintegration and gradual development of the life skills required for independent living when leaving the social apartment.

Children's HelpLine

The main objective of the Children's HelpLine Association is to ensure the operation of the 116 111 Children's HelpLine and to further develop it, depending on the callers' and beneficiaries' needs:

- ✓ Information on advancing and respecting children's rights
- ✓ Counselling on the advancing and respecting children's rights
- ✓ Orientation to agencies that can provide the required assistance
- ✓ Monitoring the resolution of cases and compliance with children's rights, as well as informing the relevant public services on the problems confronting the children

The essential services provided by the 116 111 Children's HelpLine are customised legal advice and counselling for each beneficiary, delivered in manners easily understood by the callers. The child is always the beneficiary, though the caller may be the child, parent or any other person.

Sexual Traffic, Exploitation and Abuse

In general, the victims of abuse are women (97.6% of cases). The age distribution points out that the underage are more vulnerable to being recruited for sexual exploitation than major persons, the underage representing 55% of the total, in the reporting period. The same study shows that the rate of victims being re-trafficked is higher in sexual exploitation. Out of the total number of re-

trafficked victims (50) identified in the reporting period, 39 were sexually exploited. The factors that contribute to the occurrence and subsistence of this phenomenon are: victims receive no support and they return to the risk environment, social stigmatisation associated to sexual exploitation that may lead to low self esteem, lack of viable perspectives and the mirage of relatively easy gains, education deficiencies (69% have completed not more than lower-secondary education) or lack of life experience (54% of the total number of the victims of sexual exploitation are underage), and lack of information¹².

The Association Mothers for Mothers considers that the new Criminal Code includes provisions that are a direct attack on the safety of children in Romania, given that the penalties for sexual abuse of children are significantly reduced compared to the previous Criminal Code and, even worse, entirely ignores the punishment of aggravated sexual abuse of children (sexual abuse of children by promising or giving money or other goods, sexual abuse of children resulting in the victim's death or suicide etc.). According to the General Department for Child Protection, during 15 months (1.03.2011 – 30.03.2012), 402 of the raped children were not yet 13 at the time of being abused, and four of them were less than two years of age.

The same study shows that, in some counties, DGASPC can house victims of trafficking in assistance centres for other vulnerable persons, not only in centres specifically destined to victims of trafficking. It should be pointed out that closed and semi-closed centres exist for both victims of trafficking and other categories of vulnerable persons. According to the law, the victims of trafficking should not be placed in closed centres. An adult may be placed in a closed centre, if he/she has mental health problems that might pose a risk to him/her or others. However, in reality, closed or semi-closed centres do exist and operate. In fact, the state-run social services promote this institutionalised approach for certain categories of persons. People live in shelters, have few options for spending their time and can only go out if accompanied. Not many centres exist that have the expertise and equipment to meet the needs of trafficking victims. Providing assistance in a closed or semi-closed shelter is an easier option for the staff, preventing risks and ensuring that beneficiaries comply with the internal regulations.

In theory, the definition of human beings trafficking covers the main forms of exploitation. Yet in practice, a number of issues appear specific to victims of forced labour (distinctly from prostitution), forced beggary, committing constrained minor offences, illegal organ, tissue and cells collection.

The same study¹³ singles out practical problems in the correlation of the Criminal Code with the Anti-trafficking Law. When the special Anti-trafficking Law was adopted, it was not very clear how this new act would interact with the pre-

¹² The Study “Sexual Exploitation - An analysis of victims of trafficking of human beings identified in the period 01.01.2012 – 30.06.2013”, prepared by the National Agency for Fighting Trafficking of Human Beings, Bucharest

¹³ The Study “Sexual Exploitation - An analysis of victims of trafficking of human beings identified in the period 01.01.2012 – 30.06.2013”, prepared by the National Agency for Fighting Trafficking of Human Beings, Bucharest

existing legal framework. For this reason, difficulties appeared in interpreting the laws, resulting in inconsistent case law.

Since the Law came into force, three types of issues have been identified: relation between human trafficking and pimping; relation between human trafficking and unlawful deprivation of liberty for the purpose of forcing a person into prostitution; relation between the traffic of minors and juvenile pornography.

