

## **EXECUTIVE SUMMARY**

### **ALTERNATIVE REPORT OF THE NGO 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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This Alternative Report contains information collected by FONPC in the 2009-2013 period and is based on data presented in the Review Report on the Observance of the Child's Rights in Romania, drafted under the projects run by FONPC. In total over 90 NGOs and professional associations, FONPC members and non-members, and over 550 professionals have been directly involved in the drafting of the Alternative Report.

Since 2010, FONPC has been actively involving children in the monitoring process. More than 150 children and representative children organisations were involved in drafting the monitoring guides, producing monitoring reports and expressing opinion on respecting their rights.

As a general comment in spite of the general progress made by Romania in terms of legislation there is still a lack of political will and a huge incoherence at capacity building level. The economic crisis negatively influenced social assistance and child protection in Romania, diminishing the financial and human resources already poorly allocated from the state budget. Once admitted in the EU Romania lowered its interest in child rights public policies. The National Authority for Protection of Children's Rights, the focal point for implementing the UNCRC and promoting the national reform lead by a Secretary of State became in a couple of years a simple Directorate at the Ministry of Labour and diminished its capacity in influencing public policies in the field. The result of this was a lack of coordination which explains a rather incoherent development and stagnation or even involution of child protection system. The general statistics of Romania, especially of child field worsened during this period. Almost all of the indicators of child welfare decreased indicating a lowering of the quality of services and a negative trend on most of the fields of protection, education, health, social inclusion, poverty, abuse a.s.o.

The first chapter, GENERAL MEASURES OF IMPLEMENTATION (articles 4, 42 and 44.6) reviews the existing legal framework in the field of child protection and welfare in Romania and it shows that Law 272/2004 on children's rights protection and promotion is in line with the international conventions that Romania has signed, but its provisions are hard to implement and 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 units. 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.

Public data shows that Romania provides the lowest and least diversified financing for social services. Despite legal provisions social benefits continue to be financed preferentially, although they do not improve beneficiaries' social inclusion but increase their dependence on state aid. Public social services providers and private social services providers (NGOs) 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 private ones received only 6% of state budget sources. This infringes national legislation which states that the social services system is financed from the state budget nondiscriminatively for all providers, public or private.

The public system suffers from huge lack of human resources. Official figures point to an average 30% staffing deficit, some of public providers operates with just 50% of the staff they need. This understaffing brings tremendous negative results in the quality of public services.

The low capacity building of the central administration makes impossible for it to achieve the role of national coordinator of public policies within the child rights field. Also the collaboration between several central administration actors involved in multiple national strategies is mostly absent.

Despite the Recommendation of the UN CRC Committee on building an independent mechanism of monitoring (Ombudsman like institution) children's rights Romania made no steps toward solving this issue. The People's Ombudsman continues to have a low profile on the issues related to children's rights and with a weakened National Directorate for Children's Rights practically no developments have been achieved.

Despite repeated recommendations from the UN Committee regarding the use of CMTIS, there are reports on discontinuous and low use of it. Also the lack of reliable statistical data makes the public policies to be unrelated to data evidence.

There is no evidence of a national political or professional will or program for disseminating or training on the UN Convention on the Rights of the Child. Some NGO's including FONPC tried to impose child's rights on the public agenda but with low and slow results.

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. Fund raising is insufficiently regulated and developed, and CSR policies are insufficiently applied. Hence, NGOs face increasing funding problems.

Recommendations are made for national unified methodologies, better human resources policies, financing public and private service providers from national budget without discrimination, needs assessment and result oriented way of financial allocation, correlating cross sectorial strategies, developing independent monitoring mechanism, reliable data collection, dissemination of the Convention.

In the second chapter, THE DEFINITION OF CHILD (Art.1) we draw the attention to the fact that the law of education keeps with no reason some young adolescents up to 26 years old in the child protection system. If the child protection system is professionalised on child needs, there a contradiction is terms and the system cannot take care properly and cope with young adolescent needs. Urgent measures should be taken on this issue.

In the third chapter, GENERAL PRINCIPLES (Art. 2, 3, 6, 12) we review the four general principles.

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.

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. Serious violations of the best interests of the child are also recorded in relation with the recording of birth. 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. The fact that a child placed in state-run social service has sometimes as legal guardian the Director of General Directorate for Social Assistance and Child Protection makes difficult to see the best interest principle applied.

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.

In terms of respecting the Children's views in Romania there is 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 for better implementing this chapter includes education issues, strategies for better understanding, promoting and applying best interest principle.

Chapter 4, **CIVIL RIGHTS AND FREEDOMS (Art. 7, 8, 13-17 and 39)** describes the situation of children whose right to identity is still not fulfilled. Also the protection of privacy is still a problem in various fields including media and even child protection institutions. Access to information reveals the costs of compulsory education and also the difficulties in accessing proper information in virtual environment.

Recommendations take into account capacity building of local administration, public image and insuring privacy of the child.

Chapter 5, **VIOLENCE AGAINST CHILDREN (Art. 19, 39, 24(3), 37(a), 28(2) and 34)** highlights the huge difference between the legislation which banned the corporal punishment and the reality within the mentalities of the Romanian parents and educational system. The annual number of reported abuses is increasing slowly but with an old type mentality the problem remains with the probably huge number of unreported cases. The domestic violence stays on top of the statistics even if only rough data are collected.

Recommendations stay with reinforcement of the law, developing methodologies and also with proper methods of counselling and prevention of abuse.

Chapter 6, **FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Art. 5, 9-11, 18, 20, 21, 25, 27(4))** describes some of the deficiencies of the child protection system. The Law 272/2004 splits the prevention of the child abandonment to the Public Social Assistance Services - PSAS (local level) and the child special protection to the General Directorate for Social Assistance and Child Protection - GDSACP (county level). This splitting didn't give the expected results to the system. There are still some of the GDSACP providing prevention measures but the PSAS are still undeveloped especially in rural areas. Prevention still relies strongly on financial benefits instead of social services and supporting services for parents are still underdeveloped. Lack of financial and human resources for PSAS, lack of clear methodologies, increased workload for unprofessionalised staff makes these services almost unfunctional. The lack of prevention makes some children and their families who were eligible for prevention to be broken and the children to enter into separation of their family and to go to the residential care at county level.

A unifying database that includes all beneficiaries and social services provided is still an urgent need.

Some of NGOs developed national parenting education programmes but central government gives little importance to the field.

Families affected by migration became a problem with the EU accession of Romania and opening of the labour market. Children left-alone by their families whose numbers are varying from source to source doesn't benefit of adapted services. Also a significant return in Romania has been reported.

The professional foster care was a success starting with 1998 as an alternative family care but lately it became a rigid one. The numbers of foster carers diminished with the financial crisis. A worrying phenomenon is the trend of the foster care in becoming an almost permanent solution for the child instead a temporary solution as it supposed to be.

The number of children in special protection measures is steadily decreasing which is a very positive trend. Unfortunately, this trend is linked with the decreasing population of children rather than prevention measures or deinstitutionalisation programmes. There are still around 110 old-type institutions to be reformed or closed.

Deinstitutionalisation is still a remote target as long as relations with families are not backed up. Institutionalisation is still a preferred solution of the Romanian system, most of the children benefitting of special protection measures being placed in a residential environment.

Complying with the ban of institutionalisation of children under 2 years old is still a challenge for the state run system. In spite of the banning there are still reports of young children placed into residential institutions.

Domestic adoption numbers remained relatively constant during this period. There is a discussion about the adoptability of children from the protection system and the long lasting bureaucracy that prevents a child from having an adoptive family within a normal frame time. Because of the long lasting processing of searching the relatives up to 4<sup>th</sup> degree demanded by the legislation precious time is spent and prevents the child of its adoptive family. A theoretical match introduced lately made the process to be even more complicated.

Recommendations deals with the need of a compulsory minimum package of services, the necessity of combining social services with financial benefits, revision of standards and methodologies in social assistance, closure of the last old-type institutions, training on parental skills, database enrolling and measures for children left alone by their parents, shifting from residential care to family and family-like care.

Chapter 7, DISABILITY, HEALTH AND WELFARE (Art. 23, 6(2), 24, 26, 18(3), 27(1-3), 33) shows once again the huge discrepancies between governmental data in children with disabilities. Poor access to public spaces and services, insufficient rehabilitation programmes or specialised services in the area where the child lives, absence or lack of adaption for the educational curricula, absence of educational system for children with severe disabilities are symptoms to a very ill system. Also statistics on children's health places Romania in the last places of European Union health system. Nutrition, vaccination, shortage of family doctors shows an unbalanced health system. The national strategy on mental health is still an unsolved issue long lasting. Shortage of paediatric psychiatry doctors is still to be addressed.

Teenage mothers slowly developed into a national problem still not having any systemic response. Cancer is still the second biggest cause of death among children and adolescents. The prevalence of drugs, tobacco and alcohol is a matter of increasingly concern. The rate of HIV transmission from mother to foetus has risen from 2% to 5%. Quality of living decreased on the economic recession period. Poverty hit hard the children and youth especially in the rural area.