During the last years, cases existed when the court changed the crime from traffic of minors to child pornography, the latter being incriminated by Article 18 of Law no. 678/2001. The distinction is relevant given that, while the penalty for child pornography is 3 to 10 years' imprisonment, trafficking of minors (13(1) of the Anti-Trafficking Law) is penalised with a prison term between 5 to 15 years and forfeiture of certain rights.

According to the same study, a number of problems exist in terms of the victim's role in criminal proceedings, such as: no reflection and recovery period allowed, lack of adequate legal support and representation in court, lack of specialised judges, cases being judged in public sessions, victims being heard in the presence of the perpetrators.

The most significant problems in the provision of legal services to victims of trafficking of human beings are:

- Length of criminal proceedings (3-5 years). In many cases, the appointed counsels change several times through the duration of the trial. Many a time, the trial is repeatedly adjourned for various reasons (procedural errors, victims/witnesses change residence or move abroad, thus the summons need to be reissued). In some situations, one case may be split into several or proceedings must be undertaken in different parts of the country, making it difficult to monitor the case progress.
- Insufficient funding for the timely payment of appointed counsels. Because of bureaucratic procedures, the payment of appointed counsels is often delayed for months.
- The victims are not informed on the procedure for obtaining legal support in criminal proceedings.
- Inadequate access of victims to legal support from attorney specialising in cases typical for the victims' situation (e.g. child custody or divorce cases).
- Shortage of specialised counsels.
- Most victims are assisted in court by appointed counsels, while the defendants often hire several attorneys, thus generating a significant gap in the quality of legal advice received by each party.
- Appointed counsels are more often than not burdened with work, given that they simultaneously provide legal advice in many cases, in varied areas of law. Sometimes, they are not properly acquainted with the case and do not communicate adequately with the victims. Situations exist when the victims are only represented in court during the final sessions.
- Appointed counsels are not motivated by the low fees they receive.
- Currently, the Romanian Code of Criminal Procedure and Criminal Code do not include any specific provision on the procedure applicable to

underage victims of various antisocial behaviours. No distinctive procedure is regulated for the hearing of underage victims.

- According to NAFTP (2011): “the Romanian criminal justice system and law enforcement agencies are facing consistent difficulties in preventing and controlling the traffic and exploitation of human beings – caused by economic reasons – and are burdened with the limitations caused by the scarcity of institutional resources mobilised for the effective management/fight against this murky criminal area” (p. 41).

Administration of Juvenile Justice

The same study¹⁴ shows that, based on the resolutions passed in internal meetings, some of the court management boards have requested the SCM to terminate the minors and family divisions and set up specialised panels of judges. The statistics for 2010 available on the courts’ web site show that out of the 15 courts of appeal, only in two (Alba Iulia and Galați) minors and family divisions still operate.

The children’s right to information is not adequately provided. No expert is responsible to inform or to check if the child participating in legal proceedings has been duly informed. Moreover, some experts, mainly from the social services, demonstrated limited knowledge of relevant procedures and practices. The research revealed that some children may receive misleading, inaccurate or contradictory information.

FONPC reports highlight the following issues in the children hearing system:

- The new Civil and Criminal codes – entered into force on the 1st of February – should be well known and implemented. It is mandatory that the judges and prosecutors be informed about the institutions entailed by the new codes, in view of ensuring their consistent implementation.
- No shared hearing standard or procedure exists for judges, prosecutors and police. No standard practice exists for hearing children;
- No consistent framework exists regulating and covering all aspects of friendly justice for victim, witness and offender children.

For example, child protection measures (e.g. emergency placement) may be taken both by the courts (town, district) and by agencies (jurisdiction shared by the judiciary and the administration – child protection departments/DGASPC’s). Shared jurisdiction may lead to contradicting and confuse solutions, with significant implications on the children

The curriculum used for training the experts in children justice is not consistent at a national level. Training is not systematic and regular, nor is it mandatory.

Children Whose Parents Are in Prison

Most children whose parents are in prison are in Bucharest (1,865), Iași (993) and Constanța (823), and most children included in the special protection system and with parents in jail are in Vaslui (81), Hunedoara (63) and Bacău (56).

¹⁴ The Study “Sexual Exploitation - An analysis of victims of trafficking of human beings identified in the period 01.01.2012 – 30.06.2013”, prepared by the National Agency for Fighting Trafficking of Human Beings, Bucharest

Children in Detention

According to the data provided by the Ministry of Justice¹⁵, in the 1st semester of 2013, the number of children (0-18 years) involved in judiciary proceedings in the counties covered by the project coordinated by FONPC was thus: 407 in County Dolj (of which 367 civil cases – divorce involving minors – and 40 children in criminal cases) and 516 in County Cluj (of which 399 civil cases – divorce involving minors – and 117 children in criminal cases).

No public data exists on the re-offending rates among children and youth released from custody. However, according to the experts' estimates, some 8 out of 10 children and youth released from the penitentiary system return there.

A study carried out by the Social Reintegration Department (NAP, 2011) identified the following generic profile of the young offender: has a criminal record and was first convicted before the age of 18; the crime for which is currently imprisoned was committed against a person he/she did not know and was more serious than previous ones; in childhood, the individual lived through lengthy periods when his/her parents were absent and the natural family has a criminal record; has dropped out of school and does not believe that he/she has special aptitudes in any particular area; has never had a permanent job and has worked, in most cases, as day labourer; is not involved in a stable relationship with a partner; is readily influenced by entourage; generally, has frequently consumed alcohol throughout his/her life; has no money management skills and before being imprisoned used his/her money for funding addictive habits.

Many a time, youth are released before completing the current academic year or a vocational training programme provided to children and young inmates. In penitentiaries, when close to the release date, inmates no longer enrol in training programmes that would last until after release. In re-education centres, some children are kept back after the age of 18 (when they should be released) until they complete the school year.

Minority Children – Roma

According to the above-mentioned report, despite the promises made by the Government of Romania – many a time under pressure from NGO's, international and European organisations – almost no progress was made in 2012 in the area of the NSIR, no systematic activities were organised to discuss and review NSIR and, moreover, no consistent action was taken to implement the new Strategy. It should be mentioned that all NGOs' reports research indicate that the Strategy was not supported by clear budget programming and effective appropriations, suitable for the real needs. Furthermore, the Strategy also lacks measurable targets for the main measures provided.

Concerning the coordination of Roma policies in Romania, the National Agency for the Roma (NAR) – an organisation of the central government – is responsible for “applying, coordinating, monitoring and evaluating the social intervention measures taken by sector, measures that are part of the Strategy for the

¹⁵ FONPC Project “Audis – For Better Child Hearing”

Improvement of Roma Condition of the Government of Romania” and plays the role of “Secretariat of the Joint Committee for Implementing and Monitoring the Strategy”. However, NAR is subordinated to the Secretariat General of the Government and has no responsibility or authority to coordinate cross-cutting strategies applicable to the ministries responsible for the development, implementation, coordination, monitoring and evaluation of the NSIR measures.

In Romania, the infant mortality rate among the Roma is four times higher than the national average, 40% of the Roma children are severely malnourished, 45.7% were never vaccinated and only 20% attend kindergarten. The precarious living conditions of Roma children in Romania frequently result in vitamin deficiencies, malnutrition, anaemia, dystrophy and rickets¹⁶.

The above-mentioned partnership agreement shows that the main cause of poverty among the Roma population is the low levels of participation in education: 82.4% of Roma school-aged children attend school; 6.9% dropped out of school (85.7% of their parents indicate poverty as the main reason – lack of resources to cover the cost of education – or the need to involve the child in income-generating household chores; only 14% said that their children dropped out of school because they don-t believe that education is important); 8.9% have never been enrolled in education (69.2% of the parents indicate the lack of resources to buy clothes and shoes; 7.7% – the need to involve the child in income generating household chores or in caring for younger brothers – 7.7%).

No data is available on the current state of school segregation in Romania, though a notification issued by the Ministry of Education in 2010 reported school segregation cases and requested school inspectorates to ensure anti-segregation laws are upheld. The only available data are included in reports prepared by NGO’s and international organisations as part of their own projects. For instance, in 2012, the Roma Education Fund estimated that between 13% and 45% of the Roma students in Romania were learning in segregated schools. However, this data can not be used as a baseline, because the samples surveyed were not representative at national level and the researchers used a different definition of segregation than that provided by the Ministry of Education. At the same time, it is important to notice that the overrepresentation of Roma students in special schools was not documented as a major issue, as in other Central and Eastern European countries.