Recommendations are addressed to increase the age on banning the institutionalisation, increase the importance of prevention services, diversify the social services according to the new identified needs, increase the capacity building of educational system to cope with the issues of disabled children, develop rural health system and improve the preventive medicine, adapt education curricula to the new challenges of modern times, reproductive health strategy should include sections dedicated to adolescence, alleviate poverty especially in rural areas, encourage healthy choices among adolescents through educated decisions,

Chapter 8, EDUCATION, LEISURE AND CULTURAL ACTIVITIES (art. 28, 29, 30, 31) shows that despite the legislative progress made by the Government the lack of coherence and vision for the primary and lower secondary education reform has continued to be manifest since the previous report. Drop-out school numbers are very high and disturbing. The education has been continuously underfunded in this period. There are roughly more than 90000 children who never attended primary or secondary school. The numbers are higher in rural area and in Roma population. The DCP says that there are 2700 children with severe disabilities who never attended school.

School transportation especially in rural areas, sanitary conditions, hidden costs of education, lack of after school settings are conditions that favours the drop-out.

Children or youth in placement centres face difficulties in social and labour integration. FONPC asked the Government and the Parliament for a more accelerated process on equalizing opportunities for children with disabilities. The inclusive education is still a distant objective difficult to be achieved.

No consistent solutions have been found to the of school segregation issues in Romania. Sometimes segregation happens within the class, as more Roma pupils are seated in the last row, compared to non-Roma. The lack of intercultural education courses or intercultural activities, or no concrete actions aimed at changing mentality of majority towards Roma, leads to severe consequences on the development of Roma children

Romania's PISA 2009 reading literacy score was among the lowest in the EU. Only 60% of students aged 10-11 years can read fluently and without mistakes and only 50% of them can understand what they read.

In 2011, only 2% of children aged 0 to 3 years were enrolled in nurseries. Also, Romania is one of the countries with the lowest percentage of children aged 4-6 years enrolled in preschool education.

Violence in schools achieved disturbing numbers. Studies have shown that a considerable number of pupils are afraid of becoming victims of violence in schools and bullying is quite spread.

Low ability for applying the knowledge acquired in schools to real life situations is present in 61% of cases. Development of independent living skills is an unmet goal of the educational system.

The cooperation between prevention services of the local public authorities and the education ones is underdeveloped, and cooperation mechanisms are inefficient.

Recommendations are addressed to respecting the law for allocating the necessary national budget for education, increase the allocation of investments and human resources for education especially on rural areas, address the discriminations on Roma children, institutionalised children and disabled children, eliminating hidden costs, promoting intercultural education and early education, insure child participation on educational programmes,

Chapter 9, SPECIAL PROTECTION MEASURES (art. 22, 30, 32, 33, 35, 36, 38-40, 37(a)b d)) highlights the difficulties which asylum seekers are facing related to lack of knowledge of legal provisions of the civil servants. These difficulties include forms of asylum, health insurance etc.

According to some reports about 12% of the children admitted that they had to skip school because they had to work. Begging is still an undocumented issue through official data.

Street children are still little acknowledged. There are reports of second and even third generation of street children proving the failure of addressing this phenomenon.

The Children's Helpline Association provides a helpline with national coverage (116 111) for children and parents, free of charge. Although many children call this number, thus being helpful to public authorities, state funding is inexistent.

As a result of the economic crisis, which has led to a decrease in the quality of life in 2010, for the first time since 2005, trafficking in human beings, in all forms, had an upward trend. The critical age for children is adolescence, 14-17 years. Sexual exploitation has remained one of the main purposes of trafficking in human beings. 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.

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 suffered from lack of adaptation on training programmes. Setting up networks of professionals and multi-disciplinary teams and the integrated approach of cases involving juveniles is still a challenge.

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. 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.

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

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%. 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.

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. 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.

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 poverty. The perception of the majority on the Roma minority continues to be marked by stereotypes.

About early marriage the Family Code provides clearly that statutory age for marriage is 18 years. 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.

Missing children are addressed by the 116 000 emergency hotline, as well as the internet one ([www.safernet.ro](http://www.safernet.ro)), managed by the Romanian Centre for Missing and Sexually Exploited Children – FOCUS. Although FOCUS became a member of prestigious international organisations, managed thousands of cases, the Romanian state does not provide any sort of funding for this service.

There has been a growth in the number of missing children, with lower ages. We can 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 are addressed to better integration of children demanding asylum, for establishing measures to prevent forced labour of children, for insuring the development of specialised and multidisciplinary hearing procedures and settings, for developing specialised support services for children whose parents are imprisoned, for developing more adapted services for social reintegration and re-education of young offenders, better Roma inclusion strategies and services, better address the missing children issue.