Missing Children

According to official statistics of the General Inspectorate of the Romanian Police (GIPR), some 3,000 missing children reports are received each year. Out of the total number of reported cases of missing persons, 70% concern children. Most reports concern teenagers aged between 14 and 18 (62.8% girls and 37.2% boys). By gender, more girls than boys leave their family, but more boys voluntarily leave the protection system.

¹⁶ National Report on the Roma Inclusion in Early Childhood Development Services (IRS DTC) for Romania, prepared as part of the National Consultations on Roma Inclusion in Early Child Development Services

Analysing the reasons behind children going missing voluntarily, it was found that 29.4% were inclined towards vagrancy, 18.2% intended to get married/cohabit, and were not permitted by parents, whilst 11.1% went to live with a friend/relative or the other parent. In the case of children who voluntarily left the protection system, the main reasons indicated were: inclination to vagrancy in 67.7% of cases and intention to go back to the family (parents or other relatives) in 10.9% of cases.

In 43.1% of the cases conflicts existed between the missing child and the family, before the departure. Furthermore, the study, but also the experience accumulated by FOCUS, demonstrates that, when the child is found, he/she refuses to return to the family or the protection system. Most such situations involve girls. In the case of voluntary departures from the protection system, the children refuse or are reluctant to return because of: wish to be a vagrant/do whatever he/she wants, desire to be free, make money, stay with the family, inadaptation to the conditions from the protection system, habit of leaving the system. In the case of voluntary departures from the families, children's reluctance to go back home is motivated by: conflicts existing in the family – frequent quarrels – intention to live with another family member/the other parent, when parents are separated, wish to roam/beg, poverty in the family, child's needs being ignored in the family.

The reasons behind children leaving home/protection facilities are not sufficiently investigated and addressed by the social services, this being the cause for the high number of relapses. In figures, out of a total number of 1,770 cases investigated to date by the Romanian Centre for Missing and Sexually Exploited Children, only 588 are children who have gone missing for the first time (33%), whilst 357 children have gone missing 1-3 times (20%), 290 children went missing 4 to 10 times (16.4%), and 159 went missing more than 10 times (9%). In 376 no information is available about the recurrence of this behaviour.

According to Article 18(3) of Law 272/2004 for the protection and promotion of children's rights, a minor's legal representative or caregiver is required to report the missing child to the police within 24 hours. The analysis reveals the following: more than half the cases (57.5%) were reported within 24 hours, but 11.8% were reported after 24 hours, and 22.2% after more than 48 hours. In some cases investigated over the past 6 years by the Romanian Centre for Missing and Sexually Exploited Children, the missing child case was reported to the police after several months from the event.

Youth Leaving the Placement Centres

Another important aspect is training the youth for living outside the protection system. According to the conclusive study conducted by SERA and the Ministry of Labour (2013) based on the evaluation of national data provided by DGASPC, PSAS and other organisations involved in child protection, 23% of the children in the group age 14-18 are in residential care (2010), and 37.2% of young aged 18-26 exited the protection system. In the case of this age group, reintegration in the family is difficult and the inadequate services are available to support their social and occupational integration and life skills development. Lately, the living conditions in the placement centres gave significantly improved, though the quality of the care provided is still questionable. The residential

protection system does not yet succeed to equip the children with the life and social skills they need.

The independent living skills training programmes cannot be suitably implemented because of regulations that are more than 19 years old (Order no. 1955/1995 approving the Hygiene standards in children and youth protection, education and training centres).

Even though the children and youth physical living conditions in residential care facilities have significantly improved in the past years (though the study revealed the persistence of certain problems in terms of food quality and scarcity of financial resources), considerable investments are still required in a number of areas. First and foremost, it is necessary to develop a professional core, provide adequate staff in terms of numbers and qualifications, in particular for educating and supporting the young in view of their occupational and social integration – social workers, psychologists, psycho-pedagogues, and vocational counsellors. Also, a change in the personnel's attitude is absolutely necessary, the young expecting more attention, trust, patience and even love from the staff (research by the Romanian Social Development Fund, in 2010).

Few young persons found a job through the "Employment Programme" implemented by the National Agency for Employment (ANOFM) (72 persons, in 2010), given that, on average, 3,700 young left the child protection system during each of the past three years (2009, 2010 and 2011). These youngsters' social and occupational integration significantly depends on the education and training they receive in the sheltered facilities.